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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 984 Session of  
2015

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INTRODUCED BY BARTOLOTTA, WHITE, VANCE, ALLOWAY, ARGALL,  
SMUCKER, STEFANO, WAGNER, WARD, McILHINNEY, CORMAN AND  
MENSCH, SEPTEMBER 8, 2015

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
SEPTEMBER 8, 2015

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AN ACT

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

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

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

18 § 5701. Definitions.

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

1 \* \* \*

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

9 \* \* \*

10 "Limousine service."

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

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

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

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

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

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

25 (i) Taxicab service.

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

30 (iii) Other paratransit service.

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

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

6 \* \* \*

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

12 § 102. Definitions.

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

18 \* \* \*

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

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

13 \* \* \*

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

15 (i) A transportation network company.

16 (ii) A transportation network company driver.

17 \* \* \*

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

22 \* \* \*

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

27 \* \* \*

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

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

1 transportation network company driver; and

2 (2) not:

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

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

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

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

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

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

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

28 (3) a broker or contract carrier by motor vehicle as  
29 defined under section 2501 (relating to declaration of policy  
30 and definitions); or

1           (4) a driver operating under ridesharing arrangement or  
2 ridesharing operator.

3           \* \* \*

4           "Transportation network company." A person that meets all of  
5 the following:

6           (1) Is licensed by the commission.

7           (2) Operates in this Commonwealth.

8           (3) Uses a digital network to facilitate prearranged  
9 rides.

10          "Transportation network company driver." An individual who:

11          (1) receives connections to potential passengers and  
12 related services from a transportation network company in  
13 exchange for payment of a fee to the transportation network  
14 company; and

15          (2) uses a personal vehicle to offer or provide a  
16 prearranged ride to passengers upon connection through a  
17 digital network controlled by a transportation network  
18 company in return for compensation or payment of a fee.

19          "Transportation network company passenger" or "passenger." A  
20 person who uses a digital network to connect with a  
21 transportation network driver who provides prearranged rides to  
22 the passenger in the driver's personal vehicle between points  
23 chosen by the passenger.

24          "Transportation network service."

25          (1) A service which meets all of the following:

26               (i) Matches a passenger and transportation network  
27 company driver using a digital network in advance of the  
28 service being provided.

29               (ii) Is rendered on an exclusive basis. For purposes  
30 of this paragraph, the term "exclusive basis" means a

1 transportation network service on a given trip when each  
2 individual, party or group may not be required to ride  
3 with another passenger on that trip unless the  
4 individual, party or group consents to additional  
5 passengers on the trip.

6 (2) The term includes transportation of a passenger  
7 following connection with a transportation network company  
8 driver through a digital network.

9 \* \* \*

10 Section 3. Title 66 is amended by adding a section to read:

11 § 512.1. Power of commission to confiscate, impound and sell  
12 vehicles.

13 (a) Authorization.--The commission is empowered to  
14 confiscate a personal vehicle and impound and sell a vehicle if  
15 the vehicle is used to provide passenger motor carrier services:

16 (1) pursuant to the appropriate license issued by the  
17 commission; or

18 (2) in violation of this title.

19 (b) Return of vehicle.--The vehicle may be returned to the  
20 registered owner upon satisfaction of all civil penalties  
21 imposed against the transportation network company and the  
22 driver of a confiscated vehicle and payment of the costs of the  
23 commission associated with confiscation and impoundment. Failure  
24 to pay fines, penalties and costs may result in forfeiture and  
25 sale of the vehicle.

26 (c) Commission duties.--The commission shall establish by  
27 regulation or order the following:

28 (1) grounds for confiscation, impoundment or sale;

29 (2) procedures for satisfaction of outstanding fines,  
30 penalties and costs and notice and hearing; and

1           (3) if the fines, penalties and costs are not timely  
2           paid, the timing of the sale and the allocation of proceeds  
3           from the sale of impounded vehicles.

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

8           § 2501. Declaration of policy and definitions.

9           \* \* \*

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

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

27          "Contract carrier by motor vehicle."

28          \* \* \*

29          (2) The term "contract carrier by motor vehicle" does  
30 not include:

1 \* \* \*

2 (x) A transportation network company or a  
3 transportation network company driver.

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

5 CHAPTER 26

6 TRANSPORTATION NETWORK SERVICE

7 Sec.

8 2601. Definitions.

9 2602. Exclusions.

10 2603. Applicability of certain laws and prohibition.

11 2603.1. Financial responsibility requirements.

12 2603.2. Disclosures.

13 2604. Service standards and requirements.

14 2604.1. Licensure requirements.

15 2604.2. Records.

16 2604.3. Discrimination in service.

17 2604.4. Dual motor carriers.

18 2604.5. Lienholder requirements.

19 2605. Transportation network company drivers.

20 2606. Personal vehicle requirements.

21 2607. Rates and forms of compensation.

22 2608. Nondisclosure of passenger information.

23 2609. Fines and penalties.

24 2610. Commission costs.

25 2611. City of the first class.

26 § 2601. Definitions.

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

30 "Driver." A transportation network company driver.

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

7 § 2602. Exclusions.

8 (a) Ridesharing.--A transportation network company may not  
9 be considered a ridesharing arrangement or ridesharing operator  
10 under the act of December 14, 1982 (P.L.1211, No.279), entitled  
11 "An act providing for ridesharing arrangements and providing  
12 that certain laws shall be inapplicable to ridesharing  
13 arrangements."

14 (b) Other sources.--A company or service that connects an  
15 individual through a digital network for the purpose of  
16 transportation to a common destination when the transportation  
17 service does not include the services of a driver or where a  
18 driver is compensated only for actual expenses incurred for  
19 rental, lease or fuel costs of the vehicle.

20 (c) Limitation.--A transportation network company shall not  
21 be deemed to control, direct or manage the personal vehicles of  
22 transportation network company drivers that connect to a  
23 transportation network company's network.

24 § 2603. Applicability of certain laws and prohibition.

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

29 (1) This title, except that the commission may regulate  
30 transportation network companies under Chapters 3 (relating

1 to public utility commission), 5 (relating to powers and  
2 duties), 7 (relating to procedure on complaints) and 33  
3 (relating to violations and penalties) and this chapter. If a  
4 subject is regulated under this chapter in addition to  
5 another chapter under this paragraph, this chapter shall  
6 apply.

7 (2) 53 Pa.C.S. (relating to municipalities generally).

8 (3) Laws and regulations containing special insurance  
9 requirements for motor carriers, except as provided in  
10 section 2604.1(b)(8) (relating to licensure requirements).

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

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

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

21 § 2603.1. Financial responsibility requirements.

22 (a) Requirements.--

23 (1) Upon the effective date of this section, a  
24 transportation network company driver or transportation  
25 network company on the driver's behalf shall maintain primary  
26 automobile insurance that recognizes that the driver is a  
27 transportation network company driver or otherwise uses a  
28 vehicle to transport passengers for compensation and covers  
29 the driver:

30 (i) while the driver is logged on to the digital

1           network; or

2           (ii) while the driver is engaged in a prearranged  
3           ride.

4           (2) Unless otherwise required by order or regulation of  
5           the commission, the following automobile insurance  
6           requirements shall apply to the transportation network  
7           company driver or the transportation network company on the  
8           driver's behalf while a participating transportation network  
9           company driver is logged on to the digital network and is  
10           available to receive transportation requests but is not  
11           engaged in a prearranged ride:

12           (i) Primary automobile liability insurance in the  
13           amount of at least \$50,000 for death and bodily injury  
14           per person, \$100,000 for death and bodily injury per  
15           incident and \$25,000 for property damage.

16           (ii) First-party medical benefits as required by 75  
17           Pa.C.S. § 1711 (relating to required benefits) for  
18           pedestrians.

19           (iii) The coverage requirements may be satisfied by  
20           any of the following:

21           (A) automobile insurance maintained by the  
22           transportation network company driver;

23           (B) automobile insurance maintained by the  
24           transportation network company; or

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

26           (3) Unless otherwise required by order or regulation of  
27           the commission, the following automobile insurance  
28           requirements shall apply while a transportation network  
29           company driver is engaged in a prearranged ride:

30           (i) Primary automobile liability insurance that

1 provides at least \$1,000,000 for death, bodily injury and  
2 property damage.

3 (ii) First-party medical benefits as required by 75  
4 Pa.C.S. § 1711 for passengers and pedestrians on a per-  
5 incident basis for incidents involving a transportation  
6 network company driver's operation of a personal vehicle  
7 while engaged in a prearranged ride.

8 (iii) The coverage requirements may be satisfied by  
9 any of the following:

10 (A) automobile insurance maintained by the  
11 transportation network company driver;

12 (B) automobile insurance maintained by the  
13 transportation network company; or

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

15 (4) If insurance maintained by a driver under paragraph  
16 (2) or (3) has lapsed or does not provide the required  
17 coverage, insurance maintained by a transportation network  
18 company shall provide the coverage required by this section  
19 beginning with the first dollar of a claim, and the  
20 transportation network company's insurer shall have the duty  
21 to defend such claim.

22 (5) Coverage under an automobile insurance policy  
23 maintained by the transportation network company shall be  
24 primary and not be dependent on a personal automobile insurer  
25 first denying a claim nor shall a personal automobile  
26 insurance policy be required to first deny a claim.

27 (6) The automobile liability insurance required under  
28 paragraphs (2), (3), (4) and (5) shall be evidenced by the  
29 filing of a certificate of insurance. The certificate of  
30 insurance must be filed by the insurance carrier and must be

1 in the form specified by the commission by order or  
2 regulation.

3 (7) Insurance required under this subsection may be  
4 placed with an insurer that has obtained a certificate of  
5 authority under section 208 of the act of May 17, 1921  
6 (P.L.789, No.285), known as The Insurance Department Act of  
7 1921, or a surplus lines insurer eligible under section 1605  
8 of the act of May 17, 1921 (P.L.682, No.284), known as The  
9 Insurance Company Law of 1921.

10 (8) Insurance satisfying the requirements of this  
11 section shall be deemed to satisfy the financial  
12 responsibility requirement for a motor vehicle under 75  
13 Pa.C.S. Ch. 17 (relating to financial responsibility).

14 (9) A transportation network company driver shall carry  
15 proof of coverage satisfying paragraphs (2) and (3) when the  
16 driver uses a vehicle in connection with a digital network.  
17 In the event of an accident, a transportation network company  
18 driver shall provide the proof of insurance coverage to the  
19 directly interested parties, automobile insurers and  
20 investigating police officers under 75 Pa.C.S. § 1786  
21 (relating to required financial responsibility). A  
22 transportation network company driver shall also disclose to  
23 directly interested parties, automobile insurers and  
24 investigating police officers whether the driver was logged  
25 on to the digital network or on a prearranged ride at the  
26 time of an accident.

27 (10) It shall be the sole and exclusive responsibility  
28 of a transportation network company to ensure that commercial  
29 liability coverage required under this section is in force  
30 prior to permitting a transportation network company driver

1 to provide transportation network service.

2 (b) Automobile insurance provisions.--

3 (1) Insurers that write automobile insurance in this  
4 Commonwealth may exclude any and all coverage afforded under  
5 the policy issued to an owner or operator of a personal  
6 vehicle for any loss or injury that occurs while a driver is  
7 logged on to a digital network or while a driver provides a  
8 prearranged ride. The right to exclude all coverage may apply  
9 to any coverage included in an automobile insurance policy,  
10 including, but not limited to:

11 (i) liability coverage for bodily injury and  
12 property damage;

13 (ii) uninsured and underinsured motorist coverage;

14 (iii) medical payments coverage;

15 (iv) comprehensive physical damage coverage;

16 (v) collision physical damage coverage; and

17 (vi) first-party medical benefits required under 75  
18 Pa.C.S. § 1711.

19 (2) Notwithstanding any requirement under 75 Pa.C.S. Ch.  
20 17, exclusions under paragraph (1) shall apply. Nothing in  
21 this section shall require that a personal automobile  
22 insurance policy provide coverage while the driver is logged  
23 on to a digital network, while the driver is engaged in a  
24 prearranged ride or while the driver otherwise uses a vehicle  
25 to transport passengers for compensation. Nothing in this  
26 subsection shall be deemed to preclude an insurer from  
27 providing coverage for the personal vehicle if the insurer  
28 chooses to do so by contract or endorsement.

29 (3) Automobile insurers that exclude the coverage  
30 described in subsection (a) shall have no duty to defend or

1 indemnify any claim expressly excluded under the coverage.  
2 Nothing in this section shall be deemed to invalidate or  
3 limit an exclusion contained in a personal insurance policy,  
4 including any policy in use or approved for use in this  
5 Commonwealth prior to the enactment of this section, that  
6 excludes coverage for vehicles used to carry persons or  
7 property for a charge or available for hire by the public.

8 (4) An automobile insurer that defends or indemnifies a  
9 claim against a driver that is excluded under the terms of  
10 its policy shall have a right of contribution against other  
11 insurers that provide automobile insurance to the same driver  
12 in satisfaction of the coverage requirements of subsection  
13 (a) at the time of loss.

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

26 § 2603.2. Disclosures.

27 (a) Requirement.--A disclosure under this section shall be  
28 provided in writing to all transportation network company  
29 drivers prior to the designation of an individual as a  
30 transportation network company driver. Transportation network

1 companies shall retain written or electronic verification  
2 records of the receipt of disclosures required under this  
3 section by the transportation network driver.

4 (b) Insurance and lienholder disclosures.--The  
5 transportation network company shall provide the following  
6 disclosures:

7 (1) Insurance coverage, including the types of coverage  
8 and the limits for each coverage that the transportation  
9 network company provides while the transportation network  
10 company driver uses a vehicle in connection with a digital  
11 network.

12 (2) Notice that the terms of the transportation network  
13 company driver's own automobile insurance policy might not  
14 provide any coverage while the driver is logged on to the  
15 digital network and available to receive transportation  
16 requests or is engaged in a prearranged ride.

17 (3) If a transportation network company driver does not  
18 have the type of policy required under section 2603.1  
19 (relating to financial responsibility requirements), notice  
20 that the transportation network company will provide all  
21 required insurance.

22 (4) The accident protocol required under section 2605(b)  
23 (5) (relating to transportation network company drivers).

24 (5) Notice of lienholder requirements under section  
25 2604.5 (relating to lienholder requirements).

26 (6) Notice that the driver must notify the following:

27 (i) The driver's auto insurance company that the  
28 driver will be using the vehicle to provide services  
29 under this chapter.

30 (ii) If the driver will not be using a vehicle owned

1 by the driver, the disclosures under paragraphs (b) (1),  
2 (2) and (3) shall be provided to the owner of the  
3 vehicle.

4 § 2604. Service standards and requirements.

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

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

9 (2) A license under this chapter shall not act as a  
10 certificate of public convenience under Chapter 11 (relating  
11 to certificates of public convenience). The commission shall  
12 provide for all licensure regulation, policies and orders  
13 necessary to regulate transportation network services under  
14 this chapter and to enforce the provisions of this chapter,  
15 including all of the following:

16 (i) Rights, privileges and duties of transportation  
17 network companies and drivers.

18 (ii) Suspension, revocation or renewal requirements  
19 for transportation network companies.

20 (iii) Conditions on a license necessary to ensure  
21 compliance with this chapter and the laws of this  
22 Commonwealth.

23 (iv) Regulations and orders relating to procedures  
24 for customers to file complaints with the commission.

25 (b) Motor carriers.--A motor carrier that provides call and  
26 demand services in accordance with a certificate of public  
27 convenience may apply to the commission to obtain a license to  
28 provide transportation network services in accordance with  
29 regulations and orders of the commission. The license shall  
30 authorize the motor carrier to dispatch either a call and demand

1 vehicle or driver to provide service in its authorized service  
2 territory.

3 § 2604.1. Licensure requirements.

4 (a) Application.--An application for a license under this  
5 chapter must be made to the commission in writing, be verified  
6 by oath or affirmation of an officer of the applicant and be in  
7 a form and contain information required by the commission,  
8 including the following:

9 (1) Proof that the transportation network company is  
10 licensed to do business in this Commonwealth.

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

13 (3) Proof that the transportation network company  
14 maintains a website that includes the information required  
15 under subsection (b)(10).

16 (4) Proof that the transportation network company has  
17 secured the insurance policies required under and otherwise  
18 complied with section 2603.1 (relating to financial  
19 responsibility requirements) in the form of a certificate of  
20 insurance.

21 (5) A license shall be issued to a transportation  
22 network company applicant if the commission determines that  
23 the applicant will comply with this chapter and any  
24 conditions imposed by the commission and meets all the  
25 requirements of subsection (b). The commission may impose  
26 conditions that are reasonably related to a licensee's  
27 obligations as set forth in this chapter.

28 (6) Proof that the transportation network company meets  
29 all the requirements of subsection (b).

30 (b) Requirements.--An applicant seeking a license under this

1 section must do all of the following as a condition of receipt  
2 and maintenance of a license:

3 (1) Establish and maintain the following:

4 (i) An agent for service of process in this  
5 Commonwealth.

6 (ii) A website that provides a customer service  
7 telephone number or e-mail address of the transportation  
8 network company and the telephone number and e-mail  
9 address of the commission.

10 (iii) Records required under this chapter at a  
11 location within this Commonwealth and make them available  
12 for inspection by the commission upon request as  
13 necessary for the commission to investigate complaints.

14 (2) Maintain accurate records of each transportation  
15 network company driver providing transportation network  
16 services and the vehicles used to provide the service for no  
17 less than three years or for another period as determined by  
18 the commission. Records retained under this paragraph must  
19 include:

20 (i) Current personal automobile insurance  
21 information.

22 (ii) Criminal history records checks.

23 (iii) Driving record checks.

24 (iv) Vehicle registration and proof of vehicle  
25 inspections.

26 (v) Records of consumer complaints.

27 (vi) Records of suspension or deactivation of  
28 drivers.

29 (vii) Records of disclosures required to be provided  
30 to drivers under this chapter.

1       (3) Maintain vehicle records, including the make, model  
2 and license plate number of each personal vehicle used by a  
3 transportation network company driver to provide  
4 transportation network service.

5       (4) Implement a zero-tolerance policy on the use of  
6 drugs or alcohol while a transportation network company  
7 driver provides transportation network service. A  
8 transportation network company driver who is the subject of a  
9 reasonable passenger complaint alleging a violation of the  
10 zero-tolerance policy shall be immediately suspended. The  
11 suspension shall last until the time the complaint  
12 investigation is complete. The following information shall be  
13 provided on a transportation network company's publicly  
14 accessible Internet website:

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

16           (ii) Procedures to report a complaint about a  
17 transportation network company driver with whom the  
18 passenger was matched and whom the passenger reasonably  
19 suspects was under the influence of drugs or alcohol  
20 during the course of the ride.

21       (5) Obtain and review, prior to permitting a person to  
22 act as a transportation network company driver on its digital  
23 network, a background check report that includes a source  
24 review of Federal and State criminal history background  
25 checks. The transportation network company shall disqualify  
26 an applicant convicted of certain crimes in accordance with  
27 the following:

28           (i) An applicant convicted of any of the following  
29 within the preceding seven years:

30           (A) Driving under the influence of drugs or

1           alcohol.

2           (B) A felony conviction involving theft.

3           (C) A felony conviction for fraud.

4           (D) A felony conviction for a violation of the  
5           act of April 14, 1972 (P.L.233, No.64), known as The  
6           Controlled Substance, Drug, Device and Cosmetic Act.

7           (ii) The applicant has been convicted of any of the  
8           following at any time:

9           (A) A sexual offense under 42 Pa.C.S. §  
10           9799.14(c) or (d) (relating to sexual offenses and  
11           tier system) or a comparable military offense or  
12           similar offense under the laws of another  
13           jurisdiction or under a former law of this  
14           Commonwealth.

15           (B) Use of a motor vehicle to commit a felony.

16           (C) Burglary or robbery.

17           (D) A crime of violence as defined in 18 Pa.C.S.  
18           § 5702 (relating to definitions).

19           (E) An act of terror.

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

1 network company driver. The Department of Transportation  
2 shall provide driving records to transportation network  
3 companies or the company's designated agent.

4 (7) Establish a driver training program designed to  
5 ensure that each driver understands safety and driving  
6 requirements. The program shall be administered prior to the  
7 driver being permitted to offer transportation network  
8 services through the transportation network company's  
9 platform. The program may be provided online.

10 (8) Display, on the digital network, a picture of the  
11 transportation network company driver and a description of  
12 the individual's vehicle used in providing transportation  
13 network service, including the make, model and license plate  
14 number of the vehicle.

15 (9) Maintain insurance as required under section 2603.1  
16 as memorialized by the filing of the appropriate insurance  
17 certifications with the commission.

18 (10) Establish and maintain a publicly accessible  
19 Internet website that provides:

20 (i) A customer service telephone number or e-mail  
21 address.

22 (ii) The telephone number to file a consumer  
23 complaint with the commission.

24 (11) Comply with the commission's regulations and orders  
25 regarding the reporting of motor carrier accidents for any  
26 accidents involving a personal vehicle. Accident reports  
27 shall be maintained for a period of three years from the date  
28 of the accident.

29 (12) Maintain verifiable records regarding its  
30 operations and obligations under this chapter for a minimum

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

3 (13) Provide written notice to a driver of the scope and  
4 levels of insurance coverage required under section 2603.1.

5 (14) Provide to transportation network company drivers a  
6 placard or decal for the vehicle that has been approved by  
7 the commission. The decal shall be displayed at any time the  
8 driver anticipates offering or is providing a prearranged  
9 ride under this chapter.

10 § 2604.2. Records.

11 The commission shall be authorized to inspect, audit and  
12 investigate any books, records and facilities of the  
13 transportation network company and any affiliated entities as  
14 necessary to ensure compliance with this chapter. Documents or  
15 records marked as confidential will be treated according to the  
16 commission's practices and regulations regarding confidential  
17 and trade secret information. Information disclosed to the  
18 commission under this chapter shall be exempt from disclosure to  
19 a third person, including through a request submitted under the  
20 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-  
21 Know Law.

22 § 2604.3. Discrimination in service.

23 Where services are offered, a transportation network company  
24 must take reasonable steps to ensure that the service provided  
25 by each transportation network company driver who utilizes the  
26 digital network is safe, reasonable and adequate. A  
27 transportation network company may not unlawfully discriminate  
28 against a prospective passenger or unlawfully refuse to provide  
29 service to a certain class of passengers or certain localities.

30 § 2604.4. Dual motor carriers.

1 A motor carrier that provides call and demand service under a  
2 certificate of public convenience and that has obtained a  
3 license from the commission to provide transportation network  
4 service may dispatch either a call and demand vehicle or a  
5 personal vehicle driven by a transportation network company  
6 driver to provide service in its authorized service territory.  
7 § 2604.5. Lienholder requirements.

8 If the vehicle utilized by a transportation network company  
9 driver is subject to a lien and the lienholder requires  
10 comprehensive and collision insurance in the lien agreement, the  
11 transportation network company shall notify the driver that  
12 using the vehicle to provide transportation network service may  
13 violate the terms of the contract with the lienholder.  
14 § 2605. Transportation network company drivers.

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

22 (b) Requirements for transportation network company  
23 drivers.--A transportation network company driver must:

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

25 (2) Submit to a criminal history record check and an  
26 appropriate driving history record check as specified in  
27 section 2604.1 (relating to licensure requirements).

28 (3) Possess a valid driver's license and proof of the  
29 driver's motor vehicle insurance.

30 (4) Carry proof, either a paper copy or electronic copy,

1 of the transportation network company's liability insurance  
2 required under section 2603.1(b) (relating to financial  
3 responsibility requirements) for any vehicle used by the  
4 driver.

5 (5) In the case of an accident:

6 (i) Provide the insurance coverage information  
7 required under paragraph (4) to any other party involved  
8 in the accident and, if applicable, to the law  
9 enforcement officer who responds to the scene of the  
10 accident.

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

13 (iii) Report the accident to the following:

14 (A) the transportation network company driver's  
15 personal automobile insurer;

16 (B) the owner of the automobile if the driver is  
17 not the owner of the automobile; and

18 (C) the insurer providing insurance required  
19 under section 2603.1.

20 (6) Notify the transportation network company  
21 immediately upon conviction for any offense listed under  
22 section 2604.1(b) (6) or (7) which would disqualify the  
23 transportation network company driver from being eligible to  
24 provide transportation network service.

25 (7) Only accept a ride arranged through a digital  
26 network and not solicit or accept street hails or telephone  
27 calls requesting transportation network service.

28 (8) Display a removable placard or decal provided by the  
29 transportation network company that has been approved by the  
30 commission on the automobile at any time the driver

1 anticipates offering or is offering or providing a  
2 prearranged ride under this chapter.

3 (c) Driver verification.--

4 (1) A driver shall provide affirmation to the  
5 transportation network company of the following:

6 (i) That the driver is the owner or authorized user  
7 of the vehicle.

8 (ii) That the driver has notified the driver's  
9 personal insurance company that the driver will be using  
10 the vehicle to provide transportation network services to  
11 the public for compensation.

12 (iii) If the driver will not be using a vehicle  
13 owned by the driver, that the driver has notified the  
14 owner of the vehicle.

15 (iv) That the driver has received notification of  
16 all requirements under subsection (b) and has complied  
17 with those requirements.

18 (2) The affirmation required under paragraph (1) may be  
19 in a written or an electronic form and include the driver's  
20 signature.

21 § 2606. Personal vehicle requirements.

22 (a) Authorized vehicles.--Vehicles used by a transportation  
23 network company driver to provide transportation network company  
24 service may be a coupe, sedan or other light-duty vehicle,  
25 including a van, minivan, sport utility vehicle, hatchback,  
26 convertible or pickup truck that is equipped and licensed for  
27 use on a public highway. At no time may a vehicle used to  
28 provide transportation network service transport a greater  
29 number of individuals, including the driver, than the number of  
30 seat belts factory installed in the vehicle.

1 (b) Vehicle requirements.--No vehicle being used to provide  
2 transportation network service may be older than 10 model years  
3 old or 12 model years if the vehicle is an alternative fuel  
4 vehicle as defined in section 2 of the act of November 29, 2004  
5 (P.L.1376, No.178), known as the Alternative Fuels Incentive  
6 Act, and has been driven no more than 350,000 miles. The  
7 commission may adjust the requirements of this subsection by  
8 regulation or order. All vehicles shall be marked as required by  
9 the commission's regulations or orders when providing  
10 transportation network service. The use of placards, or other  
11 distinguishable markings, clearly visible from the outside of  
12 the vehicle shall be acceptable.

13 (c) Inspections required.--

14 (1) An annual certificate of inspection must be obtained  
15 from an inspection station approved by the Department of  
16 Transportation under 67 Pa. Code Ch. 175 (relating to vehicle  
17 equipment and inspection) for each personal vehicle. A valid  
18 certificate of inspection shall be maintained in all  
19 vehicles. For a vehicle registered outside this Commonwealth,  
20 proof of inspection must be obtained from the Department of  
21 Transportation or from the appropriate agency in the state in  
22 which the vehicle is inspected.

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

28 (3) A commission officer may inspect a personal vehicle  
29 if there is reason to believe that the vehicle is not in  
30 compliance with the commission's vehicle standards to ensure

1 compliance with this section.

2 § 2607. Rates and forms of compensation.

3 (a) Passenger receipt.--Upon completion of transportation  
4 under this chapter, each transportation network company shall  
5 transmit an electronic receipt to the passenger's e-mail address  
6 or account on a digital network documenting:

7 (1) The origination, destination, mileage and time  
8 estimated of the trip.

9 (2) The driver's first name.

10 (3) The total amount paid, if any.

11 (b) Tariff and fares.--A transportation network company  
12 shall file and maintain with the commission a tariff that sets  
13 forth the terms and conditions of service, including the basis  
14 for its fares and its policies regarding surge pricing. A  
15 transportation network company may offer transportation network  
16 service at no charge, suggest a donation or charge a fare. If a  
17 fare is charged, a transportation network company must disclose  
18 the fare calculation method prior to providing an arranged ride.

19 (c) Estimates.--The transportation network company must  
20 provide estimates upon request for the cost of a trip.

21 (d) Limitation.--When a state of disaster emergency is  
22 declared under 35 Pa.C.S. § 7301 (relating to general authority  
23 of Governor), pricing for a transportation network service  
24 within the geographic region that is the subject of the  
25 declaration must comply with the act of October 31, 2006  
26 (P.L.1210, No.133), known as the Price Gouging Act.

27 (e) Review.--The amount of a donation, charge, fare or other  
28 compensation provided or received for transportation network  
29 service shall not be subject to review or approval by the  
30 commission under Chapter 13 (relating to rates and distribution

1 systems).

2 § 2608. Nondisclosure of passenger information.

3 A transportation network company shall not disclose to a  
4 third party any personally identifiable or financial information  
5 of a transportation network company passenger unless one of the  
6 following applies:

7 (1) The customer knowingly consents.

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

10 (3) The disclosure is to the commission in the context  
11 of an investigation regarding a complaint filed with the  
12 commission against a transportation network company and the  
13 commission treats the information as proprietary and  
14 confidential.

15 (4) The disclosure is required to protect or defend the  
16 terms of use of the service or to investigate violations of  
17 those terms. In addition to the foregoing, a transportation  
18 network company shall be permitted to share a passenger's  
19 name or telephone number with the transportation network  
20 company driver providing transportation network company  
21 service to the passenger in order to facilitate correct  
22 identification of the passenger by the transportation network  
23 company driver or to facilitate communication between the  
24 passenger and the transportation network company driver.

25 § 2609. Fines and penalties.

26 The commission may, after notice and opportunity to be heard,  
27 impose civil fines, penalties, license suspensions and  
28 revocations and other appropriate remedies for violations of  
29 this chapter and commission regulations and orders.

30 § 2610. Commission costs.

1     The program costs for commission implementation and  
2 enforcement of this chapter shall be included in the  
3 commission's proposed budget and shall be assessed upon  
4 transportation network companies in accordance with section 510  
5 (relating to assessment for regulatory expenses upon public  
6 utilities). For the purposes of section 510 only, the definition  
7 of public utility shall include a transportation network company  
8 and, for purposes of assessment only, may be grouped with other  
9 utilities furnishing the same kind of service. The  
10 transportation network company shall report annually to the  
11 commission the gross intrastate receipts derived from all fares  
12 charged to customers for the provision of transportation network  
13 service regardless of the entity that collects the revenues.  
14 Gross intrastate receipts under this section shall also include  
15 amounts paid to a parking authority in a city of the first class  
16 under section 2611(e) (relating to city of the first class).  
17 § 2611. City of the first class.

18     (a) Authority.--Beginning 30 days after the effective date  
19 of this section, transportation network companies that have been  
20 licensed by the commission may operate in a city of the first  
21 class.

22     (b) Enforcement.--The parking authority of the city of the  
23 first class shall enforce the following provisions relating to  
24 transportation network company drivers providing rides that  
25 originate in the city of the first class:

26         (1) Driving without a valid driver's license and proof  
27 of motor vehicle insurance as required under section 2605(b)  
28 (3) (relating to transportation network company drivers).

29         (2) Failure to carry proof of the transportation network  
30 company's liability insurance under section 2605(b)(4).

1           (3) Failure to report an accident in accordance with  
2 section 2605(b)(5).

3           (4) A violation of section 2605(b)(7).

4           (5) Failure to display a placard or decal under section  
5 2605(b)(8).

6           (6) A violation of section 2605.

7           (7) Failure to comply with inspection requirements under  
8 75 Pa.C.S. Ch. 47 Subch. A (relating to inspection  
9 requirements).

10          (8) A violation of subsection (g).

11          (c) Regulations.--The parking authority of the city of the  
12 first class may adopt regulations relating to enforcement under  
13 subsection (b). The regulations shall apply to trips originating  
14 in a city of the first class and not exceed the provisions of  
15 this section regarding duties and responsibilities of the  
16 transportation network company, its drivers or vehicles utilized  
17 by transportation network company drivers.

18          (d) Report of violations.--If the parking authority of the  
19 city of the first class determines that violations by the  
20 transportation network company have occurred, the authority may  
21 file a complaint with the commission relating to violations of  
22 transportation network company license requirements under this  
23 chapter.

24          (e) Assessment.--A transportation network company operating  
25 in a city of the first class shall pay to that city's parking  
26 authority an amount equal to 0.5% of the actual amount charged  
27 to all passengers for prearranged rides that originate in the  
28 city of the first class. The amount assessed shall be remitted  
29 on a quarterly basis. Revenues of the transportation network  
30 company shall not be part of the commission's assessment under

1 section 2610 (relating to commission costs).

2 (f) Reporting.--Each transportation network company that  
3 collects money under subsection (e) shall report to the parking  
4 authority of the city of the first class on a quarterly basis  
5 all amounts collected and remitted to the parking authority. The  
6 initial report shall be transmitted no later than March 30,  
7 2016, and every March 30 quadrennially thereafter.

8 (g) Prohibition.--A transportation network company driver  
9 operating in a city of the first class shall not solicit or  
10 accept a prearranged ride at any of the following locations:

11 (1) A designated taxi stand, no stopping or standing  
12 zone or other area where a personal vehicle may not enter at  
13 an international airport owned by the city of the first class  
14 and located in whole or in part in the city of the first  
15 class.

16 (2) A designated taxi stand, no stopping or standing  
17 zone or other area where a personal vehicle may not enter at  
18 a train station owned by AMTRAK located in the city of the  
19 first class.

20 (3) Organized lines of taxis at hotels utilized to  
21 provide services to patrons and visitors at the hotel.

22 (h) Penalties and enforcement.--The following shall apply:

23 (1) If the Philadelphia Parking Authority has evidence  
24 that the appropriate assessment amount is not being remitted  
25 under subsection (e), it shall file a complaint with the  
26 commission. The commission shall investigate the matter and  
27 determine if the appropriate amount was transmitted.

28 (2) A driver found by the parking authority to be in  
29 violation of this section shall be subject to a fine of not  
30 more than \$500 per occurrence for a first or second offense

1 and not more than \$1,000 for a third or subsequent offense.

2 (3) For a third or subsequent offense, the matter shall  
3 be referred to the transportation network company. If the  
4 transportation network company does not remove the offender's  
5 authorization to be a transportation network company driver,  
6 the parking authority may file a complaint with the  
7 commission.

8 (4) The parking authority of a city of the first class  
9 may confiscate a personal vehicle if the vehicle is used to  
10 provide passenger motor carrier services in violation of  
11 section 2605(b)(7) or (8). The vehicle may be returned to the  
12 registered owner upon satisfaction of all civil penalties  
13 imposed against the driver of a confiscated vehicle and  
14 payment of the costs of the authority. Failure to pay fines,  
15 penalties and costs may result in forfeiture and sale of the  
16 vehicle, after notice and hearing.

17 Section 6. The definition of "bus" in section 102 of Title  
18 75 is amended to read:

19 § 102. Definitions.

20 Subject to additional definitions contained in subsequent  
21 provisions of this title which are applicable to specific  
22 provisions of this title, the following words and phrases when  
23 used in this title shall have, unless the context clearly  
24 indicates otherwise, the meanings given to them in this section:

25 \* \* \*

26 "Bus."

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

29 (2) a motor vehicle, other than a taxicab [or],  
30 limousine or personal vehicle as defined in 66 Pa.C.S. § 102

1     (relating to definitions), designed to transport not more  
2     than 15 passengers, including the driver, and used for the  
3     transportation of persons for compensation.

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

9     \* \* \*

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

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