

# The Philadelphia Parking Authority - Taxicab and Limousine Regulations

## Table of Contents by Chapter

<b>Chapter</b>	<b>Page</b>
1. Purpose and Scope	2
2. Definitions	2
3. Organization	6
4. Taxicabs and Limousines Allowed to Provide Service in Philadelphia	12
5. General Duties of Industry Members	13
6. Classes of Taxicab Service and Associated Rights	14
7. Classes of Limousine Service and Associated Rights	15
8. Continuation of Rights	15
9. Additional Certificates	19
10. Certified Dispatcher	20
11. Transfers and Sales of Rights	23
12. Special Rules for Medallion Cabs	27
13. Vehicle and Equipment Standards – Smaller Vehicles	28
14. Vehicle and Equipment Standards – Larger Vehicles	34
15. Inspection	35
16. RESERVED.	
17. Control Leases and Receipts	38
18. Required Documentation	40
19. Drivers	40
20. Special Services	48
21. Superior Taxicab Service Providers	49
22. Email Notification	49
23. Operator	49
24. Medallion Brokers	51
25. Financial Services Providers	55
26. Investigative Powers	58
27. Complaint Process	58
28. Enforcement	60
29. Penalties	62
30. Filing and Reporting Requirements	65
31. Fees	67
32. Insurance	68
33. Corporations	70
34. Rates, Tariffs, Minimum Wages and Maximum Leases	70
35. Value-Added Services	72
36. Exceptions	73
37. Effective Dates	74

## 1. PURPOSE AND SCOPE.

- a. The Philadelphia Parking Authority shall act as an independent administrative agency for the regulation of Taxicab and Limousine Service in Philadelphia, Pennsylvania, and investigate and examine the condition and management of any Person providing Taxicab and Limousine Service in the City as established by the Act.
- b. The goal of these Regulations is to assure that there is quality Taxicab and Limousine Service in Philadelphia.
- c. These Regulations are the complete set of regulations applicable to Taxicab and Limousine Service provided within Philadelphia and replaces any previously applicable regulations of the Pennsylvania Public Utility Commission. All applicable Federal and State laws and regulations relating to motor carriers other than those included in the Public Utility Code remain in effect.
- d. The Authority may prescribe such rules and regulations, as it deems necessary to govern the regulation of Taxicabs and Limousines in Philadelphia.
- e. These Regulations may be amended as set forth herein.
- f. These Regulations may be supplemented by orders, rules and/or procedures of the Authority as long as such actions are generally consistent with these Regulations. Such rules shall be posted at the Authority's website and email notice provided to those who have provided an email address to the Authority in compliance with these Regulations.
- g. The Authority shall have the right to waive regulations as it determines necessary, upon written petition by a party with standing. The petition shall be in a form substantially similar to that required by the Pennsylvania Rules of Civil Procedure and specifically reference each regulation at issue. Petitions for waiver shall be served upon the Director of the TLD, or his designee, and assigned a waiver docket number. The Director of the TLD may establish additional waiver procedures consistent with this section, including the establishment of a form waiver petition. Petitioner shall establish by a preponderance of the evidence that the waiver sought will not disrupt or harm the Industry or the Authority's regulation of the Industry, is in the public interest, and is not contrary to law.
- h. In the case that any provision set forth in these Regulations is found to be inappropriate by a court with jurisdiction, the remaining portions of the Regulations shall continue in operation.

## 2. DEFINITIONS. The following words and phrases when used in these Regulations shall have the meanings given to them in this section unless the context clearly indicates otherwise.

- a. "Act 94" or the "Act." A statute of the Commonwealth of Pennsylvania enacted in 2004, which among other things shifts the regulatory authority for taxicabs and limousines in Philadelphia from the Pennsylvania Public Utility Commission to the Philadelphia Parking Authority.
- b. "Advance Reservation." A request for transportation made prior to service being rendered (i.e., reservations not made at the time of face-to-face contact with a driver, except for those arranged with a driver already providing exclusive service to the passenger). Advance reservations exclude demand service such as a hail of any kind, including but not limited to a street hail or a hail by a doorman or starter.
- c. "Agents." See TLD Agents.
- d. "Authority" or "PPA." The Philadelphia Parking Authority or successor entity.
- e. "Bribe." Any offer to or request from a PPA employee or Agent for any favor, payment or compensation in return for any special consideration from the payer consistent with 18 Pa.C.S. §4701. This definition shall be in addition to the definition of "Bribe" under the laws of the Commonwealth, including the definition provided in the Pennsylvania Crimes Code.
- f. "Bus." Any vehicle with a capacity of sixteen or more including the driver. May also be referred to as a "Large Vehicle."
- g. "Certificate Holder." Any Person to which the Authority has issued a current Certificate of Public Convenience. This may apply to Limousines and Taxicabs as appropriate throughout these Regulations. This does not include Certified Dispatchers, certificated drivers, registered DOVs or registered Financial Services Providers or Brokers.

- h. "Certificate of Public Convenience" or "Certificate." The authority granted by the PPA to provide for-hire transportation service or dispatch service in accordance with these Regulations.
- i. "Certified Dispatcher." Any person who has been certified by the Authority to operate a centralized radio dispatch service for Medallion Cabs in accordance with these Regulations. The Authority may determine what type of technology defines radio dispatch service (e.g. permitting the use of cell phones rather than radios or public networks rather than private networks).
- j. "Commercial Driver's License." A license issued in accordance with 49 US Code 383.
- k. "Common Carrier." Any and all persons who hold out, offer or undertake, directly or indirectly, service for compensation to the public for the transportation of passengers or property, or both, or any class of passengers or property; but shall not include contract carriers by motor vehicles, or transportation brokers, or any bona fide cooperative association transporting property exclusively for the members of such association on a nonprofit basis. Common Carrier does not include dispatch service.
- l. "Commonwealth" or "State." The Commonwealth of Pennsylvania.
- m. "Complainant." A person who initiates a complaint against a person in the Industry.
- n. "Continuous Trip." A trip that is not interrupted by the same vehicle or driver providing service to another passenger not part of the original party. A continuous trip need not be a round trip.
- o. "Contract Carrier." A carrier of passengers or property or both, which does not hold itself out, offer or undertake the provision of service to the public for compensation, but rather provides a specialized service designed to meet the needs of a customer with which it has entered into a specialized service contract. A specialized service is designed specifically for an individual customer and is not generally available from common carriers. A specialized service contract is an agreement to provide services for compensation between a contract carrier and a customer which requires the provision of specialized service designed to meet the specific needs of the customer and which agreement is in writing, is restricted to the provision of service for an individual customer, is bilateral in nature, and imposes specific obligations upon both the carrier and the customer covering service over a defined route or a defined area.
- p. "Driver Certificate." A Certificate issued by the Authority that permits a person who meets certain qualifications established by the Authority to drive a Taxicab and/or Limousine that is certified by the Authority. This certificate does not negate the need to have a Commercial Driver's License as may otherwise be required.
- q. "Driver Owned Vehicle" or "DOV." An arrangement whereby the Certified Driver owns the vehicle he or she drives but is not the owner of the Medallion and/or holder of the Certificate of Public Convenience.
- r. "Exclusive Bus Service." A subset of Limousine Service provided on an exclusive, unscheduled basis (e.g., charter or party buses) in the City in vehicles with more than 8 passengers including the driver, excluding extended passenger vehicles such as a sedan or SUV. Exclusive Bus Service is divided into two categories, one with exclusively Large Vehicles where only safety and insurance are regulated and one for smaller vehicles with full economic and entry regulation.
- s. "Exclusive Service." Transportation on a given trip when the first or principal person, party or group hiring the vehicle has exclusive right to determine where, when or if another passenger shall be carried on that trip.
- t. "Executive Director." A person appointed by the Authority's Board to be the chief operating position of the Authority.
- u. "Financial Services Provider." Any person providing financial services to the Taxicab and Limousine Industry, including, but not limited to, lending money collateralized by a Medallion or providing or selling insurance. Those lending money shall be called Lenders.
- v. "First Class City Regulatory Fund." A fund formerly administered by the Commission under the former 66 Pa.C.S. Ch.24 (relating to taxicabs in first class cities).
- w. "Fraud." Any act of omission or commission by any person in the Industry who intentionally misinforms the Authority or its Agents, the riding public, or other persons in the Industry, with the

intent to defraud or deceive, shall constitute “Fraud.” This may include, in part, a driver requesting fares higher than those allowed by the tariff, a Certificate Holder providing inaccurate information regarding insurance or a Financial Services Provider using misleading documents. This definition shall be in addition to the definition of “Fraud” under the laws of this Commonwealth, including, but not limited to, the definition provided under the Pennsylvania’s Crimes Code.

- x. “Hearing Officer.” A person appointed by the Authority’s Executive Director to hear and adjudicate complaints or develop a record. This person may be an employee of the Authority or a contractor, but in all cases shall be an attorney licensed to practice law in Pennsylvania for not less than seven (7) years prior to the appointment date.
- y. “Hospitality Center.” An airport, hotel or rail station, located in whole or in part in the City of Philadelphia.
- z. “Hospitality Vehicle Service.” A subset of Limousine Service from any airport, railroad station or hotel located in whole or in part in a city of the first class or to any airport, railroad station, hotel located in whole or in part in a city of the first class from a point within the city of the first class, excluding Luxury Limousines certified by the Authority. By these Regulations, this service shall be limited to nonexclusive service. Hospitality Vehicle Service shall only apply to Common Carriers (e.g. shall not apply to hotel courtesy shuttles providing service as a contract carrier). Hospitality Vehicle Service shall not include services previously not regulated by the PUC or sightseeing vehicles that tangentially service Hospitality Centers.
- aa. “Interstate Rights.” Unless expressly determined by a Federal authority, interstate rights only apply to service that actually involves transporting customers across state lines, excluding travel out of state that is reasonably determined to have occurred only to create an interstate trip. Place of origin of the reservation, billing address or other similar factors shall generally have no bearing on the interstate status of the service provided.
- bb. “Lenders.” Financial Service Providers registered to lend money with Medallions as the collateral.
- cc. “Large Vehicles.” See Bus.
- dd. “Limousine Service.” Local, nonscheduled common carrier service for passengers on an exclusive basis for compensation and/or a Common Carrier service for passengers for compensation from any airport, railroad station or hotel located in whole or in part in a city of the first class or to any airport, railroad station or hotel located in whole or in part in a city of the first class from a point within a city of the first class provided in accordance with these Regulations. Limousine Service includes Luxury Limousines, Exclusive Buses, Hospitality Vehicles and other classifications that may be established by the Authority. The term does not include Taxicab Service, service that was otherwise exempt from the jurisdiction of the Commission prior to the transfer, other paratransit service or employee commuter vanpooling.
- ee. “Luxury Bus Service.” A subset of Luxury Limousine Service where the service is provided in a luxury vehicle of at least 16 passengers, including the driver.
- ff. “Luxury Limousine Service.” A subset of Limousine Service restricted to Limousines that select to provide this type of service in compliance with these Regulations. This service is limited to exclusive and unscheduled service. As described elsewhere in these Regulations, Luxury Limousine Services must use newer vehicles, have more legroom, may have a more flexible rate tariff and have more flexibility regarding adding additional vehicles than Executive Car Services.
- gg. “Medallion.” A plaque in a shape and color to be determined by the Authority each year that contains a unique number assigned by the Authority, which is to be affixed to a vehicle by Authority personnel before that vehicle may be operated as a Taxicab for citywide service in Philadelphia. Medallions are representations of a property right associated with a Medallion Cab. These property rights may not be taken from the owner except as described herein or through due process of the courts. The plaque without the Authority’s acknowledgement has no value in and of itself.
- hh. “Medallion Broker” or “Broker.” A Person, registered with the Authority, who is involved in facilitating the transfer, purchase or sale of a Medallion for another and whether or not acting for a fee, commission or other valuable consideration, or who acts as an agent or intermediary in negotiating

the transfer of a Medallion or of stock in a corporation that holds a Medallion, and/or negotiating a loan secured or to be secured by an encumbrance upon or transfer of a Medallion.

- ii. "Medallion Cab." A Taxicab with the authority to provide point-to-point service anywhere within the City.
- jj. "Medallion Number." The number that shall be placed on a particular Medallion and that will be required to be displayed on Taxicab vehicles (formerly the "P" number issued to Taxicabs in Philadelphia by the Commission).
- kk. "Operator." A Person that manages Taxicabs and/or Limousines under a management agreement with a Certificate Holder that is not an employee of the Certificate Holder.
- ll. "Partial Rights Cab." A Taxicab with the authority to provide point-to-point service in only a portion of the City.
- mm. "Person." An individual, general or limited partner in a partnership, partnership, business association, individual members of a business association, limited liability company, company, corporation, the officers and directors of a limited liability company, company or corporation, or a shareholder of a limited liability company, company or corporation who owns 5% or more shares of the voting stock in the limited liability company, company or corporation.
- nn. "Philadelphia," "the City," "Cities of the First Class," or "First Class City." The City of Philadelphia, Pennsylvania.
- oo. "Philadelphia Taxicab and Limousine Regulatory Fund" or the "Fund." A fund administered by the Authority for fulfilling the purposes of regulating taxicabs and limousines.
- pp. "PUC" or the "Commission." The Pennsylvania Public Utility Commission.
- qq. RESERVED.
- rr. "Respondent." A person who is the subject of a complaint issued under these Regulations.
- ss. "Southeastern Pennsylvania." Southeastern Pennsylvania is defined as the four Pennsylvania counties - Bucks, Chester, Delaware and Montgomery – adjacent to Philadelphia.
- tt. "Taxicab." A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call or demand basis and used for the transportation of persons and property for compensation. This includes both Medallion Cabs and Partial Rights Cabs.
- uu. "Taxicab and Limousine Division" or "TLD." A separate Division of the Authority responsible for the administration and enforcement of these Regulations. This Division shall separate its advisory and prosecutory functions in accordance with governing law. This Division shall have its own cost center funded through the Fund. The TLD may have intra-Authority agreements for the provision of services that are also funded through the Fund.
- vv. "Taxicab and Limousine Division Staff" or "TLD Staff." Employees of the Authority assigned to the Taxicab and Limousine Division. The Authority at its discretion may assign duties to other agencies or contractors (i.e., Agents), which shall not be considered TLD Staff.
- ww. "Taxicab and Limousine Industry" or "Industry." Any and all Persons who participate in the provision of Taxicab and Limousine Service in Philadelphia, including, but not limited to, Taxicabs and Limousines Certificate Holders, Certified Dispatchers, Medallion Brokers, Financial Service Providers to Taxicabs, certified Taxicab and Limousine Drivers and Operators.
- xx. "Taxicab and Limousine Committee" or "TLC." A committee of the Authority's Board appointed to address issues dealing with Taxicab and Limousine Service in Philadelphia. (Formerly referred to as the "Taxicab and Limousine Panel" or "TLP").
- yy. "TLD Agents" or "Agents." Qualified Persons to whom the PPA assigns duties or responsibilities associated with the regulation of Taxicabs and Limousines in the City.
- zz. "Transfer Date." The date upon which regulatory authority for Taxi and Limousine service in Philadelphia is transferred from the Commission to the Authority. The scheduled Transfer Date if not otherwise set must occur within 270 days of the enactment of the Act.
- aaa. "Vehicle Certification Card" or "Card." A card or set of cards that are issued to each vehicle authorized to provide Taxicab or Limousine Service by the Authority.

### 3. ORGANIZATION

#### a. Overview of Responsibilities and Protocols.

- i. The following orders of the Authority shall be issued by a majority of a quorum of the Board at a public meeting under the provisions of the Sunshine Act.
  1. Changes in Taxicab and Limousine rates;
  2. Granting of additional Certificates of Public Convenience (this excludes transfers of existing Certificates or the conversion of existing rights granted by the Pennsylvania Public Utility Commission to rights acknowledged by the Authority);
  3. Approval of budgets; and
  4. Amendments to these Regulations.
- ii. All other orders or decisions of the Authority may be issued by the Board, the Executive Director, the TLD, or a Hearing Officer as permitted through law, these Regulations, or otherwise in the best interests of the public. For purposes of these Regulations, “days” shall mean calendar days, unless specifically stated otherwise.

#### a.1 Administrative Review of Orders. This section shall provide the sole procedure by which reviewable orders of the Authority may be administratively reviewed.

- i. **Orders of a Hearing Officer.** In its discretion the Board may choose to review an order of a Hearing Officer within 15 days of the order’s mailing, absent such review, the order shall become a final order of the Authority. There shall be no right to administrative review of an order of a Hearing Officer.
- ii. **Orders of the TLD or Executive Director after a Hearing on the Record.** In the event an order of the TLD or the Executive Director is issued following a hearing on the record with written findings in support of the order, there shall be no right of administrative review of the order. In its discretion the Board may choose to review such an order of the TLD or Executive Director within 15 days of the order’s mailing, absent such review, the order shall become a final order of the Authority.

#### iii. **Other Orders of the TLD or Executive Director.**

1. In the event an order of the TLD or Executive Director is issued without an opportunity for a prior hearing on the record as to the subject matter of the order, a party with standing may, within 15 days of the date the subject order is mailed, request a hearing on the record before a Hearing Officer to administratively review the order. In the event the matter to be reviewed is a revocation issued pursuant to Section 29.k.i., the period to request review pursuant to this subsection shall be 30 days.
2. The Hearing Officer shall conduct a *de novo* hearing as to the subject matter of the order and otherwise conduct the hearing on the record pursuant to standard Authority procedures, including Chapter 27 of these Regulations, as applicable.
3. A request for administrative review pursuant to this subsection shall be filed at the Headquarters of the TLD in person or received at the Headquarters of the TLD by U.S. Mail, Return Receipt Requested, within 15 days of the date the underlying order was mailed. The request shall be directed to the TLD Court Administrator, which shall provide notice of the request to the appropriate Authority representative and assign the matter to a Hearing Officer pursuant to standard Authority procedures.

#### a.2 Appellate Review of Authority Matters. In the event a person effected by the Act, these Regulations, or other Industry related matter to which the Authority is a party, seeks review of the matter by a court of competent jurisdiction, service upon the Authority shall be affected through the Authority’s Office of General Counsel, 3101 Market Street, 2<sup>nd</sup> Floor, Philadelphia, Pennsylvania 19104.

#### b. Taxicab and Limousine Committee. The Chairperson of the Authority’s Board shall appoint, at his or her discretion, at least three members of the Authority to serve on the Taxicab and Limousine Committee (TLC).

- i. The TLC shall serve as a committee of the Board.

### 3 PPA Regs. §b.ii.

- ii. The Chairperson of the Authority shall designate a member of the TLC to act as the TLC's Chairperson. The TLC may select other officers from among its members.
  - iii. The TLC shall act as the primary point of contact between the Board and the TLD Staff and the Advisory Committee.
  - iv. The TLC may bring issues relating to Taxicab and Limousine Service to the entire Board.
  - v. The TLC shall carry out, in part, responsibilities set forth in these Regulations.
  - vi. The TLC shall meet as necessary and shall issue public notice of any such meeting pursuant to Pennsylvania's Sunshine Act. The Chairperson of the TLC or a majority of the members of the TLC may call for meetings.
- c. Taxicab and Limousine Division. The Executive Director of the Authority shall create a Taxicab and Limousine Division (TLD) within the Authority. The Director of the TLD shall report to the Executive Director. The TLD shall be responsible for all the ongoing activities associated with regulating Taxicabs and Limousines in Philadelphia and shall make recommendations to the TLP concerning policy.
- d. Advisory Committee. The Authority shall establish an Advisory Committee known as the City of the First Class Taxicab and Limousine Advisory Committee. The Authority and/or the TLD shall submit to the Advisory Committee issues and questions for its consideration regarding the regulation, enforcement compliance and operation of Taxicabs, and Limousines in the City. The Advisory Committee may thoroughly consider the questions and issues submitted by the Authority and/or the TLD and may prepare and transmit to the Authority and/or the TLD and the public written comments. The Advisory Committee may submit suggestions and proposals to the Authority and/or the TLD in writing on topics considered important by a majority of its members. All actions of the Advisory Committee shall be considered strictly advisory and the Authority and/or the Executive Director shall give careful and due consideration to the comments and proposals of the Advisory Committee.
- i. **Membership**. The Advisory Committee shall consist of the following members:
- 1. Fourteen members appointed by the Chairman of the Authority or his designee as follows:
    - a. One Taxicab driver
    - b. One Medallion owner
    - c. One Dispatch Service owner
    - d. One member of the public who uses Taxicabs or Limousines
    - e. One Limousine owner
    - f. Five representatives of the hospitality industry from a list of ten nominees assembled by the Philadelphia Convention and Visitors' Bureau
    - g. One resident of a second class county
    - h. One resident of a third class county
    - i. One representative of the Philadelphia International Airport
    - j. One representative of a major train station in the City
    - k. One member appointed by the Mayor of Philadelphia or his designee
    - l. One member appointed by the Pennsylvania Public Utility Commission
  - 2. The Advisory Committee may consist of up to six additional members appointed by the Chairman of the Authority or his designee.
- ii. **Terms**. The members shall serve two-year terms, except that one half of the initial appointees shall be appointed for a one-year term and half the initial appointees for a two-year term. No member shall serve more than three consecutive terms.
- iii. **Officers**. The Authority shall designate a Chairman, Vice-Chairman and Secretary of the Advisory Committee from the members of the Advisory Committee.
- iv. **Quorum**. A majority of the members of the advisory committee plus one additional member shall constitute a quorum.
- v. **Compensation**. Members of the Advisory Committee shall not receive any compensation for the performance of their duties.

### 3 PPA Regs. §d.vi.

- vi. **Meetings.** Meetings shall be scheduled at the call of the Chair of the Advisory Committee, the Chair of the Authority, the Chair of the TLP or the Executive Director. If practical, meeting notices shall be given at least five business days in advance. Members shall be permitted to attend telephonically as practical. TLD Staff shall be invited to all Advisory Committee meetings, unless otherwise approved by the Authority's Executive Director. Meetings of the Advisory Committee are not public, unless agreed to by the Advisory Committee.
  
- e. Hearing Officer.
  - i. The Executive Director of the Authority may appoint one or more Hearing Officers to hear and rule on issues concerning the Taxicab and Limousine Industry, including, but not limited to, complaints against members of the Industry and Authority Staff or Agents.
  - ii. The Executive Director may designate Hearing Officers to develop official records and/or issue recommended decisions upon which the Authority or the Executive Director may make a decision.
  - iii. Hearing Officers assigned to cases may be removed from a case by the Executive Director of the Authority only for good cause shown. This does not limit the Authority's ability to discontinue the use of a Hearing Officer for any reason as long as the Hearing Officer was not removed from a specific case without good cause.
  
- f. Appearances Before the Authority.
  - i. The Authority may establish rules and procedures related to who may appear before the Authority in various types of proceedings and in what capacity. In the absence of such rules and procedures the assigned Hearing Officer shall have such discretion.
  - ii. A corporation must be represented by an attorney or duly appointed corporate officer, with the appropriate supporting corporate resolution evidencing such officer's authority to represent the corporation.
  
- g. Use of Personnel Other than Authority Full-time Staff. The Authority, at its sole discretion, may use qualified personnel (i.e., Agents) other than its own full-time staff to carry out the objectives of these Regulations.
  
- h. Places of Business. The Authority may designate its places of business as it determines.
  
- i. Budgets.
  - i. The Authority shall complete an initial budget and fee schedule necessary to advance the purposes of the Act. The fee schedule shall include all fees for initial issuance of a Medallion, transfer of a Medallion and all taxicab and limousine Certificates. The Authority's initial budget and fee schedule shall be submitted to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives. Unless either the Senate or the House of Representatives acts to disapprove through adoption of a resolution within ten legislative days from the date of submittal, the Authority's fee schedule shall become effective, and the Authority shall notify each Certificate Holder and Certified Dispatcher of the initial fee schedule.
  - ii. The fiscal year for the Fund shall commence on July 1 of each year.
  - iii. Before March 15 of each year, the Authority shall submit a budget and proposed fee schedule, necessary to advance the purposes of this chapter, for the coming fiscal year along with comprehensive financial data from the past fiscal year to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.
    - 1. Unless either the Senate or the House of Representatives acts to disapprove through adoption of a resolution by April 15 of each year, the Authority fee schedule shall become effective.
    - 2. If either the Senate or the House of Representatives acts to disapprove the Authority's fee schedule and budget, the Authority may submit a revised budget and fee schedule to the Appropriations Committee of the Senate and the Appropriations Committee of the House of

### 3 PPA Regs. §i.iii.2.

Representatives within 15 days of such disapproval or shall utilize the fee schedule and budget for the prior year.

3. Unless either the Senate or the House of Representatives acts to disapprove, through adoption of a resolution within ten legislative days from the date of submission of the revised budget and fee schedule, the revised budget and fee schedule of the Authority shall become effective.
4. The Authority shall notify all Certificate Holders and Certified Dispatchers of the fee schedule for the coming fiscal year by email and in the legal notices of two papers of citywide distribution.

- j. Fund. The Authority shall establish a Philadelphia Taxicab and Limousine Regulatory Fund, in accordance with the Act and applicable laws. Money deposited in the Fund is specifically appropriated for the purposes of Taxi and Limousine Regulation as established by the Act and these Regulations and shall not be used for any other purpose. All interest earned by the fund and all refunds or repayments shall be credited to the fund.
- i. All money in the First Class City Taxicab Regulatory Fund is to be appropriated to the Taxicab Account of the Fund (relating to fund) upon the effective date of this section. Obligations of the First Class City Taxicab Regulatory Fund shall be charged to the Taxicab Account. Revenue due to the First Class City Taxicab Regulatory Fund shall be transferred and deposited to the Taxicab Account.
  - ii. The Fund shall consist of the following accounts, which shall be kept separate and not commingled:
    1. Taxicab Account.
    2. Limousine Account.
    3. Other accounts as determined by the Authority.
  - iii. Money in the fund may be used as follows:
    1. Except as provided by subsection (3), money deposited in the Taxicab Account is specifically appropriated for the purposes of the Act and these Regulations only as it relates to the regulation of taxicabs and shall not be used for limousine regulation and for any purpose not specified by the Act or these Regulations.
    2. Except as provided by subsection (3), money deposited in the Limousine Account is specifically appropriated for the purposes of the Act and these regulations only as it relates to the regulation of limousines and shall not be used for taxicab regulation and for any purpose not specified by the Act or these Regulations.
    3. Expenses to the fund that are not exclusively related to either taxicabs or limousines shall be divided as follows:
      - a. Except as provided by paragraph (b), any expense incurred by the Authority for the regulation of taxicabs and limousines which is not exclusively related to either taxicabs or limousines shall be divided and charged to both the Taxicab Account and the Limousine Account in a fair and equitable manner as determined by the Authority.
      - b. Any expense incurred by the authority for the regulation of taxicabs and limousines which is not exclusively related to either taxicabs or limousines and the relative share of those costs cannot be determined shall be divided in a fair and equitable manner between the Taxicab Account and the Limousine Account, as determined by the Authority; and the Authority may adjust this measure from time to time.
    4. All sources of revenue, including fees and other revenues, interest earned by the fund, refunds, repayments and other deposits, shall be credited as follows:
      - a. All revenues exclusively related to taxicabs shall be deposited in the Taxicab Account.
      - b. All revenues exclusively related to limousines shall be deposited in the Limousine Account.
      - c. All revenues that are not exclusively related to either taxicabs or limousines shall be divided in a manner determined by the Authority to be fair and equitable.

5. As may be necessary to fulfill its duty in carrying out this chapter, the Authority may borrow money from one account established by this section for the purpose of the other account established by this section provided that the borrowed amount is repaid.
  - iv. The Authority, at its discretion, may allocate expenses and revenues to the appropriate accounts.
  - v. The expenses of the TLD, the TLP and any other expense incurred by the Authority in its efforts to regulate the Taxicab and Limousine industry shall be paid in full by the Fund. The Authority may assess the Fund for services rendered by the Authority on behalf of the TLD.
  - vi. The Fund may be used to cover any revenue shortfall experienced by the Authority without supplemental budgetary approval.
  - vii. **Examination of Records.** The minority and majority Chairpersons of the Appropriations Committees of the Pennsylvania House of Representatives and Senate shall have the right to examine the books, accounts and records associated with the Fund at any time.
- k. Amendment of Regulations. These Regulations may be amended by the Authority through the following process:
- i. The Executive Director or his designee shall submit each proposed amendment to the TLC in writing for preliminary consideration at a meeting. The proposed amendment shall be accompanied by a concise and, when possible, non-technical explanation of the proposed amendment, a statement of the need for the proposed amendment, a tentative schedule for review of and final promulgation of the proposed amendment, the expected effective date of the proposed amendment, the date by which compliance with the proposed amendment, including issuance of require rights, if different from the effective date of the promulgated regulation, unless patently obvious the identification of the regulated parties affected by the proposed amendment, and a summary of substantive changes to the financial conditions of regulated parties caused by the proposed amendment.
  - ii. Unless rejected or returned by the TLC to the Executive Director for revision, the proposed amendment shall be placed before the Board at its next meeting for approval of the continuation of the amendment process. The amendment shall be provided to the Advisory Committee not less than five (5) days before the Authority Board meeting, with notice of the scheduled Board meeting at which the proposed amendment shall be considered. In the event the Authority Board approves the continuation of the amendment process, which shall include a public comment period of not less than 20 days, that process shall continue as set forth below:
    1. The notice of proposed amendment, the amendment schedule, and the address to which email or regular mail comments may be submitted, shall be posted on the TLD's website, posted in the lobby of the TLD's Headquarters, emailed to all Certificate Holders, and published in one (1) of the following newspapers: The Philadelphia Inquirer, The Philadelphia Tribune, or The Philadelphia Daily News. The first day of the comment period will begin on the date each of the notices required by this subparagraph has been completed.
    2. The proposed amendment shall be posted on the TLD's website, made available free of charge at the TLD's Headquarters and emailed to any person upon request.
    3. The Director of the TLD shall hold at least one (1) public comment hearing regarding the proposed Regulation. The public comment hearing date, time, and location shall be advertised on the TLD's website and as otherwise required for a public meeting pursuant to the Sunshine Act, and may occur during the public comment period.
  - iii. Upon the conclusion of the public comment period and the public comment hearing, the Executive Director or his designee shall recommend at a meeting of the TLC the form of amendment then proposed. The TLC shall resolve to recommend, or not, the proposed amendment to the Authority Board. The TLC shall also review the non-binding comments of the Advisory Committee, if any. In the event the TLC resolves to recommend the proposed amendments, the proposed amendments shall be forwarded to the Advisory Committee at least three (3) business days before the meeting of the Authority's Board required by subsection iv. below.

### 3 PPA Regs. §k.iv.

- iv. Upon the conclusion of the TLC meeting, the Executive Director or his designee shall recommend at a public meeting of the Authority's Board the proposed amendment presented to the TLC. Notice of the Authority's Board meeting at which the proposed amendment will be considered shall be advertised on the TLD's website. The Authority's Board shall approve, amend or disapprove the proposed amendment with consideration as to whether the proposed amendment is consistent with Act 94 and in the public interest.
- v. Any person may request in writing that the Executive Director or his designee consider initiation of the regulation amendment process through the submission of the suggested amendment along with information substantially similar to that required by subsection i. above. In the discretion of the Executive Director, the requested amendment may be revised prior to submission to the TLC or may be declined.
- vi. The Authority may issue an Order for a temporary period not to exceed one hundred twenty days, to amend a regulation without formal review pursuant to this section, if in the opinion of the Authority's Board, the time period to implement the procedure for amendment of a regulation would materially and adversely affect the affected group or subgroup. Immediately upon issuing such an Order, the Authority shall commence the formal regulatory process set forth in this section to amend the subject regulation. In the event the temporary Order has not been adopted as an amended regulation within the aforesaid 120-day period, the Order shall be void and have no further force and effect.

#### I. Orders.

- i. An Order is documentation of an official action by the Authority consistent with the Regulations affecting the Industry. Orders shall be available for public inspection at the offices of the Authority.
  - ii. Orders may be issued by an action of the Authority Board.
  - iii. Decisions of the Executive Director or his/her designee or a Hearing Officer shall become final Orders of the Authority if the Authority does not take action to review these decisions as set forth in these Regulations. If the Executive Director determines that the public interest would be best served by having his/her decision to go into affect prior to the expiration of the period for potential review of the Board, he/she may so order. This shall not limit the Board's right to review and reconsider this Order.
- m. Operating Procedures. The Executive Director may approve changes to the Authority's operating procedures regarding the Taxicab and Limousine Industry as long as such changes are consistent with existing applicable statutes and regulations. The Executive Director will present such changes to the Advisory Committee at its next meeting.
- n. Jurisdictional Issues. The PUC and the Authority may resolve by mutual agreement any jurisdictional issues that may be associated with the transfer. Any agreement shall be reported to the Appropriations Committees of the Senate and Appropriations Committee of the House of Representatives and will be considered effective unless either the Senate or the House of Representatives rejects the submitted agreement by resolution within ten legislative days of submission. Upon becoming effective, an agreement shall be published in the Pennsylvania Bulletin.
- o. Political and Other Contributions. Any full-time employee of the Authority shall be prohibited from soliciting political and other contributions from any member of the Taxicab and Limousine Industry, including, but not limited to, stockholders listed on filings with the Authority whom the Authority certifies or registers. The penalty for such solicitation shall be dismissal.
- p. Certain Limousine Service. The category of Remote Service Provider is eliminated from these Regulations. Certificate holders subject to the Authority's regulation solely pursuant to 53 Pa.C.S. §5741 (A.3)(2), and otherwise duly certified by the PUC, an appropriate licensing agency of another state, or the federal government, as appropriate, shall not be subject to the terms of these

Regulations, except that the Authority shall enforce applicable PUC rules, regulations, and orders through the applicable PUC enforcement process, as appropriate, and in all cases shall enforce violations of Pennsylvania's Motor Vehicle Code for safety, through standard TLD procedures.

#### 4. TAXICABS AND LIMOUSINES ALLOWED TO PROVIDE SERVICE IN PHILADELPHIA.

- a. General Requirements.
- i. In order to operate or appear to operate a Limousine or Taxicab within the City, the carrier must hold a Certificate of Public Convenience issued by the Authority.
  - ii. The vehicle must be operated by a driver who is certified by the PPA. The driver will have his Driver's Certificate on display or on his/her person as required by the Authority.
  - iii. **Currently inspected vehicle.** The vehicle must have passed a PPA inspection covering the period when service is being rendered.
  - iv. **Medallion and/or sticker issued by PPA.** The vehicle will be displaying the stickers and/or Medallion required by the PPA.
  - v. **Current insurance.** Proof of current insurance shall be kept within the vehicle.
  - vi. **Paid current assessment to Authority.** The Certificate Holder shall have paid all fees due to the Authority.
  - vii. **Vehicle Certification Card that matches vehicle.** Each vehicle shall have within it while operating, or appearing to operate, a Vehicle Certification Card that is consistent with the vehicle.
  - viii. The vehicle or the driver or the Certificate Holder shall not be subject to a cease and desist Order issued by Authority.
  - ix. Any vehicle failing to comply with any of the above shall be subject to penalties including but not limited to arrest, fine and/or the impoundment of the vehicle and/or equipment.
  - x. The Certificate Holder, dispatcher, vehicle, Operator, and driver must all be in compliance with these Regulations.
- b. Only the following Taxicabs may provide service in Philadelphia:
- i. Medallion Cabs that meet all of the requirements under these Regulations.
  - ii. Partial Rights Cabs that meet all of the requirements under these Regulations. These Taxicabs may only provide point-to-point service within areas previously allowed through rights granted by the Pennsylvania Public Utility Commission as long as those rights were granted prior to July 4, 2004.
- c. Limousines with rights in Philadelphia granted by the Authority. Only Limousines with rights to operate in the City or with rights to pick up passengers at a Hospitality Center granted by the Pennsylvania Public Utility Commission prior to July 4, 2004 shall be initially allowed to apply for a Limousine Certificate of Public Convenience.
- d. In addition to the Taxicabs and Limousines listed at §4.b, the following Taxicabs and Limousines may operate in Philadelphia:
- i. Taxicabs and Limousines certified by the Pennsylvania Public Utility Commission to provide service elsewhere in the state may provide service to Philadelphia from outside the City as permitted by its PUC Certificate of Public Convenience.
  - ii. Taxicabs and Limousines certified by the Pennsylvania Public Utility Commission to provide service elsewhere in the state may pick up a fare in the City for the purpose of delivering the fare to a destination outside of Philadelphia allowed under its PUC Certificate of Public Convenience, if the request for such service was made in advance, except for Hospitality Centers where such pickups are restricted to those with appropriate rights issued by the Authority.
  - iii. Taxicabs and Limousines operating in accordance with their interstate rights issued by a federal agency.

**5. GENERAL DUTIES OF INDUSTRY MEMBERS.** The general duties prescribed in this section; do not limit any specific regulation, procedure or Order issued by the Authority. All of the below need to comply with specific reporting requirements and/or pay assessments, fees or fines established by the Authority.

a. Certificate Holder's and Medallion Holder's General Requirements.

- i. A Certificate Holder shall be legally and operationally responsible for daily supervision of the vehicle and drivers used to provide service;
- ii. Unless otherwise extended by the Authority, within thirty (30) days from the date of receipt of a Certificate, begin operating and furnishing service;
- iii. Provide a vehicle in compliance with the standards established by the Authority;
- iv. Only use certified drivers;
- v. Taxi Certificate Holders must provide evidence that it is currently affiliated with a Certified Dispatcher;
- vi. Provide proof that each vehicle in service is insured at least at the minimum level required by the Authority; and
- vii. Pay all parking tickets that the Authority has been unable to assign to a responsible Certified Driver.

b. Operator's General Requirements.

- i. Act in lieu of a Certificate Holder and/or Medallion Owner.

c. Certified Dispatcher's General Requirements.

- i. Dispatch Taxicabs;
- ii. Provide navigation assistance to drivers. This may include as specified elsewhere in these Regulations or in other initiatives undertaken by the Authority, the use of specific technologies that safely and thoroughly assist a driver in finding a location and superior routes;
- iii. Respond to panic alerts from drivers;
- iv. Respond to customer complaints;
- v. Act as a cashier (e.g., assure that credit cards can be accepted); and
- vi. Collect information on behalf of the Authority.

d. Registered DOV's General Requirements.

- i. Lease the vehicle that he/she drives to a Certificate Holder; and
- ii. Be responsible for the maintenance of the leased vehicle.

e. Certified Driver's General Requirements.

- i. Operate vehicle safely and efficiently;
- ii. Keep the vehicle clean;
- iii. Respond to hails and dispatched calls without discrimination;
- iv. Report vehicle problems with the vehicle to the party responsible for vehicle maintenance;
- v. Provide courteous service; and
- vi. Pay parking tickets for which they are responsible or take necessary steps to assign tickets to appropriate Person.

f. Medallion Broker's General Requirements.

- i. Assure accurate and transparent transfers of Medallions.

g. Financial Services Provider's General Requirement's.

- i. Provide financial services such as lending and insurance in a manner that respects the interests of other Industry members.

h. Criminal records.

- i. No person, corporation, partnership or other business entity may purchase a medallion or be issued or maintain any right required by law or the Regulations, orders, or other directives of the Authority, from the date the person, corporation, partnership or other business entity has plead guilty, plead nolo contendere, or been found guilty of a felony through:
  1. any sentence imposed; and
  2. five years from the date such sentence is fully served.
- ii. The Director of the TLD may by order provide for additional periods of ineligibility for certification or registration of any person, corporation, partnership or other business entity which has plead guilty, plead nolo contendere, or been found guilty of a felony in any manner related to taxicab or limousine service, the service the person seeks to provide to any portion of the Industry, or a felony as defined by:
  1. 18 Pa.C.S. Chapter 25 (relating to criminal homicide);
  2. 18 Pa.C.S. Chapter 27 (relating to assault),
  3. 18 Pa.C.S. Chapter 29 (relating to kidnapping), or
  4. 18 Pa.C.S. Chapter 31 (relating to sexual offenses).
- iii. The prohibition set forth in these Regulations from the purchase of a medallion or initial or continuing certification or registration shall also apply to a corporation, partnership or other business entity when any person with an ownership interest is prohibited from the purchase of a medallion or initial or continuing right through the Authority pursuant to this subsection, unless ownership of the corporation, partnership or other business entity is divided among more than 1000 persons and no more than 5% of the overall ownership interest is held by any person or persons prohibited from the purchase of a medallion or initial or continuing certification or registration by the authority pursuant to this subsection.
- iv. Each holder of a right, or an interest in a right, issued by the Authority shall submit to a criminal background check necessary to implement this section, however, the holder may only be required to pay the costs associated with that background check at the time of initial application or upon renewal of rights as required by the procedures of the Authority.

**6. CLASSES OF TAXICAB SERVICE AND ASSOCIATED RIGHTS.**

- a. In order to operate a Taxicab Service within a city of the first class, the taxicab must have a Certificate of Public Convenience issued by the Authority in accordance with these Regulations.
- b. Medallion Cabs may transport people and their baggage:
  - i. Between points in the City;
  - ii. From any area in the City to any point in the Commonwealth;
  - iii. From any point in the Commonwealth to any point in the City, if the request for service is received by a call to its dispatch service; and
  - iv. From any area in the City to any point outside of the Commonwealth as part of a continuous trip.
- c. Partial Rights Cabs may transport people and their baggage:
  - i. Between points in parts of the City for which its Certificate is issued;
  - ii. From any area in its certified area in the City to any point in the Commonwealth;
  - iii. From any point in the Commonwealth to any point in the City for which its Certificate is issued, if the request for service is received by a call to its dispatch service.
  - iv. From any area in its certified area in the City to any point outside of the Commonwealth as part of a continuous trip.
- d. A vehicle authorized to provide Taxicab service within the City shall upon call or demand transport parcels, packages and property to the same locations allowed and at the same basic metered rates charged to passengers.

## 7. CLASSES OF LIMOUSINE SERVICE AND ASSOCIATED RIGHTS.

- a. In order to operate a Limousine Service within a city of the first class, the limousine must have a Certificate of Public Convenience issued by the Authority in accordance with these Regulations. The following categories of limousine service exist:
  - i. **Luxury Limousine.** Exclusive and unscheduled common carrier service with advance reservations that meet all the provisions for a Luxury Limousine. Luxury Limousine Certificate Holders will be permitted to provide Luxury Bus Service.
  - ii. **Exclusive Buses.** Exclusive and unscheduled common carrier service with advance reservations, other than a Luxury Bus, that meets all the provisions for an Exclusive Bus.
  - iii. **Hospitality Vehicles.** Common carrier service for passengers for compensation from any Hospitality Center, regardless of destination or to any Hospitality Center from a point within the city of the first class. By these Regulations, this service is limited to nonexclusive service. The Authority may issue separate Certificates of Public Convenience for carriers that require or do not require Advance Reservations. Luxury Limousines, and Exclusive Buses may serve Hospitality Centers unless expressly prohibited by the terms of the rights granted by the PPA.
  - iv. Others as may be determined necessary by the Authority.
- b. The Authority shall separately grant certificates of public convenience for each category of limousine service and may establish limits upon the rights granted to individual carriers.
- c. A Person may be granted more than one Certificate of Public Convenience.
- d. A vehicle authorized by a Certificate of Public Convenience issued by the Authority to provide Luxury Limousine, or Exclusive Bus Service within a city of the first class may be authorized by the Authority to transport persons and their baggage upon advance reservation:
  - i. between points in the City;
  - ii. from any point in the City to any point in this Commonwealth;
  - iii. from any point in this Commonwealth to any point in the City; and
  - iv. from any point in the city of the first class for which its certificate is issued to any point outside this Commonwealth as part of a continuous trip.
  - v. The Authority may limit areas and terms of service within the City as it finds appropriate.
- e. A vehicle authorized by a Certificate of Public Convenience issued by the Authority to serve as a Hospitality Vehicle may transport persons and their baggage on a nonexclusive basis:
  - i. to or from any Hospitality Center to any destination within the City, the Commonwealth or outside the Commonwealth.
  - ii. A vehicle offering interstate service from a Hospitality Center or any other point within the City may only do so without a Certificate of Public Convenience issued by the Authority if it is acting in accordance with the Real Interstate Driver Equity of 2002.
  - iii. Such service may be with or without advanced reservations as determined by the Authority.
  - iv. The Authority may limit areas and terms of service within the City as it finds appropriate.
- f. Evidence of Certification. The TLD shall issue a sticker or other form of identification evidencing limousines currently certified by the Authority and provide procedures for the use and return of that identification. The Certificate Holder shall return the identification within three (3) business days of its removal from the vehicle to which the identification was attached. Certificate Holders may not substitute certification identification between vehicles.

**8. CONTINUATION OF EXISTING RIGHTS.** The Authority shall endeavor to issue Certificates of Public Convenience to Persons who hold Certificates of Public Convenience from the PUC to provide service in Philadelphia and comply with these Regulations similar authority that will allow that Person to continue to provide similar service, with the exception that some Limousine operators may need to make choices about which rights to request. Applying for rights now required from the PPA

## 8 PPA Regs. §a.

shall not affect other rights that the carrier may hold from the PUC (e.g., a limousine's rights under a PUC Certificate to serve elsewhere in the state). Upon transfer of regulatory authority from the PUC to the PPA, anyone certified on the day prior to the transfer by the PUC to provide service in Philadelphia may continue to provide such service upon meeting the following requirements:

- a. Medallion Cabs must have the Medallion issued by the PUC during the 2004 inspection cycle conducted during April through June of 2004 and meet the following requirements:
  - i. Payment of any fees to the PPA in accordance with these Regulations.
  - ii. That all other fines, fees, assessments previously due to the PUC are paid to the PPA prior to the first semi-annual inspection after the Transfer Date as required and scheduled by the Authority.
  - iii. That all parking tickets on any of the carrier's vehicles are paid prior to the first semi-annual inspection after the Transfer Date as required and scheduled by the Authority or that the carrier is in compliance with a payment agreement to pay all tickets.
  - iv. That the PUC's records indicate that the carrier is fit to operate.
  - v. That no later than 45 days prior to the Transfer Date the carrier presents a list of all its Medallion vehicles including the make, model, year, vehicle identification number, license plate number, unique number as prescribed herein and date that its state inspection expires. This list must be kept current by the carrier.
  - vi. At least 45 days prior to the Transfer date file documentation that all of its listed vehicles are insured in compliance with these Regulations and this be kept current.
- b. Partial Rights Taxicabs will be allowed to continue to operate and provide service within the City consistent with a Certificate of Public Convenience issued by the Pennsylvania Public Utility Commission under rights granted by the Authority, subject to the restrictions set forth in these Regulations:
  - i. That the carrier has provided the PPA with a list of all of its vehicles that are providing service in Philadelphia no later than 45 days prior to the Transfer Date including the make, model, year, vehicle identification number, license plate number, unique number as prescribed herein and date that its state inspection expires. This list must be kept current by the carrier.
  - ii. Payment of any fees to the PPA in accordance with the current fee schedule.
  - iii. That all other fines, fees, assessments previously due to the PUC are paid to the PPA prior to the first semi-annual inspection after the Transfer Date as required and scheduled by the Authority.
  - iv. That all parking tickets on any of the carrier's vehicles are paid prior to the first semi-annual inspection after the Transfer Date as required and scheduled by the Authority or that the carrier is in compliance with a payment agreement to pay all tickets.
  - v. That the PUC's records indicate that that the carrier is fit to operate.
  - vi. That the Partial Rights Cab is associated with a dispatcher. The Partial Rights Cab must provide an affidavit from the dispatcher that it complies with these Regulations at §10.c with the exception of the requirements dealing with amount it may charge for non-cash payments and any reporting requirements to the Authority. These dispatchers are not to be issued a Certificate by the Authority unless also dispatching Medallion Cabs.
  - vii. That no later than 45 days prior to the Transfer Date the carrier presents documentation that all of its listed vehicles are insured in compliance with these Regulations and this be kept current.
  - viii. That every vehicle providing service in Philadelphia presented for and passes PPA inspection during the first semi-annual inspection cycle after the Transfer Date under a schedule established by the PPA.
  - ix. That no later than one year after the Transfer Date every driver of Partial Rights Cab providing service under the PPA's jurisdiction be certified in accordance with these Regulations.
  - x. That no later than 45 days prior to the Transfer Date, the Partial Rights Cab company submits a PUC-approved tariff for service in Philadelphia, which it shall maintain until another tariff for service in PPA approved vehicles is authorized by the PPA. These rates included in Partial Rights Cab company tariff may differ from the uniform rates approved for Medallion Cabs only if the carrier

petitions the PPA for alternative rates and volunteers to cap the number of cabs for which it is authorized by the PPA at its existing number of registered vehicles.

- xi. That no later than February 1, 2005, each Partial Rights Cab company submit to the Authority the number of cabs it intends to operate as of July 1, 2005 and on every February 1 thereafter for the upcoming fiscal year. This number shall be used by the Authority in determining its operating plan and budget for the following fiscal year.
    - 1. This number of vehicles shall be used by the Authority in establishing the carrier's minimum assessment for the forthcoming fiscal year.
    - 2. If the carrier elects to operate fewer vehicles than nominated, the assessment shall not be changed.
    - 3. If during the twelve months after the Transfer Date the carrier selects to operate up to an additional 10% of vehicles above the reported number, a per vehicle assessment shall be placed upon those vehicles equal to the standard assessment.
    - 4. If during the twelve months after the Transfer Date the carrier selects to operate vehicles in excess of 110% of the reported number, each vehicle shall be charged an assessment equal to no more than 125% of the standard assessment.
    - 5. With the exception of the report due on or before February 1, 2005, if the carrier indicates that the number of vehicles it intends to operate in the following year is no fewer than the vehicles registered with the Authority at the time of annual election, then sections 3 and 4 shall not apply for the applicable fiscal year.
  - xii. Partial Rights Cabs shall operate under open-ended certificates granted by the Authority unless that Certificate is amended, cancelled or revoked by the Authority.
- c. Limousines (including services that the PUC may have had in different classes such as group and party service or charter buses) with existing rights for exclusive and nonscheduled service granted by the Commission to provide service within Philadelphia or other carriers with rights previously issued by the PUC that include Hospitality Centers will be conditionally granted rights to continue providing service. A single PUC Certificate may only be converted into a single class of a Certificate from the Authority with the exception that if a PUC certificate has more than one folder with Philadelphia rights that each of these rights may be converted as long as the rights are for distinctive services in the City. Further, the Authority may deny rights in cases where it determines that a Person has acquired PUC rights for the purpose of circumventing the purpose of these Regulations. These conditional rights may be suspended or revoked by the PPA if the carrier fails to comply in a timely fashion with any of the following:
- i. That the carrier has provided the PPA with a list of all of its vehicles that are providing service in Philadelphia no later than 45 days prior to the scheduled Transfer Date, including the make, model, year, vehicle identification number, license plate number, unique Limousine number as prescribed herein and date that its state inspection expires. This list must be kept current by the Limousine carrier.
  - ii. Each carrier with limousine rights from the PUC must declare at least 45 days prior to the Transfer Date that it wants to provide Luxury Limousine Service under its Certificate of Public Convenience from the Authority, in accordance with these Regulations.
  - iii. Each carrier with other rights from the PUC that now fall under the jurisdiction of the PPA must declare at least 45 days prior to the Transfer Date, the class of Limousine Service it is seeking a PPA Certificate of Public Convenience, in accordance with these Regulations. The Carrier must demonstrate why that class is closest to the rights it holds from the PUC.
  - iv. Payment of any fees to the PPA in accordance with the current fee schedule. Applicable fees shall be required to be paid annually as part of the PPA's Certificate renewal process.
  - v. That all other fines, fees, assessments previously due to the PUC are paid to the PPA by the Transfer Date as required and scheduled by the Authority. Any outstanding PUC fines, fees and assessments shall be required to be paid annually as part of the PPA's Certificate renewal process.

## 8 PPA Regs. §c.vi.

- vi. That all parking tickets on any of the carrier's vehicles are paid prior to the Transfer Date as required and scheduled by the Authority or that the carrier is in compliance with a payment agreement to pay all tickets. Any outstanding parking tickets shall be required to be paid annually as part of the PPA's Certificate renewal process.
- vii. That the PUC's records indicate that the carrier is fit to operate.
- viii. That no later than 45 days prior to the scheduled Transfer Date, the carrier demonstrates that all of its listed vehicles are insured in compliance with these Regulations and this be kept current. Verification of insurance shall be required annually as part of the PPA's Certificate renewal process.
- ix. That every vehicle operating under the PPA's authority be presented for and pass PPA inspection in accordance with these regulations.
- x. Except as otherwise exempted, no later than one year after the Transfer Date every driver shall be certified in accordance with these Regulations.
- xi. That no later than 45 days prior to the Transfer Date, the Limousine carrier shall submit its PUC approved tariff for service in Philadelphia, which it shall maintain until another tariff is approved by the Authority. This tariff requirement does not apply to service provided in Large Vehicles.
- xii. Luxury Limousine Service providers shall initially be granted open-ended Certificates of Public Convenience that allow them to alter the number of vehicles at the carrier's discretion subject to the provisions of these Regulations.
- xiii. That no later than February 1, 2005, each Luxury Limousine carrier submit to the Authority the number and type of vehicle it intends to operate as of July 1, 2005 and on every February 1 thereafter for the upcoming fiscal year. This number shall be used by the Authority in determining its operating plan and budget for the following fiscal year.
  - 1. This number of vehicles shall be used by the Authority in establishing the carrier's minimum assessment for the forthcoming fiscal year.
  - 2. If the carrier selects to operate fewer vehicles, the assessment shall not be changed.
  - 3. If during the twelve months after the Transfer Date the carrier selects to operate additional vehicles above the reported number, a per vehicle assessment shall be placed upon those vehicles equal to the standard assessment.
  - 4. If during the twelve months after the Transfer Date the carrier selects to operate vehicles in excess of 110% of the reported number, each vehicle shall be charged an assessment equal to no more than 125% of the standard assessment. This shall not include temporary vehicles.
  - 5. With the exception of the report due on or before February 1, 2005, if the carrier indicates that the number of vehicles it intends to operate in the following year is no fewer than the vehicles registered with the Authority at the time of annual election, then sections 3 and 4 shall not apply for the applicable fiscal year.
- xiv. Exclusive Bus Service and Hospitality Vehicle Service shall generally be granted open-ended Certificates unless there is a limitation in the rights granted by the PUC. Each carrier must report to the Authority no later than February 1, 2005 the number of vehicles it intends to operate as of July 1, 2005 and every February 1 thereafter for each upcoming fiscal year. This number shall be used by the Authority in determining its operating plan and budget for the following fiscal year.
  - 1. This number of vehicles shall be used by the Authority in establishing the carrier's minimum assessment for the forthcoming fiscal year.
  - 2. If the carrier selects to operate fewer vehicles, the assessment shall not be changed.
  - 3. If during the twelve months after the Transfer Date the carrier selects to operate up to an additional 10% of vehicles above the reported number, a per vehicle assessment shall be placed upon those vehicles equal to the standard assessment.
  - 4. If during the twelve months after the Transfer Date the carrier selects to operate vehicles in excess of 110% of the reported number, each vehicle shall be charged an assessment equal to no more than 125% of the standard assessment. This shall not include temporary vehicles/

5. With the exception of the report due on or before February 1, 2005, if the carrier indicates that the number of vehicles it intends to operate in the following year is no fewer than the vehicles registered with the Authority at the time of annual election, then sections 3 and 4 shall not apply for the applicable fiscal year.
- xv. A single vehicle may provide service under various limousine classes if each Certificate of Public Convenience is controlled by the same Person, if the vehicle meets all the requirements for the various certificates and if such multiple use is not found by the Authority, at its sole discretion, to be confusing to the public. The Carrier must notify the Authority in writing of its intention to use a vehicle for more than one service before commencing such service.

## **9. ADDITIONAL CERTIFICATES.**

- a. General Rule. The Authority is empowered to issue Certificates of Public Convenience in accordance with these Regulations. Every application for a Certificate of Public Convenience shall be made to the Authority in writing, be verified by oath or affirmation and be in such form and contain such information as the Authority may require.
  - i. The Authority is authorized to issue a maximum of 1600 Certificates of Public Convenience for citywide Taxicab service. Additional certificates must be approved by legislation of the Commonwealth.
  - ii. If an existing certificate is revoked and the Medallion holder fails to dispose of the Medallion as allowed, the Medallion shall become the property of the Authority.
    1. In case of a revocation, the Authority shall notify lienholders that have duly noticed their liens with the Authority.
    2. Lienholders shall be given sixty (60) days to notify the Authority in writing that they have taken action to foreclose on their liens.
      - a. If such notice is received, the Authority shall allow the foreclosure process to continue.
      - b. If no notice is received, the Authority shall take immediate steps to reissue the Medallion at market price. If liens on file exceed the likely market price, the Authority shall ask the Sheriff's office to conduct the sale.
- b. The Authority shall not grant additional rights to new or existing carriers to serve designated areas within the City on a non-citywide basis.
- c. Before deciding whether to grant an application for any class of additional Limousine Certificates, the Authority shall thoroughly investigate the applicant.
  - i. An applicant seeking Limousine rights has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service, and in addition, rights may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally or otherwise fails to meet other requirements established by order of the Director of the TLD.
  - ii. The Authority shall not grant the Limousine rights requested if it reasonably believes that the entry of a new carrier would endanger or impair the operations of existing Limousine Certificate Holders and would be contrary to the public interest.
  - iii. Applicants must designate whether they are applying for either Luxury Limousine Service, Exclusive Bus or Hospitality Vehicle rights.
  - iv. The Authority shall publish notice of all applications in one (1) of the following newspapers: The Philadelphia Inquirer, The Philadelphia Tribune, or The Philadelphia Daily News, and send email notices to all certificate holders.
  - v. If an application for an additional certificate is challenged through a petition by an Industry member within 20 days of the public notice required by subsection iv., the written challenge shall state the basis upon which it is filed with specificity and be filed, along with the non-refundable applicable challenge fee, with the TLD's Court Administrator, which shall assign the matter to a Hearing Officer to develop a recommended decision related to the challenge only, which shall be

considered by the Authority's Board upon submission of the TLD's recommendation of the application, if any.

- vi. Unchallenged applications shall be presented by the TLD staff to the Authority's Board for approval if the application is found to be complete and satisfactory. If not found complete and satisfactory, the TLD staff shall notify the applicant of any deficiencies and deny the application.
- vii. The Director of the TLD may establish and duly publish fees associated with this subsection.
- viii. This section shall not apply to carriers that exclusively use Large Vehicles. A non-contested registration provision shall be used for these carriers.

- d. The Authority shall have the authority to grant immediate temporary Certificates of Public Convenience for Taxicab and Limousine Service within the City.
  - i. Temporary authority may be issued in cases of an acute transportation shortage in the City or as otherwise determined by the Authority to be in the public interest. In such cases, the total number of certificates in operation may exceed the number normally allowed by these Regulations.
  - ii. Temporary authority may be granted to the purchaser of a Medallion, as long as the purchaser has passed the criminal background check.
  - iii. Such temporary Certificates are subject to further investigation before a permanent Certificate shall be granted by the Authority.
  - iv. Temporary authority shall be limited to a period of 90 days and may be reissued for an additional 90-day period before lapsing.
  - v. Temporary authority shall only be granted if the need cannot be met by existing Certificate Holders, including the exemption for temporary vehicles.

**10. CERTIFIED DISPATCHER.** In Philadelphia, all Medallion Cabs shall utilize the service of a centralized radio dispatch system.

- a. Medallion Cabs shall only utilize the services of centralized dispatch systems that have been certified by the Authority. The Authority shall grant a Certificate of Public Convenience to centralized dispatch service providers that meet the following requirements:
  - i. Control a radio frequency or other acceptable communication signal of sufficient strength to transmit and receive voice messages and data throughout the City and surrounding metropolitan area.
  - ii. A Certified Dispatcher must respond to patrons' calls 24 hours a day.
  - iii. A Certified Dispatcher must be able to demonstrate that it has Taxicabs available for dispatch 24 hours a day.
  - iv. A Certified Dispatcher shall not provide dispatch or radio service to anyone who does not have the authority to provide service to the public (e.g., taxicabs and limousines not certified to provide the requested service). The Dispatcher shall take reasonable actions to assure that a Certificate Holder has rights in good standing before commencing to provide it with service. The Authority shall take reasonable actions to notify a Certified Dispatcher of any Medallion Cab that the Dispatcher has listed as a user with the PPA if that Medallion cab is not permitted to be in service.
  - v. A Certified Dispatcher must have at least a display advertisement in a phonebook with citywide circulation. Those who do not have a current complying add must document that one is ordered for the next available publication.
  - vi. A Certified Dispatcher shall have a minimum of four coordinated phone lines to receive incoming calls for service from the public.
  - vii. Within nine months after the Transfer Date, each Certified Dispatcher must have a system in place that tracks the location of each vehicle it has currently enrolled for its dispatch service and who is driving the vehicle in accordance with PPA operating procedures.
  - viii. Within nine months after the Transfer Date, each Certified Dispatcher must have a system in place that allows it to provide enrolled Taxicabs with navigational assistance.
  - ix. Within nine months after the Transfer Date, each Certified Dispatcher must offer its members access to credit card service. The maximum charge for this service that a Certified Dispatcher may

## 10 PPA Regs. §a.ix.

charge a driver is 10%. This maximum fee shall also apply to vouchers handled by the Centralized Dispatcher. The Authority shall seek to establish less costly cashing options for drivers.

- x. A Certified Dispatcher must be able to respond to questions about rates and any services provided.
  - xi. A Certified Dispatcher must be able to respond to complaints about service rendered by its users as specified in the Authority's Regulations, Procedures and Orders.
  - xii. A Certified Dispatcher must maintain records and comply with the reporting requirements in accordance with the Authority's Regulations, Procedures and Orders.
  - xiii. A Certified Dispatcher may not discriminate against nor allow its affiliated drivers to discriminate against potential customers and/or practice geographic redlining.
  - xiv. A Certified Dispatcher must issue to all its users, on a current basis, a form or a receipt indicating that the user is currently enrolled with the dispatcher.
  - xv. A Certified Dispatcher must be able to receive and respond to panic alerts received from users' drivers 24 hours a day.
  - xvi. The Authority may require that a Certified Dispatcher comply with standardized communications, hardware and software requirements that afford Medallion Cabs reasonable flexibility as to their choice of Certified Dispatchers and/or improves dispatch efficiency.
  - xvii. Certified Dispatchers may impose reasonable rules of conduct on its members and discipline drivers and Certificate Holders that do not comply. Parties may report violations of law or the Regulations, orders, or other directives of the Authority to the TLD.
- b. Any owner or operator of a centralized dispatch system shall make such system available to all Medallion Cabs for a reasonable fee, as described in a rate schedule filed with the Authority.
- i. This schedule shall be filed by the Certified Dispatcher at least annually with the Authority on or before May 15 and within five business days of being changed by the Certified Dispatcher.
  - ii. The Authority may in its discretion review the rate schedules of dispatch service providers to determine whether the rates discriminate against new applicants (e.g., charge new members different rates than older members or have an unreasonably high initiation fee).
- c. Initial Certification.
- i. Each applicant who desires to be certified prior to the Transfer Date shall file documentation with the Authority, in accordance with its Procedures 45 days prior to the Transfer Date, which shall include at least the following:
    1. Documentation indicating that the applicant is in compliance with all of the items in §10a, except for those that become effective at a later date.
    2. A current list of all users, if any, of the dispatcher's service plus the maximum number of users for each week during the preceding twelve months.
    3. The applicant shall disclose the names of all owners of the dispatch business that control at least 5% of the business, the names of all officers of the dispatch business, the names of all owners with at least a 5% interest or officers of any holding company controlling at least 5% of the dispatch company. If the applicant is a corporation, it shall file with its license application a certified copy of its certificate of incorporation. A list of its officers and shareholders and a certified copy of the minutes of the meeting at which the current officers were elected shall also be furnished.
      - a. Each applicant shall file a certified copy of a criminal record check for each covered owner covering at least five years and for each state in which the owner resided over that period.
      - b. No Person may obtain a Certificate to operate a centralized radio dispatch service in the City if the Person has been convicted of a felony within the five-year period immediately preceding the application, or who is still under supervision for a felony conviction at the time of application. All applications for a Certificate to operate a centralized radio dispatch service shall contain a sworn affidavit certifying that the applicant, its shareholders who own 5% or more shares of the voting stock in the corporation, its officers and/or directors have or have not been convicted of a felony in the previous five years. If, at any time thereafter, the

## 10 PPA Regs. §c.i.3.b.

Authority finds that the Certified Dispatcher has been convicted of a felony while holding the Certificate of Public Convenience, or during the five-year period immediately preceding the Certified Dispatcher's application for a Certificate, the Authority shall revoke the Certified Dispatcher's Certificate.

4. The applicant submits colors and markings for the Authority's approval.
  - a. Priority shall be granted to existing colors and markings and to those holding other legally enforceable claims to a name, colors or markings. Each Certified Dispatcher may only use a single name and colors and marking scheme for the Medallion Cabs it dispatches.
  - b. If the Certified Dispatcher dispatches taxicabs other than Medallion Cabs in the City, the colors, markings and name used to identify these taxicabs shall be distinctive from the Medallion Cabs it dispatches and from the colors, markings and name of any other Medallion Cab dispatcher.
  - c. If a color and marking scheme is denied by the authority, any vehicles currently using the disapproved scheme shall be afforded sixty days to change their colors and markings.
  - d. Common carriers are prohibited from marking, painting or designing their vehicles so as to simulate vehicles operated by other carriers within the same local area. The simulation of design or other act intended to invite patronage by deception will be considered sufficient grounds for revocation of certificates.
  - e. Partial Right Cab companies must follow the same process for color certification
5. The applicant shall remit to the Authority a nonrefundable application fee determined by the Executive Director.
6. The application shall include primary contact information, including a mailing address, a business address within the City, a phone number, a fax number, an email address and the name and title of a primary contact.
7. The Dispatcher shall file any changes to the application during the application period or licensing term within 5 business days of the change occurring.
8. The applicant shall deposit with the Authority a bond, in the penal sum of ten thousand (\$10,000) dollars, containing one or more sureties to be approved by the Authority. Such bond shall be payable to the Authority and shall require that the applicant will comply with the provisions of these Regulations and Orders and Procedures of the Authority relating to Taxicabs and Limousines and shall pay all fines imposed by the Authority and all judgments awarded for damages occasioned to any person by reason of any such licensee, his agents or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted under such Certificate, or caused by any other violation in carrying on the business for which such Certificate is granted. The term judgment shall include but not be limited to an Order of a Hearing Officer of the Authority directing restitution to an aggrieved party. The Dispatcher is immediately liable for satisfaction upon determination of the fine or awarded judgment, or, if timely appeal is taken, upon final determination of the appeal. This bond shall not be available to cover claims associated with motor vehicle accidents of its subscribers.
9. The applicant will arrange with the Authority for the TLD Staff or its Agents to inspect the applicant's proposed operating locations, which shall be located in or convenient to Philadelphia.
  - ii. An application may be made after 45 days prior to the Transfer Date, but the Authority cannot guarantee that the application shall be reviewed and approved prior to the Transfer Date.
  - iii. If the Authority determines that the applicant has failed to meet the requirements for a Certified Dispatcher it will within a reasonable time deny the Certificate or its renewal and specify in writing to the applicant the reason for such denial noting applicable rights for administrative review.
    1. If the applicant has current users, the Authority shall notify the Medallion owners of the denial and that the dispatcher will no longer be allowed to provide service after the Transfer Date or in 30 days, whichever is longer.

## 10 PPA Regs. §c.iv.

- iv. By 15 days prior to the Transfer Date the Authority shall send notices to any Medallion owner whose P number has not appeared on the lists of dispatcher applicants filed by 45 days prior to the Transfer Date. These Medallion owners must show proof that they are enrolled with a Certified Dispatcher prior to the Transfer Date. Any Medallion Cab that is not using a Certified Dispatcher as of the Transfer Date shall be considered as out-of-service and unauthorized if providing service.
- d. Annual Registration.
  - i. The registration period shall run from July 1 to June 30 with the exception of the first year, which shall run from the Transfer Date through the next June 30 if such period is not in excess of 18 months. Annual registrations must be made by May 1 of each year.
  - ii. Each Certified Dispatcher shall be required to update any changes to the information required for certification. For any application for certification or annual registration made after April 1, 2005, all the items under subsection §10a of these Regulations must be met.
  - iii. All fees and fines must be paid upon application.
  - iv. Annual inspection by the Authority of the Certified Dispatcher's offices may be required. Random inspections are also permitted.
- e. Annual Reports. Each Certified Dispatcher is required to file an annual report with the Authority, in accordance with the Authority's Regulations, Procedures and/or Orders. Such annual reports shall be filed annually based upon the Authority's fiscal year by September 1 of the following year fiscal year.
- f. Decertification.
  - i. A Certified Dispatcher may have its Certificate revoked by the Authority for reasons including, but not limited to, the following:
    - 1. Intentionally, falsifying reports or applications to the Authority.
    - 2. Not maintaining the minimum requirements of a Certified Dispatcher.
    - 3. A poor service record to the public or Taxicab Certificate Holders, owners or drivers.
    - 4. The Certified Dispatcher or any of its owners is convicted of a felony while holding the Certificate, as provided in Section 5.h.
  - ii. The Authority shall provide notice of the revocation action to all Medallion Cabs using the Dispatcher through posting on its website, posting in the lobby of the TLD Headquarters, and email to Certificate Holders on file with the TLD as a user of the subject Dispatcher 30 days prior to the revocation becoming effective.
  - iii. The revocation process shall proceed pursuant to Section 29.k
- g. A Medallion Cab shall have no obligation to use any particular centralized dispatch system.
- h. Superior Service. Certified Dispatchers are encouraged to distinguish themselves by having rules for its members that surpasses the Authority's minimum standards, including, but not limited to, equipment and vehicle standards, driver training, dress codes, customer service and refunds, and disciplinary rules. Certified Dispatchers may have their own internal regulations that allow for things such as the exclusion of individuals that do not pay their fees or fail to respond to calls or provide unacceptable service to customers.
- i. Medallion Cab dispatchers are not prohibited from providing dispatch for other transportation services.

## 11. TRANSFERS AND SALES OF RIGHTS.

- a. Certificate Transfers. The transfer of a Certificate of Public Convenience, by any means or device, shall be subject to the prior approval of the Authority, which may, in its sole or peculiar discretion as it deems appropriate, attach such conditions, including the appropriate distribution of proceeds, as it

may find necessary or proper. Transfers shall include lease-purchase arrangements, options to buy and other similar arrangements, which must follow the same procedure as a sale or other transfer for compensation. This section shall apply to Certificates granted to Certified Dispatchers, Taxicabs, and Limousines. The rights granted to Drivers, Brokers and Financial Service Providers are nontransferable.

- i. **Documentation.** At a minimum, the following shall be required demonstrating that the applicant is fit to provide service:
  1. The applicant must identify itself including contact information. If the applicant is a corporation, it shall file a certified copy of its certificate of incorporation. A list of its officers, directors and shareholders, and a certified copy of the minutes at which the current officers and directors were elected or appointed shall also be furnished.
  2. All applications for a Certificate of Public Convenience shall contain a sworn affidavit certifying that the purchaser or applicant has not been convicted of a felony during the five-year period immediately preceding the sale or transfer of the application.
  3. Financial records demonstrating fitness of all officers, directors and/or anyone having more than 5% ownership of the applicant must be produced. This may include recent credit reports, affidavits regarding judgments, tax returns, history of foreclosures and/or bankruptcy, etc.
  4. An affidavit describing the financial terms and conditions of the transfer signed by the current holder of the rights and the applicant.
  5. An existing Certificate Holder may petition the Authority for a declaratory order stating that the petitioner is in good standing and absent the discovery of good reason that it would be considered eligible to obtain additional certificate(s).
- ii. Payment of any fee required by the Authority to process the transfer and any outstanding fines.
- iii. Transfer of subsets of Certificates or rights shall not be allowed with the exception that Medallions may be sold individually.
- iv. A transfer may be approved by the Executive Director.
- v. Approval may be granted with or without a hearing or notice. In cases where the transfer is not approved, the applicant may request a hearing on the matter.
- vi. Certificates of Public Convenience are not property rights.
- vii. Upon the death of a Certificate Holder, or upon an individual Certificate Holder being legally declared insane or otherwise incompetent, the rights conferred in the Certificate shall continue with the legal representative of the deceased or incapacitated holder for a period of one year, after which time the rights conferred shall terminate, unless application has been made to transfer the rights to the heirs, guardian, trustees, legatees or others, in which case the rights shall continue with the legal representative until the application is granted or refused. In the event application is made by the legal representative not less than 30 days prior to the end of one year, the Executive Director may, at his or her discretion and for cause shown, permit the transfer of the rights to the executors, administrators, guardians, trustees or other legal representatives of the deceased or incapacitated holder for a period fixed by the Executive Director. Pertinent orders or decrees of the court having jurisdiction over the estate of the decedent or the incapacitated person may be deemed cause for granting of petitions by the Authority.
- viii. If a trustee, receiver, assignee, custodian or similar officer or officers is appointed by a court of competent jurisdiction, or is selected by creditors in accordance with the provisions of law, with authority to take or retain possession and to operate the property and business of the Certificate Holder, the officer shall have the authority to perform the service authorized in the Certificates for a period of ninety (90) days from his appointment or selection. The officer may petition the Authority to conduct the operations for an additional period of time, and the Executive Director may, for good cause shown, grant authority. If the petition is filed within ninety (90) days of the appointment or selection of the petitioner, he/she shall have the authority to continue operations pending decision by the Authority on the petition. Pertinent orders or decrees of the court having jurisdiction may be deemed cause for granting the petition by the Authority.

ix. Certificates of Public Convenience may not be operated without full insurance coverage on the vehicles and complete compliance with these Regulations and the Procedures and Orders of the Authority.

b. Medallion Transfers.

i. All Medallion transfers shall be executed with the assistance of a Medallion Broker consistent with the procedures, responsibilities and conduct prescribed in these regulations for a Broker. The Broker need not be involved in finding a buyer or seller and at the discretion of the parties, the Broker may or may not be paid a commission or a fee. The parties to the Medallion sale may waive the requirement to use a Broker by signing a release provided by the Authority. This waiver of a Broker does not eliminate any of the related requirements of a transfer that a Broker would have otherwise been responsible for.

ii. **Medallion Sale Application.** On a form provided by the TLD Staff or Agent, the applicant shall provide:

1. The Medallion number.
2. The name and trade name, if any, of the proposed buyer and a copy of the trade name registration certificate, if applicable.
3. The mailing and physical address of the proposed buyer.
4. A statement indicating whether the proposed buyer is an individual, a partnership, limited liability company or a corporation, and a copy of the partnership agreement or approval notice from the Department of State, as applicable.
5. A statement of corporate charter purpose and a list of current corporate officers, directors and stockholders holding at least 5% of the voting stock of the corporation, if applicable.
6. A statement indicating whether the proposed buyer or its owners owns another Medallion.
7. The name and identification number of any carrier which is controlled by or affiliated with the proposed buyer, its stockholders or partnership members, and an explanation of the nature of control or affiliation.
8. A copy of the proposed contract of sale. The proposed contract of sale shall set forth a description of the transaction, including the identification number of the Medallion sought to be transferred, the amount to be paid and the payment terms.
9. A criminal history record information form issued by the governmental authority approved by the PPA regarding the proposed buyer, the partners or the corporate officers and directors and stockholders holding at least 5% of the voting stock of the corporation, as applicable.
10. A verified or sworn statement indicating that the proposed buyer, or partners, or corporation, corporate officers and directors and stockholders holding at least 5% of the voting stock of the corporation, have not been convicted of a felony in the preceding five (5) years.
11. A statement by the seller that outstanding fees, penalties and fines have been paid; that no reports are due; and that it will continue providing the service until a Certificate is issued to the buyer.
12. A copy of the short form death certificate showing the date of death of the seller and the name of the executor or administrator/administratrix, if applicable.
13. Payment of any fees required by the Authority to process the sale or transfer.

iii. **Place of Transaction.** Upon the receipt of a Notice of Medallion Sale and Application for Certificate of Public Convenience that complies with this section, the TLD will notify the proposed buyer and seller and the Broker to report to a designated place for an Authority-supervised transfer or closing. A Medallion may only be sold or transferred with the closing or transfer occurring in the presence of TLD Staff or a TLD Agent, in a place designated by the Authority. The TLD Staff or Agent shall witness the execution of each transfer or closing. Any transfer or closing not witnessed by the TLD Staff or Agent at a place designated by the Authority shall be void by operation of law.

iv. **Satisfaction of Liens.** If a notice of lien has been properly filed and perfected, the satisfaction of these liens shall occur at time of settlement. The seller shall be required to produce notarized documentation from the lienholder that the lien has been released or is being transferred and in

compliance with UCC procedures. If the sale price is insufficient to cover all remaining noticed liens, the transfer shall not be completed without direction of the appropriate courts or approval of existing lienholders.

- v. **Settlement Sheet.** The TLD Staff or Agent shall require that a standardized settlement sheet be used at any closing or transfer. This settlement sheet shall be in the form approved by the Authority. The settlement sheet shall clearly include, in part, the following information: name and addresses of the parties, name and address of the Broker, name and address of the lender, Medallion number, the purchase price of the Medallion, a statement of any other property being transferred and the purchase price of such other property, the allocation of funds, supporting loan documents, closing fees, effective annual interest rate with and without all closing costs and signatures of the parties and Broker.
  - vi. **Payment of Outstanding Fees and Fines.** All fees and fines owed to the Authority, including parking tickets, must be paid prior to the transfer being completed and may be deducted from the proceeds paid for the transfer/sale.
  - vii. **Transfer of a Certificate.** Upon witnessing a sale or transfer of a Medallion in compliance with these Regulations (including, in part, previous application for a Certificate of Public Convenience, proof of insurance and passing vehicle inspection), the TLD Staff shall issue the accompanying Certificate to the new Medallion holder, unless the Authority determines that the transfer of the Certificate is inconsistent with the public interest. Where there is a determination that the transfer of the Certificate is not in the public interest, after notice and opportunity to be heard, the Authority shall so notify the buyer at or before settlement. All agreements of sale must allow the buyer to cancel the agreement if the Certificate is not contemporaneously granted with the settlement. A buyer who receives this adverse determination may still complete the purchase and shall have six months from the date of the adverse determination is entered to sell the Medallion. If the sale is not consummated within this period, the Medallion shall be surrendered to the Authority, without compensation, for its disposal.
  - viii. **Attaching a Medallion to a vehicle.** Upon the closing of a sales transaction, the submission of acceptable evidence of insurance to the Authority, the successful completion of a vehicle inspection and the payment of fees, penalties or fines outstanding against a party to the transaction and issuance of a Certificate of Public Convenience to the new Medallion owner, the TLD will attach a Medallion to the buyer's vehicle. A Medallion shall not be transferred to another vehicle unless proper evidence of insurance is on file with the Authority; fees, fines and penalties have been paid; liens have been satisfied in accordance with these Regulations and the vehicle that is to receive the Medallion is in compliance with the vehicle equipment requirements determined by the Authority.
- c. **Stock Transfers.** If a carrier requests approval for the transfer of stock in a corporation that holds a Certificate of Public Convenience, the applicant shall file a criminal history record information form for the proposed stockholders holding at least 5% of the voting stock of the corporation, and shall include a sworn affidavit certifying that the proposed stockholders holding at least 5% of the voting stock of the corporation have not been convicted of a felony during the five-year period immediately preceding the transfer of stock. The application shall also be accompanied by the fee established by the Authority. The Authority shall also investigate the financial fitness of any stockholder with more than a 5% interest in the corporation. This section shall apply to Certificates granted to radio dispatch service providers.
- d. **Criminal Records.** No Person may purchase a Medallion or apply for a Certificate of Public Convenience if the Person has been convicted or found guilty of a felony within the five-year period immediately preceding the proposed sale or application. This section shall apply to Certificates granted to Taxicabs, Limousines and radio dispatch service providers.
- i. If, at any time thereafter, the Authority finds that a Certificate Holder or Medallion owner has been convicted of a felony while holding a Certificate or owning a Medallion, or during the period

immediately preceding the sale or transfer or application, the Authority shall after notice and opportunity to be heard cancel the corresponding Certificate and provide the Medallion owner with six months to sell the associated Medallion or the Medallion shall be surrendered to the Authority without compensation to the owner.

- ii. The Authority shall annually perform criminal record checks on all directors and stockholders with more than 5% interest in a corporation holding a Certificate. The Certificate Holder will be responsible for the expense associated with these record checks.

## **12. SPECIAL RULES FOR MEDALLION CABS.**

- a. Purpose of a Medallion. The purpose of the identification plaque or other device representing the Medallion that may be attached to a cab is to identify the vehicle as a Medallion Cab. Without the proper documentation, the plaque has no property value.
- b. Attaching a Medallion. Only Authority Staff or designated Agent may supervise the attachment of a Medallion to the vehicle.
- c. Removing a Medallion. A Medallion may be removed by the Medallion owner, the Authority Staff or its Agents, the vehicle owner of the vehicle or an individual with a judgment against the Medallion. Any Medallion removed from a vehicle shall be given to the Authority for safekeeping within two business days, in accordance with the Authority's Regulations, Orders and/or operating practices.
- d. Liens on Medallions. The Authority shall act to facilitate the notice and settlement of liens in accordance with the following:
  - i. All lenders or creditors who accept a Medallion as security shall do so in conformance with 13 PA.C.S. (relating to the Commercial Code). If any provision of these Regulations dealing with liens is not consistent with the U.C.C. requirement, the U.C.C. requirement shall prevail.
  - ii. All lenders or creditors who accept a Medallion as security may notify the Authority in writing of the lien, with all the information required in the perfected UCC filing and the P number of the medallion(s) that have been liened. If the lien derives from a loan, only notices from Registered Financial Services Providers. Liens noticed with the PUC prior to the Transfer Date shall be noticed by the Authority to the best of its ability to transfer such PUC records.
  - iii. At time of a transfer or sale, the Authority shall only recognize UCC conforming liens and can only warrant that it will know of liens that have been properly noticed to the Authority. This does not impact the rights of liens not noticed to the Authority. The Authority shall not authorize a sale of a Medallion unless all liens it is reasonably aware of are released. Release may be voluntary by the lien holder or ordered by the courts. If voluntary, release may be in any form that satisfies the lienholder (e.g., transfer, payment, forgiveness, etc.) and in conformance with UCC practices.
  - iv. The Authority does not warrant the value of any lien on a Medallion.
  - v. If a lienholder legally executes on or seizes a Medallion, the lienholder shall notify the Authority within two business days of this action in accordance with the Authority's Procedures and return the Medallion to the Authority for safekeeping within five days of its taking. The Medallion need not be possessed in order for an execution to occur.
    - 1. A sale of the Medallion, upon seizure or execution, shall occur within one year of the seizure or execution, and shall be accomplished in accordance with these Regulations.
    - 2. If the Medallion is not sold within one year, the medallion becomes nontransferable and reverts to the Authority.
    - 3. A Certificate owner may not operate if its Medallion has been seized or executed upon.
- vi. **Notice of activity relating to liens.**
  - 1. If a holder of a noticed lien on a Medallion with the PPA files a continuation statement under 13 Pa.C.S. §9403(c) (relating to what constitutes filing; duration of filing; effect of lapsed filing; duties of filing officer), the lienholder shall simultaneously notify the Authority, in writing, of the filing of a continuation statement.
  - 2. If a holder of a noticed lien on a Medallion with the PPA files a termination statement under the Uniform Commercial Code the lienholder shall simultaneously notify the Authority, in writing, of the filing of a termination statement.

## 12 PPA Regs. §vi.3.

3. If a holder of a noticed lien on a Medallion with the PPA files a separate statement of assignment under the Uniform Commercial Code (relating to assignment of security interest; duties of filing officer), the lienholder shall simultaneously notify the Authority, in writing, of the filing of a separate statement of assignment.
4. If a holder of a noticed lien on a Medallion with the PPA files a statement of release under the Uniform Commercial Code (relating to release of collateral; duties of filing officer), the lienholder shall simultaneously notify the Authority, in writing, of the filing of a statement of release.
5. If the Authority revokes a Certificate associated with a Medallion or receives a notice of sale of a Medallion, the Authority shall send notices to all lienholders with duly filed lien notices at the Authority.

### vii. **Notice of Default.**

1. A lienholder, who has appropriately filed a notice of lien with the Authority, may file a default notice with the Authority.
2. The Authority, after a hearing, may revoke the associated Certificate upon finding that the Medallion holder is in default and that the default indicates that the Certificate Holder is not financially fit.

### viii. **Foreclosure.**

1. If a lienholder files for foreclosure, it shall notify the Authority within five business days.
2. The Authority shall cooperate with the Sheriff in assisting with a legal Sheriff's sale by helping the Sheriff seize the Medallion, responding to questions about market price and other actions as appropriate.
3. Upon notice of the foreclosure from the Sheriff or other official, the Authority shall send notices to all lienholders who have provided notice of a lien to the Authority.
4. If the Sheriff's sale provides a free and clear title to the Medallion buyer, the Authority shall change its records accordingly.

- e. Medallion holders may upon request be provided an official document from the Authority indicating who is the Medallion owner of record.

**13. VEHICLE AND EQUIPMENT STANDARDS - SMALLER VEHICLES.** Vehicles operated in the City for Taxicab or Limousine Service shall comply with the following requirements. These standards are applicable to any vehicle with a capacity of 15 or less including the driver and/or to any extended passenger vehicle such as a sedan, SUV, van or minivan, regardless of capacity.

- a. PPA Inspection. A vehicle must have proof of having passed PPA inspection as prescribed by these Regulations.
- b. State Standards. A vehicle shall satisfy the applicable Department of Transportation equipment inspection standards stated in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) when the vehicle is being operated. For Taxicabs, commencing with the first State inspection due the Transfer Date, only State Inspection stickers issued by a facility operated or controlled by the Authority shall be accepted by the Authority. If the Authority finds the need, it may authorize others to conduct State inspections.
- c. Age of Vehicle.
  - i. **Taxicabs.** No vehicle shall be allowed to be in service if it is more than eight (8) years old. Age shall be determined by comparing the vehicle's model year to the current model year. If this number is eight or larger, the vehicle must be removed from service. For purposes of these Regulations, each model year begins on the first day of October. A vehicle with an age at or above eight (8) years may not be presented for inspection.
  - ii. **Limousines.** No vehicle shall be allowed to be in service if it is more than eight (8) years old. Age shall be determined by comparing the vehicle's model year to the current model year. If this number

is eight (8) or larger, the vehicle must be removed from service upon the conclusion of the TLD's fiscal year in which the vehicle's model year age reaches eight (8). For purposes of these Regulations, each model year begins on the first day of October.

d. Mileage.

i. **Taxicabs.** For purposes of these Regulations there shall be no distinction between the vehicle condition, quality, age, inspection requirements or other vehicle standards between Medallion taxicabs and partial rights taxicabs.

1. In no event may a vehicle intended for continued use as an Authority certified taxicab be presented for either the annual state inspection, the semi-annual safety inspection, nor any other regulatory inspection, with 250,000 miles or more.
2. In no event may a vehicle be first presented for service as an Authority certified taxicab with 135,000 miles or more.

ii. **Limousines.** Except as otherwise provided in these Regulations:

1. In no event may a vehicle be first presented for service as an Authority certified Limousine with an odometer reading of 51,000 miles or more, except that a Limousine with a model year age of five (5) or less and less than 75,000 miles may qualify for certification by the Authority contingent upon a satisfactory vehicle inspection by the Authority.
2. Limousines must be removed from service prior to accumulating 350,000 miles, however, a Limousine then certified by the Authority with a model year age of five (5) or less may qualify to continue for only one (1) additional year upon a favorable determination of a duly filed waiver petition and satisfactory TLD vehicle inspection. The one (1) additional year shall run from the date the vehicle reached 350,000 miles or the date the Authority granted the waiver petition, whichever occurred first. The expiration date shall be noted in the waiver decision.

iii. **Odometers.** In the event the Authority reasonably determines during a scheduled inspection that the odometer for any vehicle has been altered to reflect an inaccurate mileage, the subject vehicle shall be disqualified from certification by the Authority. The Enforcement Division of the TLD may initiate a complaint in the TLD's Adjudication Division against any party subject to the terms of these Regulations that it reasonably believes to have tampered with a vehicle's odometer, whether discovered through a scheduled inspection or otherwise. The Authority may rely on alternative reliable sources to determine actual mileage, included applicable state databases. Upon a determination of liability for odometer tampering the liable party shall be subject to an administrative penalty of not less than \$1,000.00 and not less than one (1) year suspension of each of such party's Authority rights.

e. General Conditions:

- i. All vehicles shall be maintained in a clean and sanitary condition including the interior, exterior and the trunk compartment.
- ii. The passenger area shall be free of tears and graffiti. Tears mended by tape shall not be acceptable.
- iii. The interior shall consist of matching features (e.g., matching door panels).
- iv. The passenger area shall be free of objectionable odors.

f. Comfort.

- i. **Smooth Ride.** All vehicles may be required to pass ride-comfort inspections, indicating that the suspension, shocks and wheel balance are adequate to provide a smooth ride.
- ii. **Quiet Ride.** All vehicles must be reasonably free of extraneous noise, such as rattles.
- iii. **Doors and Windows.** All doors and windows shall be in good operating condition and reasonably aligned.
- iv. **HVAC (heating, ventilation and air conditioning).** All vehicles must have working air conditioning and heating units that provide sufficient conditioned air to the passenger section of the vehicle.

## 13 PPA Regs. §f.iv.1.

1. All vehicles are required to maintain a comfort zone in the passenger compartment of between 60 and 78 degrees Fahrenheit while in service (i.e., either a passenger in the vehicle or in case of a Taxicab available for hail or on route to a dispatched call).
  2. Taxicabs that are in a Taxicab line and are not currently one of the first three vehicles in line are exempt from these HVAC provisions. Passengers may request less HVAC than this requirement.
  3. All vehicles with dividers, barriers or shields between the driver's and passengers' compartments must be able to demonstrate that sufficient provisions have been made to provide adequate HVAC to the passengers' compartment to assure comfort.
- v. **Minimum legroom.**
1. In Taxicabs, the space for at least two seats in the passenger compartment must measure at least 28 inches from the back of the passenger's seat to any barrier in front of it. Vehicles currently in service shall be required to meet at least a 26-inch standard.
  2. In Luxury Limousines the minimum-effective legroom shall be 39 inches unless waived based upon the vehicle being an approved model. Vehicles that can be demonstrated that were in Limousine Service prior to July 2004 shall be allowed to remain in service as long as they meet all other applicable vehicle standards and pass the Authority's inspection.
  3. Hospitality Vehicles using sedans must have an effective minimum legroom of 39 inches unless waived based upon the vehicle being an approved model. Vehicles that can be demonstrated that were in Limousine Service prior to July 2004 shall be allowed to remain in service as long as they meet all other applicable vehicle standards and pass the Authority's inspection.
- vi. **Seats.** All passenger seats must be in good condition (e.g., provide the passenger with comfort and support).
- g. Colors and Markings.
- i. Each Taxicab shall be painted to clearly identify and distinguish the dispatch service to which it belongs. Common Carriers or Certified Dispatchers are prohibited from marking, painting or designing their vehicles so as to simulate vehicles operated by other Common Carriers or Certified Dispatchers within the City.
    1. The doors and the rear quarter panels of the vehicle will be dedicated to information about the dispatch service to which the vehicle belongs including its name and phone number.
  - ii. All vehicles will be marked according to the following vehicle numbering system.
    1. Medallion Cabs shall be marked sequentially from P-0001 through P-1600 (additional numbers may be added if the number of Medallion Cabs is increased). Taxicabs shall be assigned the same Medallion Number as previously assigned by the Pennsylvania Public Utility Commission.
    2. Partial Right Cabs inspected and approved by the Authority with partial city rights shall be numbered as follows:
      - a. Cabs whose rights are through Germantown Cab Company (Pennsylvania Public Utility Commission A-00110733) shall be numbered G-1 sequentially.
      - b. Cabs whose rights are through Bucks County Services, Inc. (Pennsylvania Public Utility Commission A-00111913) shall be numbered B-1 sequentially.
      - c. Cabs whose rights are through Concord Limousine, Inc. (Pennsylvania Public Utility Commission A-00113582) shall be numbered CL-1 sequentially.
      - d. Cabs whose rights are through Concord Coach USA, Inc. (Pennsylvania Public Utility Commission A-00115589) shall be numbered CC-1 sequentially.
      - e. Cabs whose rights are through Dee Dee Cab, Inc. Company (Pennsylvania Public Utility Commission A-00116499) shall be numbered D-1 sequentially.
    3. The Authority may assign unique numbers for each vehicle in Limousine service.
    4. Existing carriers may petition the Authority to use a pre-existing number scheme. The PPA shall not unreasonably deny this request, but may require use of the PPA's prescribed

scheme as the dominant or even exclusive exterior numbering even if the request is granted.

- iii. All Taxicabs must be marked as follows:
  - 1. Painted color(s) of dispatch provider (or Certificate Holder if a Partial Rights Cab) and standardized name/insignia and phone number of dispatch provider as approved by the Authority.
  - 2. Approved dome light.
  - 3. ID numbers shall be posted on the front fenders of the vehicle and on the rear of the vehicle in lettering at least 5 inches in height.
  - 4. Current PPA and PA inspection stickers.
  - 5. Have a Medallion affixed if the vehicle is a Medallion Cab.
  - 6. Pennsylvania "TX" license plate.
- iv. All Luxury Limousines must be marked as follows:
  - 1. Current PPA and PA inspection stickers.
  - 2. Pennsylvania "LM" or "BA" license plate as appropriate
- v. All Hospitality Vehicles and Exclusive Buses must be marked as follows:
  - 1. Current PPA and PA inspection stickers.
  - 2. Pennsylvania "BA" license plate.
- vi. Additional markings must be approved by the Authority.
- vii. Vehicles that are currently in service as of the Transfer Date, and meet the minimum marking requirements need not change their markings to meet the standardization requirement until the vehicle is changed (e.g., replaced by another vehicle) or at its first semi-annual inspection that occurs at least six months after the Transfer Date, whichever is sooner.
  
- h. Dome Lights. Every Taxicab must have a dome light firmly affixed to its roof that is lit when the vehicle is available for hire. The dome light will comply with the design submitted by the Certified Dispatcher used by the Taxicab. A rooftop-advertising panel whose ends illuminate to indicate when the vehicle is available for hire may be used in lieu of the dome light.
  
- i. Body Condition. The body shall be free of damage. Paint shall be consistent on all body segments. Hoods and trunks shall be reasonably aligned and secured.
  
- j. Shields. All Taxicabs shall, for the safety of the vehicle driver, be equipped with a protective shield/barrier that separates the front seat from the back seat. The protective shield shall, at a minimum, meet the following requirements:
  - i. The upper portion of the shield shall extend from the top of the front seat to a point not more than three (3) inches from the ceiling of the vehicle and shall be constructed of a clear, see-through, bullet-resistant material.
  - ii. The shield shall have either a sliding window controlled by the vehicle driver and capable of being locked by the vehicle driver or a payment exchange cup or tray or similar device that allows the driver to receive payment from passengers in the back seat of the vehicle without unduly exposing the vehicle driver to danger.
  - iii. The upper portion of the shield may not obstruct the vehicle driver's view of the road to the rear of the vehicle.
  - iv. The lower portion of the shield shall extend the full length of the front seat and shall be constructed of a bullet-resistant material.
  - v. Both the upper and lower portions of the shield shall extend from a point flush with the left-hand side of the vehicle across the vehicle to a point flush with the right-hand side of the vehicle. Both the upper and lower portions of the shield may not have an edge or projection likely to cause injury.
  - vi. The shield shall be installed in a manner that does not prevent voice communication between the vehicle driver and passengers in the vehicle.

- vii. The shield must be sufficiently transparent to allow a passenger to easily read a driver's certificate posted on the driver's side of the shield and the meter.
- k. Radios. All Taxicabs shall be equipped with a two-way radio or other allowed or required technology (e.g., a mobile data terminal) connected to a Certified Dispatcher that allows for the transmission of voice and data.
- l. Meters. Any vehicle whose tariff is based upon actual mileage shall be equipped with one (1) meter that must be sealed and that is calibrated in accordance with the approved tariff. A vehicle may transport an additional meter or meters for purposes of delivery for repair, sale or other appropriate handling if the meter is in the trunk of the vehicle and the vehicle is not in the process of providing taxicab or limousine service or appearing to offer such service. Luxury Limousines, Exclusive Buses and Hospitality Vehicles are prohibited from using meters or using a mileage based fee calculation.
  - i. The meter shall be able to pass an accuracy test given by the Authority.
  - ii. The meter shall be installed in front of the vehicle so that, at all times, it shall be plainly visible to and the fare shall be readily ascertainable by the occupants of the vehicle. The face of the meter shall be properly illuminated at all times.
  - iii. No meter affixed to a vehicle may be operated from a drive other than the transmission of the vehicle unless some other method is, upon petition, specifically approved by the Authority or its Executive Director. The meter and the meter driving equipment shall be sealed so that the meter case, meter driving equipment, or additional gearboxes, if any, cannot be disconnected without breaking the seal.
  - iv. Each meter shall be set into the vehicle so that no other meter may be installed in its place.
  - v. The responsibility for sealing the meter and appurtenant equipment and for maintaining such seals intact while the vehicle is in operation shall lie with the Certificate Holder. Where the vehicle is leased to the driver, the driver shall be responsible if the lease indicates that the meter was sealed at the time the vehicle was presented to the driver for operation.
  - vi. Meters shall either directly or through an add-on printer as allowed by the Authority be able to provide printed receipts including the vehicle ID number (e.g., "P" number); dispatch company; the Driver's Certificate number; the phone number and email for complaints; and trip information, including mileage, waiting time, time of the trip, date and fare.
  - vii. Upon passing the accuracy test, an Authority numbered seal will be placed on the meter by the TLD Staff or other individual authorized by the Authority. No other individual may seal a meter. A vehicle with a meter may not be operated without this Authority seal. If the seal becomes broken or damaged, the vehicle shall be removed from service immediately by either the vehicle owner, Certificate Holder or lessee, or the driver.
  - viii. A vehicle may not be equipped with a device that has the capability of allowing the meter to register a nonapproved rate. If found, this device will be confiscated by TLD Staff or approved Agent.
  - ix. All meters shall have capability of easily and accurately reporting at the time of inspection the following accumulated information since the last inspection including: number of miles traveled by the vehicle, metered miles, number of trips, metered extras (e.g., waiting time), all other charges (e.g., flat fares, tolls, surcharges) and the total dollars accumulated on the meter. The Authority may also require that meters be able to be queried remotely by the Authority to collect similar or trip specific information more frequently.
  - x. All taxicab meters must be able to be deactivated remotely by the Authority and the Certified Dispatcher.
  - xi. The Authority shall explore the possibility of meters that audibly pronounce the fare that is due.
- m. Tires. All vehicles shall have snow tires or all-weather tires on the drive wheels between October 1 and April 1 of the following year. All vehicles using meters shall conform to the size used at the

meter accuracy test. All tires must have adequate tread (i.e., the minimum tread required by the Commonwealth at time of inspection) and be in safe operating condition.

- n. Spare Tire. All vehicles must be equipped with a functional spare tire. The spare tire must be covered so that the passenger's contents in the trunk are protected.
- o. Wheel covers. All vehicles shall have full-sized matching wheel covers or hubcaps on all its wheels.
- p. GPS. All Taxicabs must have a device that allows its position to be tracked by the Authority and, in the case of Medallion Cabs, their Certified Dispatcher.
- q. Navigational Assistance. All Taxicabs shall be equipped with the necessary equipment to receive electronically provided navigational directions.
- r. Card Readers. All Taxicabs must be equipped with electronic devices that allow for the use of credit cards and debit cards. All Taxicabs may be required by the Authority to have driver identification card readers to track drivers' hours and/or smart card readers.
- s. Maps. All vehicles shall have the current year ADC map book for the Philadelphia region.
- t. Seatbelts. All vehicles shall be equipped with working seatbelts for every passenger and the driver.
- u. Panic Button. Each taxicab shall be equipped with a panic device that informs the dispatch service provider of a driver in danger.
- v. Four Doors Required. All Taxicabs shall have at least four doors.
- w. Luxury Limousine Specifications. In addition to any and all of the vehicle requirements set forth in this section, all limousines with seating capacity of six or less including the driver must be either a four-door Lincoln Town Car, Cadillac Deville or Mercedes S Class, Jaguar L series or other vehicle approved by the Authority with similar standards and amenities. The Authority may waive the legroom requirement set forth in these regulations in its approval of a specific vehicle model. Vehicles of other makes that can be demonstrated were in Limousine Service 150 days prior to the Transfer Date shall be allowed to remain in service as long as they meet all other applicable vehicle standards, provide similar luxury amenities and pass the Authority's inspection.
- x. Vehicle Modifications. Any vehicle that has had its length modified must present documentation that said modifications conform to the original manufacturer's guidelines and must present such documentation at the time of every semi-annual inspection.
- y. Exclusive Buses. Passenger cars such as sedans, SUV and minivans, even when extended, may not be used as an Exclusive Bus.
- z. Hospitality Vehicles. Extended (stretched) vehicles, and sedans that meet Luxury Limousine standards may be used in providing Hospitality Vehicle Service.
- aa. Handgrips for Passengers. All vehicles shall be equipped with handgrips in the passenger compartment that provide assistance to passengers on ingress or egress.
- bb. Trunk size. All vehicles shall have a trunk or storage area large enough to accommodate a folded manual wheelchair.

- cc. Vehicle Certification Card. The vehicle certification card shall be kept in the cab whenever it is in service or being presented for inspection.
- dd. Postings. Only approved materials may be posted within a vehicle.
- i. **Driver's Certificate**. All vehicles must post the driver's certificate in a place provided/approved by Authority. For Luxury Limousines this posting shall be discrete.
  - ii. Welcome to Philadelphia message as may be required by the Authority in taxicabs.
  - iii. The Authority's identification number of the vehicle shall be posted in all cabs, Exclusive Buses and Hospitality Vehicles (e.g., P#).
  - iv. **Taxicabs, and Hospitality Vehicles**.
    1. No Smoking, eating and drinking rules shall be posted in all vehicles in a fashion prescribed by the Authority.
    2. Rates shall be posted in a fashion prescribed by the Authority.
    3. The availability of non-cash payment options shall be posted in each Taxicab.
    4. Passengers' Rights as provided by the Authority shall be posted in each cab and Hospitality Vehicle.
    5. Information on how to submit a complaint shall also be posted in compliance with the Authority's Regulations, Orders and Procedures in each Taxicab and Hospitality Vehicle.
    6. Drivers' Rights as provided by the Authority shall be posted in each Taxicab and Hospitality Vehicle.
    7. The Authority may require that all postings be those issued by the Authority and located in a manner approved by the Authority. Standardized postings shall be made available by the Authority to appropriate Certificate Holders at least 30 days prior to the Transfer Date.
- ee. Advertisements. Exterior and interior advertising displayed on a vehicle shall be securely fastened and may not obscure the driver's view in any direction. Exterior advertising shall be limited to roof panels approved by the Authority by Order. Such panels shall be securely fastened to the vehicle. Interior advertisements may only be placed in areas approved by the Authority.
- ff. Approved Models and Conditions. The Authority may develop a list of approved and/or disapproved makes and models of vehicles. Salvaged and/or reconstructed vehicles shall not be approved for taxi or limousine service.
- gg. Technology. Technology enhancements such as GPS, smart meters, etc. shall not be required until 9 months after the Transfer Date unless subsidized by a PPA sponsored program that accelerates the installation of these and/or related devices.
- hh. Changes by Order. Changes to these standards may be made by Order only if the existing approved vehicles are grandfathered. Vehicles that have previously been in service and meet all vehicle standards, except for the current make or model allowed by the Authority, shall be able to continue to operate until their next regularly scheduled inspection, at which time the vehicle will need to meet the specifications set forth in these Regulations.
- ii. Ratings. The Authority may develop by Order rating systems for vehicles (e.g., superior and standard) and mark vehicles accordingly.
- jj. Compliance with Applicable Laws. Vehicles must be in compliance with applicable laws (e.g., ADA).
- kk. Interstate Service. Vehicles providing service under the provisions of the Real Interstate Driver Equity Act of 2002 are exempt from this section except as delineated in the section on enforcement.

**14. VEHICLE AND EQUIPMENT STANDARDS – LARGER VEHICLES**. Vehicles operated in the City for Limousine Service must be in good operating condition and provide a safe and

comfortable ride to the public. These standards are applicable to any vehicle with a capacity of 16 or more including the driver except to any extended passenger vehicle such as a sedan, SUV or minivan, regardless of capacity

- a. Standards for smaller vehicles apply to larger vehicles relating to: PPA inspection, State standards, general conditions, tires, spare tire, vehicle modifications, postings, condition, accessibility, and compliance with applicable laws.
- b. If operating under a Luxury Limousine Certificate the vehicle must provide luxury amenities such as: high-end finishes of the seats and floors; audio-visual equipment, refrigeration and/or other kitchen amenities, reading lights, work tables, bars, etc. The Authority shall determine whether the overall condition of the vehicle and the amenities offered qualifies the vehicle as a Luxury Bus.
- c. If the vehicle uses a diesel engine and the seating capacity is 25 or less including the driver, the maximum mileage allowed is 500,000 miles and the maximum age as defined for other vehicles is eight years. Gasoline engines are allowed 350,000 miles.
- d. If the vehicle has a seating capacity of more than 25 passengers including the driver, there is no specific age or mileage requirement.

## **15. INSPECTION.**

- a. Regular Taxicab Inspections. All vehicles are required to be inspected by the Authority twice annually at approximately six-month intervals.
  - i. At one of the inspections during the year, the Authority shall perform a State Inspection (75 Pa.C.S. Chapter 47) including the emissions test. This will be the only State Inspection accepted by the Authority unless the Authority authorizes others to provide this service.
  - ii. At the other inspection during the year, the Authority shall perform a similar safety inspection to the State Inspection but will not perform an emissions test, unless required by law.
  - iii. At all inspections, the Authority shall check whether the vehicle meets the Authority standards set forth in §13 and §14 of these Regulations.
  - iv. All regular semi-annual inspections shall be scheduled by the Authority. Failure to keep the scheduled appointment shall result in a rescheduling fee established by the Authority. Certificate Holder or DOV may seek to reschedule an appointment once, at least one week prior to the scheduled date, without penalty or cost.
  - v. Meters and all associated hardware and software shall be inspected and tested for accuracy and to assure no tampering has occurred. All taxicab meters must be certified and sealed by the TLD. Only the TLD, and in limited circumstances the PUC, may remove a taxicab meter seal.
  - vi. The Authority shall retrieve meter information from the last semi-annual inspection, including, but not limited to, metered fares, live miles, dead miles, trips, waiting time and surcharges.
  - vii. All of the vehicle and equipment standards included in these Regulations shall be strictly enforced at these inspections, including the possibility of issuing fines for violations discovered during these inspections and placing vehicles out of service until certain defects are remedied.
  - viii. The Authority shall attempt to provide some flexibility in the hours during which these inspections are offered (e.g., evenings and weekends).
  - ix. New (original title) vehicles brought into taxi service shall be exempted from most of the initial inspection and may have the second inspection deferred or waived.
    1. The Certificate Owner or its agent presents the Authority with documentation that the vehicle be placed into service is new (original title). This is in addition to all other information required to be provided regarding a vehicle or a Certificate Holder or DOV at time of inspection.
    2. The vehicle appears at a place and time designated by the Authority so that the Authority or its Agent can place the appropriate identification on the vehicle and issues a vehicle certification card.
    3. Taxis must still appear for a meter, equipment and markings inspection.
    4. Vehicles provided this waiver need not appear for an inspection, except as required above, until one of the following occurs.

## 15 PPA Regs. §a.ix.4.a.

- a. A year has past since the vehicle was originally approved by the Authority.
  - b. The vehicle has been driven 40,000 miles.
  - c. The vehicle is due to receive an inspection required by a Philadelphia, Pennsylvania or federal agencies.
  - d. The vehicle was involved in a manufacturer's recall.
  - e. The vehicle was damaged and required repairs to bring it into compliance with the Authority's regulations.
5. These provisions shall not affect the fees or assessments due for these vehicles inspection or registration.
- b. Except as permitted by section b.1 below, scheduled Limousine inspections shall be performed on approximately 25% of the Limousines registered with the Authority each year at the Authority's facilities.
- i. Limousine carriers must renew the registration of each limousine annually with the PPA in accordance with the PPA's Regulations and procedures. Limousine carriers must also notify the PPA of increases, decreases and other changes or modifications to its PPA jurisdictional fleet prior to making the change in accordance with PPA regulations and procedures.
  - ii. Limousines shall be randomly selected for scheduled inspection.
  - iii. The Philadelphia Parking Authority shall notify limousines owners concerning scheduled inspections at least 2 weeks in advance.
  - iv. The Philadelphia Parking Authority may require additional inspections on the limousines of specific carriers based on the performance of the carriers.
  - v. The Philadelphia Parking Authority may inspect the mechanical, safety and service fitness of a limousine.
  - vi. Inspections by the Philadelphia Parking Authority shall be in addition to an annual state inspection required under 75 Pa. C.S. Chapter 47 (relating to inspection of vehicles) performed by any qualified inspection station.
  - vii. Every registered limousine must receive a scheduled inspection at least once every four years.
  - viii. A limousine receiving a scheduled inspection shall not be subject to a subsequent scheduled inspection for 24 months.
- b.(1) In the sole discretion of the TLD, and with the consent of the limousine certificate holder, Scheduled Limousine Inspections may occur at the certificate holder's facility (Off Site Inspections) provided that:
- i. the certificate holder owns and operates not less than fifty (50) Authority certified limousines;
  - ii. the facility is a duly licensed Pennsylvania Inspection Station;
  - iii. the facility is within 30 miles of the TLD's Headquarters;
  - iv. the inspection fee shall be not less than double the standard TLD inspection fee;
  - v. each vehicle that fails an inspection for a cause that cannot be fully remedied before the end of the Off Site Inspection shall be presented for re-inspection at the Authority facility designated by the TLD; and
  - vi. the limitations Section b.iii may not apply.
- c. Other Inspections. In addition to the scheduled inspections the Authority shall perform additional inspections. Appointments may be scheduled for the Certificate Holder for these inspections per the Authority's availability or done on a walk-in basis, as provided by the Authority's operating procedures. The additional inspections are as follows:
- i. **Reinspection**. In the event a vehicle does not pass a scheduled inspection, it shall be immediately placed out of service and shall be given sufficient time to correct any defects found during the initial inspection and resubmit the vehicle for inspection. No fee shall be charged for reinspection associated with mechanical defects that are repaired on the same day as the inspection and returned for reinspection on that day at a time appointed by the Authority.

- ii. **Field Inspection.** TLD Staff and the Authority's Agents as empowered may perform general vehicle fitness inspections in the field, including, in part, being granted access to the premises where vehicles are kept; and if necessary to ensure compliance with the Authority's vehicle standards, Authority Staff or its Agents may direct that a vehicle be taken to the Authority's inspection station for further examination. Vehicles that are inspected while out of service (e.g., at a Certificate Holder's garage) shall not be penalized for any deficiency that the individual responsible for the vehicle has previously noted in writing either on a tag on the steering wheel or in a master log book.
  - iii. **Compliance Inspection.** If a violation is found during a Field Inspection and the vehicle is cited, the vehicle may be presented within two full business days for a Compliance Inspection.
    - 1. If the violation is corrected within this period, the fine may be reduced or eliminated pursuant to the fine or penalty schedule issued by the Authority.
    - 2. In the event a vehicle is placed out of service pursuant to vehicle condition, the Certificate Holder shall repair or duly replace the vehicle within 30 days, otherwise the Authority may commence the process to revoke the Certificate.
  - iv. **Post-Accident.** A regulated vehicle may not provide taxicab or limousine service without first being submitted for and passing an inspection by the Authority when the vehicle:
    - 1. is involved in an accident that must be reported to the police pursuant to 75 Pa.C.S. §3746;
    - 2. strikes a government vehicle;
    - 3. requires repairs in excess of \$500 related to an accident;
    - 4. must be towed from the accident scene; or
    - 5. is involved in an accident involving injury to a person.A list of repairs that were made subsequent to the accident shall be submitted to the Authority at the time of such inspection.
  - v. **Vehicle Change.** Prior to changing or adding a vehicle to Taxicab service, the vehicle must pass an inspection equivalent to a Regular Authority Safety Inspection.
  - vi. **License Plate Change.** If a Taxicab's license plate number has been changed, the vehicle must report to the TLD within three business days of the change for review.
  - vii. **Equipment change.** If the meter has been changed, the vehicle must be presented immediately to the Authority to permit inspection of the changed equipment, testing of the equipment for accuracy, and sealing of the equipment prior to its return to service. If other required equipment has been changed, the vehicle must be presented for inspection on the next business day of the change being completed.
  - viii. **Certificate Transfer.** If the Taxicab Certificate and/or Medallion have been transferred, the vehicle must pass an inspection equivalent to regular Authority Safety inspection, before it begins service under the new Certificate. This shall not qualify as one of the two regularly scheduled inspections for the year.
- d. **Removal from Service.** A vehicle in operation that is found upon inspection not to comply with the Authority's vehicle standards may be placed out-of-service by Authority Staff or Agents. When a vehicle is placed out-of-service, the reasons for doing so shall be noted in writing.
- i. The driver of a vehicle placed out-of-service shall notify the vehicle's owner that the vehicle has been placed out-of-service.
  - ii. The vehicle's owner is responsible for having mechanical defects in the vehicle corrected satisfactorily.
  - iii. A vehicle that has been placed out-of-service may not return to service until repairs have been satisfactorily completed and the vehicle inspected.
- e. **Necessary documentation.**
- i. Vehicle Certification Card for the vehicle in question or the vehicle it is replacing.
  - ii. Proof of insurance.
  - iii. Proof of ownership or vehicle lease.

- f. Who must attend.
  - i. The Certificate Holder or the vehicle owner or the Certificate Holder's designated agent must attend any inspection.
  - ii. An owner's agent or vehicle owner must have a form provided by the Authority, signed by the Certificate Holder, designating him or her as the Certificate Holder's agent.
- g. Prior to any inspection, the Certificate Holder must be current on all fines, fees or payment agreements owed to the Authority, including, but not limited to, parking violations not properly assigned to a Certified Driver.
- h. Fees. the Authority shall establish fees for inspections.
- i. No vehicle will be inspected if there is default of a filed lien or government ordered payment on the Certificate Holder.
- j. Proof of Inspection. Upon passing a regular inspection or an equivalent inspection, the Authority Staff shall:
  - i. Issue that vehicle a Vehicle Certification Card;
  - ii. Attach a sticker to the rear windshield indicating that the vehicle has passed inspection during this inspection cycle; and
  - iii. In the case where the vehicle is a Medallion Cab, remove the existing Medallion, if any, and attach a current Medallion.

## **16. RESERVED.**

## **17. CONTROL, LEASES AND RECEIPTS.**

- a. Control. Vehicles shall be owned by or leased by the Certificate Holder. Operation and service shall be under the direct control and supervision of the Certificate Holder.
- b. Leases-General.
  - i. Leases shall be in writing, shall specifically set forth the terms of the lease including obligations assumed (e.g., maintenance and fuel, compensation, and the duration of the lease) and shall be executed by the parties or their authorized agents or officers.
  - ii. Leased vehicles shall be covered by insurance as provided for in these Regulations and shall conform to the requirements for registration of vehicles as set forth in the Commonwealth's Motor Vehicle Code.
  - iii. The Authority may design and require the use of standardized leases that it is willing to enforce through its intra-industry dispute resolution process.
  - iv. That the Certificate Holder has entered into a lease agreement for the vehicle shall not reduce the Certificate Holder's responsibility to furnish and maintain adequate service to the public, which shall be reasonably continuous, and without unreasonable interruptions or delays.
- c. Leases of Vehicles by Certificate Holders.
  - i. Lease agreements shall be prepared in triplicate. The original shall be retained by the Certificate Holder at its principal office, one copy to be retained by the owner of the vehicle, and one copy to be carried on the leased vehicle for the duration of the contract. The Certificate Holder shall retain leases for 2 years following their expiration date.
  - ii. In lieu of a copy of the lease, a certificate or rental form identifying the leased vehicle shall be carried on the leased vehicle certifying that the vehicle is to be operated exclusively in the service of the Certificate Holder named therein as lessee, the names and addresses of the owner and lessee, the date of the lease, the location of the original lease retained by the Certificate Holder,

and the exact expiration date of the lease. This certificate or rental form shall be certified as true and correct by the certificate holder or his authorized representative.

- iii. The use of a lease vehicle shall not reduce the Certificate Holder's responsibility to assure that the vehicle is in safe operating condition and meets all standards and requirements established by the Authority or other applicable governmental agencies.
  - iv. Where the Department of Transportation, at the request of the owner, designates the lessee Certificate Holder as the registrant of the vehicle and the name and address of the lessee are substituted for the address of the lessor, the Authority will approve the registration where the certificate is in good standing, but the approval is effective only for the period during which the lease remains in effect.
  - v. The following applies to Hospitality Vehicles and Exclusive Buses leasing equipment for less than 10 days:
    - 1. A Certificate Holder may lease the equipment if it is otherwise certified by the Authority.
    - 2. The seating capacity of short-term leases that a carrier runs may not exceed 50% of the total seating capacity of the carriers approved fleet by the Authority.
    - 3. If a removable device is used to identify the operating Certificate Holder as lessee, the device shall be made of durable material securely affixed to the vehicle operated, throughout the duration of the lease. Upon relinquishing possession of the equipment, the Certificate Holder operating the leased vehicle under this subsection shall remove the legend or removable device displayed on such vehicle.
- d. Leases of Medallions, Certificates of Public Convenience and/or Operating Rights by a Driver. If a driver leases the right to provide service from a Certificate Holder or Operator, with or without the lease of vehicle and/or equipment:
- i. The vehicle shall be operated under the direct control and supervision of the Certificate Holder unless it is registered with the Authority as a DOV.
    - 1. DOVs are restricted to leases where:
      - a. The vehicle owner is the only driver of the vehicle or all other drivers are named in the lease. Each listed drivers must have a valid Driver Certificate.
      - b. The lease makes the vehicle owner and Certificate Holder each responsible for the maintenance and inspection of the vehicle.
      - c. The lease is at least 60 days but may be voided if the DOV fails to operate the vehicle for a period of five or more consecutive days.
    - 2. To register a DOV, the Certificate Holder must file a conforming lease with the Authority two business days in advance of the lease's commencement.
  - ii. If the Certificate covers only a single vehicle (e.g., one Medallion), the Certificate Holder and the DOV may enter into an arrangement where the DOV is responsible for the insurance.
    - 1. The parties must notify the PPA before the coverage goes into affect.
    - 2. The DOV and the Certificate Holder must both be covered by the insurance.
    - 3. The Lease for the Certificate and/or Medallion must be for at least 6 months.
- e. Receipts.
- i. Receipts for Vehicle Leased by Certificate Holder: When possession of the equipment is taken by the Certificate Holder or its regular employee or agent authorized to act for it, such Certificate Holder, employee or agent shall give to the owner of the vehicle or to the owner's employee or agent a receipt specifically identifying the equipment and stating the date and time possession thereof is taken; and, when possession by the Certificate Holder ends, it or its employee or agent shall obtain from the owner of the vehicle, or its regular employee or agent authorized to act for it a receipt specifically identifying the equipment and stating therein the date and the time possession thereof is retaken. The Certificate Holder shall retain receipts for not less than 2 years.
  - ii. Receipts between drivers and Certificate Holders: Certificate Holders are required to provide driver's receipts for any payment received and keep a copy for one year.

- iii. Receipts from Certificate Holders and Drivers to Passengers
  - 1. Drivers are required to offer receipts to passengers for any trip.
  - 2. Limousine Certificate Holders are required to provide passengers with receipts upon request.
  - 3. Vehicles using meters shall offer to provide a receipt that will include the time, date, Authority's issued identification number (e.g., P Number), Driver's Certificate Number and the amount paid before gratuity. The Authority may require that this be printed in conjunction with the meter.
- iv. The Authority may design and require the use of standardized receipts.

## 18. REQUIRED DOCUMENTATION.

- a. Any vehicle appearing to provide or offer, or actually offering or providing, Taxicab or Limousine Service shall have the following documents as may be further described in the Authority's rules and procedures in the vehicle:
  - i. Vehicle Certification Card for the vehicle in question;
  - ii. Driver's Certificate for the driver in question;
  - iii. Lease or proof of employment between the driver of the vehicle and the Certificate Holder or documentation showing that the driver is the holder of the Certificate;
  - iv. Proof that the vehicle and driver are currently insured; and
  - v. Proof of current affiliation from a Certified Dispatcher.
  - vi. Additionally, any Limousine requiring an advance reservation must have a written advance reservation indicating that its current passenger was ordered in advanced (see section on log requirement).
- b. A vehicle need not have all the above documentation in the vehicle if it is out of service, or if an affidavit from the Certificate Holder that the vehicle is being serviced is in the vehicle, or the vehicle is on its way to or from an Authority inspection.
- c. Any Taxicab or Limousine failing to meet these requirements will be directed to stop providing service and/or may be impounded.

**19. DRIVERS.** These Regulations apply to all individuals who drive Taxicabs and Limousines certified by this Authority, including, but not limited to, drivers who lease Taxicabs or Limousines, employees, drivers who own their own vehicles, Certificate Holders, and Medallion owners. No person may operate a Taxicab or Limousine in the City of Philadelphia without holding a photo Driver's Certificate issued by the Authority, except any driver on an interstate trip as defined by the Federal Real Drivers' Equity Act (Public Law 107-298 of 2002), and any driver who is hired by a funeral home to drive a leased Authority certified limousine for funeral related services, and as otherwise noted herein. However, such funeral drivers shall submit to a criminal background check by the TLD and evidence possession of a valid state issued driver's license. Certain classes of vehicles may require that the driver also have a Commercial Driver's License. The Authority may issue separate licenses for various classes of service.

- a. All individuals with valid taxi driver certificates from the PUC as of the Transfer Date may continue to drive until that certificate expires or is revoked for cause. Prior to the expiration of the PUC's taxicab driver certificate, the driver must apply for a new Driver's Certificate from the Authority as if the driver were a new applicant. The Authority may at its discretion accelerate the process for a driver to get a new Certificate from the Authority as long as it provides any driver affected by such an acceleration at least three months to complete the Authority's certification process. Drivers whose PUC Certificate lapses during the first three month-period following the Transfer Date shall have until the end of the three-month period to apply for and successfully complete the training and testing for a new Driver's Certificate issued by the Authority. The Authority shall extend the PUC Certificate for those affected Drivers who present themselves and their PUC Driver's Certificate to the Authority.

- b. Limousine and Partial Rights Cab drivers must be certified by the Authority within one year of the Transfer Date.
- c. RESERVED.
- d. Driver's of Large Vehicles need not be certified by the Authority. Carriers using Large Vehicles shall be required to submit documentation annually in accordance with the PPA's procedures demonstrating that all drivers providing PPA jurisdictional service, each of which shall be specifically identified, comply with the criminal record, motor vehicle record, age and parking ticket screens required for certified drivers. Additionally, the carrier shall submit documentation that each driver holds a current Commercial Driver's License and that the license is in good standing. A copy of the CDL shall be submitted as part of the documentation. Each carrier is required to notify the PPA of changes of the status of its drivers throughout the year. The PPA shall issue a proof of screening that each driver must carry while performing PPA jurisdictional service. Fines normally assignable to Certified Drivers shall be assessed on the carrier.
- e. Application for a Driver's Certificate.
  - i. To obtain a Driver's Certificate, an individual shall apply to the Authority at designated locations in Philadelphia.
  - ii. All applicants who need to obtain a Driver's Certificate from the Authority shall:
    - 1. Make written application in conformance with the Authority's Procedures.
    - 2. Pass an English proficiency test given by the Authority or on its behalf. Some instructions shall be presented verbally, in English. The assistance of interpreters will not be permitted. No other screening shall occur until this test has been passed. A Driver's Certificate will not be issued to an individual who does not speak the English language sufficiently to communicate with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries and to make verifiable entries on reports and records.
    - 3. Pay a fee set by the Authority.
    - 4. Provide a copy of his/her Social Security card. If the applicant is a legal permanent resident or an alien authorized to work, he/she shall provide his/her Immigration and Naturalization Service alien number and/or admission number and other relevant documentation
    - 5. Pass a Motor Vehicle Records (MVR) review by the Authority.
      - a. Each applicant must submit a driving record for the past three (3) years that has been obtained within the past thirty (30) days from every state in which he or she has resided or has held a driver's license during that period. If this includes a place other than Pennsylvania, the applicant shall be responsible for obtaining a certified copy.
      - b. Show proof of a current and valid driver's license.
      - c. The review must indicate that the applicant has held a driver's license for at least one (1) year, including, in part, the immediately previous six months. If the review indicates that that any of this requirement has been met with a driver's license not one issued within United States, the Authority may also require that the applicant demonstrate the possession of a United States driver's license and/or residency in the Philadelphia region for up to six months.
      - d. A Driver's Certificate shall not be issued to an individual who has been convicted of DUI within the past three (3) years.
      - e. A Driver's Certificate shall not be issued to anyone who has accumulated offenses that would have equaled nine (9) points within the past three (3) years in Pennsylvania or the equivalent severity of violations in other states. This total shall be prior to any forgiveness earned.
    - 6. RESERVED.

7. Physical Fitness: Each applicant shall submit a form provided by the Authority and signed by a physician, indicating that the individual is physically able to safely drive a vehicle to transport paying passengers. This shall be in general conformance with the standards required by the Commonwealth to receive a non-commercial learner's permit. This form shall be updated at least every five years and be considered current if the physical exam was performed within six months of submission. The requirement to complete the physician's exam form shall be waived in the event an applicant possesses a satisfactory and current physical exam card provided by the Department of Transportation pursuant to requirements for the issuance of a Commercial Driver's License in Pennsylvania.
8. Age: All applicants must be at least twenty-one years old. Applicants who are certified drivers by the PUC and under the age of twenty-two are exempted from this provision.
9. Parking Tickets: An individual shall not be granted a Driver's Certificate if he or she has past due unpaid parking tickets with the Authority unless the individual is in compliance with a payment agreement for those outstanding fines.
10. All applicants for a Driver's Certificate must follow these Regulations beginning on the Transfer Date.
11. The Authority shall retain the right to deny, suspend or revoke a Driver's Certificate from anyone whose record indicates that the individual may not be able to provide safe and reliable service, with notice and an opportunity to be heard as appropriate.
12. Upon submitting all of the above, the applicant will be allowed to attend the Authority's training program and/or take a certification or partial training waiver as the Authority may offer.

f. Training and Testing.

i. **Training.**

1. All applicants are required to enroll in and attend a training program offered by the Authority within 30 days of the Authority approving his/her application for a Driver's Certificate, unless otherwise waived by the Authority.
2. The in-class version of the training program shall be no more than forty (40) hours long and able to be completed, including testing, within one week's time (e.g., five consecutive business days and/or some combination of weekends and evenings).
  - a. The Authority shall make training available on a continuous basis (e.g., a session starting each week), unless it determines that there is insufficient demand to warrant a class or if interrupted by a holiday.
  - b. If an applicant misses a class, he or she may attend the missed session at a later time within thirty (30) days.
  - c. The Authority shall be permitted to set fees for the training course.
  - d. During the first two-years after the transition or for a shorter period determined by the Authority, the Authority shall make training and testing available during evening and/or weekends and allow previously certified drivers, or during the first year current drivers of limousines, to attend the training and testing over a protracted period (e.g., once a week for five weeks) so as not to interrupt their work.
  - e. The Authority shall consider developing a training program that can be taken in whole or in part remotely (e.g., on-line) at the trainee's convenience.
  - f. The Authority shall provide applicants the opportunity to test out of all or part of the training requirements.
  - g. The Authority shall make driver training available at least two weeks prior to the Transfer Date, subject to demonstrated demand. Certificates issued shall not become effective until the Transfer Date.
3. All applicants shall bring a copy of the current ADC map book for Philadelphia to all training and testing sessions.

4. All applicants shall come dressed to all training and testing sessions in the attire required of a Taxicab or Limousine driver.
  5. The training program shall include, at a minimum, instruction on:
    - a. Driver courtesy and customer service;
    - b. Overview of the City, including its major roadways, and where to obtain current information about the City;
    - c. Defensive driving and the driving rules of the Commonwealth;
    - d. The Authority's Regulations on Taxicabs and Limousines;
    - e. Required equipment, such as radios, meters and global positioning systems;
    - f. The tariffs and rates approved by the Authority for Taxicabs and Limousines; and
    - g. Driver security.
  6. The Authority, by Order, may establish ongoing training requirements or opportunities for drivers.
- ii. **Driver examination.** To obtain a Driver's Certificate, an individual shall take and pass an examination to be administered by the Authority.
1. Failure to successfully pass this examination within sixty (60) days of passing the English proficiency examination shall render the application void. In this event, a new application, with the required fee and records, shall be filed before the individual may again take this examination.
  2. An applicant is permitted to take this examination up to three times during the 60-day period. It shall be at the discretion of the applicant whether to seek additional training before retesting.
  3. This examination shall include, in part, questions regarding the Authority's Taxicab and Limousine Regulations contained in this chapter, the tariffs governing Taxicab and Limousine rates, the geography of the City, operation of required equipment and driver safety, and applicable regulations of the Commonwealth.
  4. Upon passing the written and/or oral portions of this examination, the Authority may require the applicant to pass a behind-the-wheel driving test.
- g. Certificate Issuance and Posting. Upon passing the Authority's driver's examination, the Authority shall issue the applicant a Driver's Certificate including his/her picture, an identification number and an expiration date.
- i. A Certified Driver shall at all times during operation display the original Driver's Certificate in clear view of the passenger compartment.
    1. In Taxicabs the Driver's Certificate shall be posted on the protective shield directly behind or next to the driver's head.
    2. In Limousines the Driver's Certificate shall be affixed to the passenger-side visor or hung from the rearview mirror.
  - ii. A Certified Driver may not operate a Taxicab or Limousine with a mutilated, damaged or unreadable Driver's Certificate.
  - iii. No more than one Driver's Certificate may be displayed at a time.
- h. Renewal.
- i. A Driver's Certificate shall expire one year after its issuance. A Driver's Certificate is renewable within sixty (60) days prior to its expiration date upon submission of an application, a fee and satisfactory records.
  - ii. A Driver must be in compliance with the Authority's regulations dealing with certification of drivers such as criminal records, driving records and parking tickets before having a Driver's Certificate renewed.

- i. Temporary Driver Certificates.
  - i. In the case that Authority finds that there exists an acute shortage of drivers and finds that it is in the public interest, the Authority may issue temporary driver certificates to applicants that meet all the requirements other than training and testing.
  - ii. These temporary certificates shall only be good for 45 days and will be suspended if the temporary driver has not completed training and testing within that period.
  - iii. The Authority may require certain training as it finds necessary prior to issuing the temporary license. This does not negate the need for the temporary driver to successfully complete the full training and testing requirements within 45 days.
  
- j. Driver Monitoring.
  - i. The Authority shall monitor the driving and criminal records of all Certified Drivers at least semi-annually.
  
- k. Drug and Alcohol Standards. No one may drive a Taxicab or a Limousine while under the influence of alcohol or drugs, including but not limited to medication that may impair the driver's ability to safely operate the vehicle.
  - i. If the Authority has reason to believe that a Certified Driver is periodically impaired by drug or alcohol intake, the driver may be subjected to testing for alcohol or drugs.
  - ii. The Authority, at its sole discretion, may require a Certified Driver to submit to drug or alcohol testing.
  - iii. Failure of a Certified Driver to comply with PPA mandated drug testing shall be grounds for the Authority to suspend or revoke a Driver's Certificate with notice and an opportunity to be heard.
  
- l. Maximum Hours. No driver may operate a Taxicab or a Limousine for more than fourteen hours in any twenty-four hour period or more than 84 hours a week. If electronic log off capabilities exist, drivers may log off for periods of at least one hour if the vehicle is not moving or in a waiting line. These hours shall not count against the driver's total. In case of vehicles without an electronic log off, the Certificate Holder may have the driver maintain in its log or the Certificate Holder may maintain a log for the driver that indicates when the driver was not actively driving for periods of at least one hour. Such periods shall not count against the driver's daily allocation.
  
- m. Dress Code and Appearance.
  - i. **Minimum standards.** A driver while operating a Taxicab or a Limousine shall present a neat and clean appearance.
    - 1. A driver shall dress in clean clothing composed of a shirt with collar, ankle-length trousers or slacks/dresses/ skirts (as gender appropriate), socks or stockings, and shoes or clean sneakers. Shorts, bathing trunks or bathing suits, undershirts, "muscle shirts" or tank tops are prohibited unless concealed as undergarments beneath the attire described in this paragraph.
    - 2. A driver may not wear sandals or go barefoot while operating a vehicle.
    - 3. In addition to the other requirements, drivers of Exclusive Buses or Hospitality Vehicles shall wear dark solid-color dress pants, solid color dress shirt and a tie.
    - 4. In addition to the other requirements for an Executive Car, Exclusive Bus or Hospitality Vehicle driver, drivers of Luxury Limousines shall wear a solid color sport or suit jacket.
    - 5. Certificate Holders may and are encouraged to have their drivers adhere to of specific dress requirements that exceed the minimum standards.
  
- n. Driver Conduct.
  - i. **Driver's License.** A Certified Driver must continuously maintain a driver's license that is valid in the Commonwealth. This may include a license valid for driving a car from another state where the driver is residing. Drivers with out-of-state licenses who reside in Pennsylvania are required to have a valid Pennsylvania's license within 60 days of being a Pennsylvania resident. A Certified

Driver shall immediately report a suspension or revocation of his or her driver's license to the Authority.

- ii. **Lease.** A driver is responsible for maintaining a copy of the lease agreement, employment contract or employee identification card at all times in the vehicle the driver operates.
- iii. **Most direct route to destination required.** A driver may not use indirect, convoluted or unnecessarily lengthy routes for the purpose of increasing the fare. Generally, unless provided with specific directions by the fare-payer to his or her point of destination, a driver shall select and use the most direct route consistent with prevailing road and traffic conditions from the point of pick-up to the passenger's point of destination.
- iv. **Driver courtesy.** Because courtesy and customer service are crucial to the health, success, and expansion of the Industry in Philadelphia, a driver shall conduct himself courteously, and may not threaten, injure, harass or use obscenity or vulgarity toward or within the hearing of the public, including law enforcement and Authority personnel whenever operating a regulated vehicle or performing Industry related tasks.
- v. **A radio-free ride.** A passenger may ask the driver for a ride free of electronic noise such as a radio or CD player. (The driver shall be allowed to keep the commercial radio on in the driver's compartment and the dispatch radio on at a low volume if a shield is installed.)
- vi. **Assistance to elderly, infirm or disabled passengers.** Drivers shall assist elderly, infirm or disabled passengers in entering and exiting their vehicles.
- vii. **Prohibited fares and charges.** A driver may not charge fares other than those established by the Authority and in the case of service with flexible rates authorized by the Certificate Holder.
- viii. **Gratuities.** A driver may not insist upon the payment of a gratuity by a passenger. A driver shall not refuse service to a member of the public for the sole reason that the member has not paid a gratuity in the past. This provision shall be waived in cases where a limousine tariff has a gratuity established as part of its rate structure or the gratuity has been pre-agreed to by the client when booking the service.
- ix. **Receipts.** Drivers are required to offer and provide upon request printed receipts in accordance with these Regulations unless the fare is being billed to the passenger or a third party.
- x. **Discrimination prohibited.** A driver may not refuse service to a member of the public on the basis of sex, race, religious preference, nationality, sexual orientation, age, point of origin, point of destination or to a person with a disability. When on duty and not already carrying a passenger, a driver shall furnish trip service on demand to any orderly person for lawful purposes.
- xi. All taxi drivers of vehicles required to belong to a radio dispatch service are required to answer calls for service. Failure to keep the radio in an operating setting and/or failure not to respond to an electronic request for service shall be treated as a failure to respond to a hail for service. Drivers shall be allowed a reasonable number of rejected calls as long as the pattern of rejections does not indicate a practice of discrimination or avoiding dispatched jobs.
- xii. **Service to people with disabilities.** A Taxicab driver shall stop his vehicle, if not engaged, when hailed by a person with a disability. The driver shall determine if the services requested by the person can be reasonably accommodated by the vehicle.
  - 1. A driver must offer to collapse a passenger's wheel chair and place the wheelchair in the trunk.
  - 2. If the service request can be reasonably accommodated, the driver shall provide the service.
  - 3. If the service request cannot be reasonably accommodated, the driver shall call a dispatcher immediately to arrange for service by the closest vehicle available that can accommodate the person's request. The driver shall advise the person of the status before departing.
- xiii. **Sanitary accommodations.** A driver shall maintain the vehicle he or she operates in a neat and sanitary condition, including the passenger compartment, trunk and the exterior of the vehicle.
- xiv. **No Smoking.** Drivers may not smoke in their vehicles.
- xv. **Heating and Air Conditioning.** The driver is required to provide HVAC as required by these Regulations or as reasonably requested by the passenger.

- xvi. **Reasonable amount of Change.** The driver of a vehicle that is to be paid in cash shall be able to provide change for a twenty-dollar bill.
  - xvii. **Operation of unsafe vehicle prohibited.** A driver may not operate a vehicle known by the driver to be in an unsafe mechanical condition.
  - xviii. **Accidents.** A driver involved in an accident which results in injury or death of a person or property damage shall do the following:
    - 1. Stop immediately.
    - 2. Take necessary precautions to prevent further accidents at the scene.
    - 3. Render reasonable assistance to injured persons. Movement of injured persons by a driver should not be undertaken if likely to cause further injury.
    - 4. Give to a person demanding the same, his name and address, the name and address of the Certificate Holder for whom he is then driving, the State tag registration number of the vehicle involved, the name of the insurance carrier that insures the operations of the Medallion holder and the driver's license number.
    - 5. Report the details of the accident as soon as practicable to the following:
      - a. The police, if required by the Commonwealth's Motor Vehicle Code.
      - b. The Medallion or Certificate Holder or the Operator of the Certificate Holder then using his or her services.
  - xix. All goods, other than those with no or nominal value, left by a passenger in a Taxicab or Hospitality Vehicle shall be taken by the driver to a location designated and controlled by the Authority and kept in a secure lost and found. Other Limousine Certificate Holders shall maintain their own lost and found.
    - 1. Such items, with the exception of perishable goods, shall be maintained for 30 days. Perishable goods shall be retained to the end of the day that they are found and then disposed of if not claimed.
    - 2. The Authority shall dispose of any item not retrieved within 30 days. Any proceeds shall be deposited into the Fund.
  - xx. Drivers are prohibited from using cell phones, except for emergency purposes, while the vehicle is moving and a passenger is in the vehicle.
- o. Driver's Rights.
- i. **Number of Passengers.** A driver need not accept more passengers than there are seat belts in the passenger compartment.
  - ii. **Children.** A taxi driver is not required to accept unaccompanied children under the age of thirteen.
  - iii. **Front Seat.** The driver of any vehicle equipped with a security shield may deny a passenger access to the front seat unless the passenger is infirm.
  - iv. **Disorderly or Threatening.** The driver of a Taxicab or Limousine may deny a passenger service if the passenger appears to be disorderly or threatening as long as there is not a pattern that indicates that the driver might be illegally discriminating against certain people or destinations.
  - v. **Payment.** A taxi driver shall be paid the full fare upon request and may ask a police officer to compel the passenger to pay the fare. A taxi driver may ask for and be paid the estimated fare, without gratuity, before starting a trip.
  - vi. **Smoking and Eating.** A driver of a Taxicab, Executive Car or a Hospitality Vehicle may tell a passenger to refrain from smoking, eating or drinking in the vehicle.
  - vii. **No Conversation.** Certificate Holders of vehicles with a seating capacity of nine passengers including the driver or more may post a notice stating, "Passengers are prohibited from distracting the attention of the operator by conversation or otherwise."
  - viii. **Animals.** Taxicabs and Limousines are not required to transport animals, other than service animals, that are not securely and sanitarily caged or otherwise contained. Taxicabs and Limousines must provide for the transport of service animals when accompanying a person with disability. Service animals shall be properly leashed. Certificate Holders of Limousines may override this provision and require that animals be transported.

ix. **Luggage and other Parcels.**

1. Taxicabs are allowed and required to haul parcels without a passenger at the same rate as if a passenger were in the Taxicab. The estimated fare must be paid in advance with adjustments made upon delivery. The Driver is not responsible for the contents of the package and may leave the package at the designated location even if there is no one to receive it.
2. Taxicabs and Limousines are not required to take any parcel that is not sanitary or that the driver believes may damage the vehicle. Certificate Holders of Limousines may override this provision.
3. Taxicabs and Limousines are not required to accept any parcels or luggage that the driver has reason to believe may be dangerous or not in the legal possession of the fare.
4. Taxicabs and Limousines are not required to accept any parcels other than personal luggage such as briefcases, personal computers and handbags in the passenger compartment.
5. Taxicabs and Limousines are only required to haul parcels that easily fit in the trunk or storage compartment of the vehicle.
6. Drivers are not required to handle over sized parcels with the exception of collapsible wheelchairs.

- p. Additional Qualifications. These Regulations shall not prevent the owner of a Medallion or Certificate Holder from imposing more stringent qualifications, requirements, examinations or certifications upon drivers than are imposed in this subsection or section. Certified dispatchers are encouraged to raise and further standardize the dress of drivers using their services and to impose more stringent qualifications, examinations or certifications as a way of differentiating their service from their competitors.
- q. Report of change of address required. A Certified Driver or Driver's Certificate applicant shall notify the Authority, in accordance with its Procedures, within fifteen (15) days after a change of the address recorded on the Certificate application. The notice shall be in writing and shall contain the old and current address and the number of any Driver's Certificate then held by the person.
- r. Report of change of legal name required. A Certified Driver or Driver's Certificate applicant shall notify the Authority in accordance with its Procedures within fifteen (15) days after a change of legal name on the Certificate application. The notice shall be in writing and shall contain the old and current legal name and the number of any Driver's Certificate then held by the person.
- s. Comply with the Authority's Regulations. In addition to all of the above, the driver is responsible for adhering to the Authority's Regulations.
- t. Suspension and Revocation. The TLD shall suspend, and may revoke, the Driver's Certificate of any person:
  - i. found to lack a valid state driver's license,
  - ii. found to possess an expired Driver's Certificate;
  - iii. found to have made a false material statement on the application; or
  - iv. found to have provided taxicab or limousine service without a valid state driver's license.This subsection is not intended to limit the ability of the Authority to duly suspend or revoke rights in other applicable cases.
- u. Remedial Training. A Certified Driver with certain amounts or types of infractions may have his/her Driver Certificate suspended or cancelled by the Authority after notice and an opportunity to be heard. Certified Driver's who have been suspended may be required to take additional training as a condition of reinstatement. A suspended driver may take required training under the terms of his/her suspension during his or her suspension period.

- v. Mandatory cancellation. A driver may have his Driver's Certificate cancelled in the following circumstances:
  - i. An individual who operates a Taxicab or Limousine in a city of the first class while his Driver's Certificate is then under suspension by the Authority.
  - ii. A Certified Driver who has been twice suspended under these Regulations, upon the third violation warranting a suspension occurring within three (3) years of the date of entry of the first suspension.
  - iii. A Certified Driver who operates a Taxicab or Limousine in a city of the first class while under the influence of alcohol or drug, including but not limited to any medication that warns about drowsiness or operating a motor vehicle as a side affect.
  - iv. A Certified Driver who operates a Taxicab or Limousine who knowingly transports, possesses or unlawfully uses a drug or narcotic proscribed by The Controlled Substance, Device and Cosmetic Act.
  - v. A Certified Driver who leaves the scene of a motor vehicle accident involving that Taxicab or Limousine prior to rendering reasonable assistance to injured persons and/or who fails to report that accident to the police.
  - vi. A certified driver who is convicted of a felony involving the use of a motor vehicle.
  - vii. A certified driver who is convicted of driving while his motor vehicle license is suspended or revoked.
  - viii. If not already provided, the Person shall be granted notice and an opportunity to be heard.
- w. Benefits. The Authority shall seek to identify health insurance plans and other services that may be of benefit to Certified Drivers.
  - i. The Authority shall not subsidize the costs of these benefits.
  - ii. The Authority may provide a driver's name and contact information to potential service providers (with or without a fee). Drivers will be given the opportunity to opt-off this list through a specific declaration.
  - iii. This shall in no way limit the rights of a transportation carrier to offer benefits to its drivers.
- x. Certificate Holders and Dispatchers Responsibilities for Drivers. Certificate Holders are generally responsible to assure that their drivers comply with these minimum regulations and that higher standards are achieved. Nothing in these regulations is intended to change the relationship between drivers and Certificate Holders. Dispatchers are also required in certain situations to assure the compliance of drivers and Certificate Holders. This is not intended to create an employer-employee relationship.
- y. A Driver's Certificate may be denied, suspended, or revoked by the Authority upon a determination that the driving record of the certified party evidences a threat to public safety.

## **20. SPECIAL SERVICES.**

- a. Multi-stops and Shared Rides. A passenger receiving Exclusive Service may request a driver to make multiple stops. In such cases, the driver will treat the trip as a single trip and charge the passenger accordingly (e.g., only one flag-drop and waiting time as appropriate).
  - i. The passenger in a taxi may pickup or discharge passengers along the trip as long as the passenger who started the trip remains part of the traveling party. If the original passenger leaves, a new trip will be started (i.e., the meter will be stopped, the fare paid and a new fare started).
- b. Transportation Shortages. The Authority may order that Taxicabs be made available on a nonexclusive basis during periods of transportation shortages (e.g., special events, inclement weather, transportation service interruptions). In such cases the Authority may establish, by Order, interim rates and related protocols.

- c. People with Disabilities. Limousines and Taxicabs are required to comply with the Americans with Disabilities Act (ADA) and provide service to people with disabilities, including but not limited to: providing a reasonable amount of assistance, placing a folding manual wheel chair in the vehicle for the passenger and transporting service animals accompanied by a person with a disability. Any discrimination based upon disability is prohibited. Service must be rendered at the tariff rate for the general public.

**21. SUPERIOR TAXICAB SERVICE PROVIDERS.** The Authority shall develop standards that permit it to recognize superior Taxicab drivers and vehicles.

- a. Driver Rankings. The Authority shall develop a program for ranking Certified Drivers (e.g., superior grade drivers, drivers with infractions).
- i. Rankings may consider items such as: certification test score, early application for new Driver's Certificate, supplemental training, years of experience, customer complaints and praise, etc.
  - ii. Drivers who achieve a high rating (e.g., superior) may be granted special privileges (e.g., preference in cab lines and/or dispatch).
  - iii. To receive these privileges, a Taxicab driver may be required to wear a tie or other garment or other identification approved and/or issued by the Authority.
- b. Vehicle Rankings. The Authority shall develop a program for ranking taxicabs (e.g., superior, acceptable).
- i. Rankings may consider items such as: inspection score, type of vehicle compared to minimum standard, age, mileage, overall appearance, technology installed, early adoption of new requirements or options (e.g., legroom, smartcards), etc.
  - ii. Vehicles who achieve a high rating (e.g., superior) may be granted special privileges (e.g., preference in cab lines and/or dispatch).
- c. The Authority shall develop a system for identifying superior drivers and vehicles.
- d. Special priority will be assigned in a situation where a superior driver and superior vehicle are jointly providing service.

**22. EMAIL NOTIFICATION.** All Certificate Holders, Medallion owners, Operators, Dispatchers, DOVs, Brokers, Financial Services Providers (e.g., lenders and insurers) shall provide the Authority with an email address to which the Authority may send official notices. These notices may require that the recipient check a website for additional information. Certified Drivers that do not own their own vehicles are not required, but are encouraged, to be able to receive notices from the Authority by email. Anyone wishing to provide Taxi, Limousine or Dispatch service as of the Transfer Date, must provide the Authority with its email contact information at least 45 days prior to the Transfer Date.

**23. OPERATOR.**

- a. As of the transfer date, any Person who acts as an Operator on behalf of a Certificate Holder must be registered with the Authority and meet certain requirements.
- i. This includes Persons providing this function through a direct agreement with a Certificate Holder or indirectly through an intermediary.
  - ii. An application for registration by a registrant must be made at least 45 days prior the Transfer Date to assure a response of eligibility from the Authority prior to the Transfer Date.
- b. Minimum Requirements.
- i. At least twenty-one (21) years of age;
  - ii. A citizen or permanent resident of the United States;
  - iii. Of good moral character; and

- iv. Able to speak, read, write and understand the English language.
- c. The registrant shall disclose the names of all owners of the operator's business that control at least 5% of the business, the names of all officers of the dispatch business, the names of all owners with at least a 5% interest or officers of any holding company controlling at least 5% of the dispatch company. If the registrant is a corporation, it shall file with its license application a certified copy of its certificate of incorporation. A list of its officers and shareholders and a certified copy of the minutes of the meeting at which the current officers were elected shall also be furnished.
  - i. Each registrant shall file a certified copy of a criminal record check for each covered owner covering at least five years and for each state in which the owner resided over that period.
  - ii. No Person may allowed to register as an Operator if the Person has been convicted of a felony within the five-year period immediately preceding the application, or who is still under supervision for a felony conviction at the time of application. All registrants shall contain a sworn affidavit certifying that the applicant, its shareholders who own 5% or more shares of the voting stock in the corporation, its officers and/or directors have or have not been convicted of a felony in the previous five years. If, at any time thereafter, the Authority finds that the Operator has been convicted of a felony while registered, or during the five-year period immediately preceding the registration, the Authority shall repeal the registration.
  - iii. The registrant shall remit to the Authority a nonrefundable application fee determined by the Executive Director.
  - iv. The registrant shall be current on all parking tickets and/or in compliance with a payment agreement on outstanding tickets.
  - v. The registrant shall include primary contact information, including a mailing address, a business address within the City, a phone number, an email address and the name and title of a primary contact.
  - vi. The registrant shall include a list of all Certificate Holders for whom it is an Operator in a form that may be prescribed by the Authority.
    - 1. This list must be kept current.
    - 2. The Operator shall provide an affidavit from each Certificate Holder that it is the Certificate Holder's Operator.
  - vii. The registrant shall file any changes to the application during the application period or licensing term within three (3) business days of the change occurring.
- d. Bonding. The registrant shall deposit with the Authority a bond, in the penal sum of ten thousand (\$10,000) dollars, containing one or more sureties to be approved by the Authority. This bond shall be payable to the Authority and shall require that the registrant will comply with the Regulations, Orders and Procedures of the Authority relating to Taxicabs and Limousines; shall pay all fines imposed by the Authority; shall pay or satisfy all judgments awarded for damages to any person found to have been caused by the registrant, his or her agents or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted under such registration, or caused by any other violation in carrying on the business as an Operator. The term judgment shall include, but not be limited to, an Order of a Hearing Officer of the Authority directing restitution to an aggrieved party. The Operator is immediately liable for satisfaction upon determination of the fine or award judgment, or, if a timely appeal is taken, upon final determination of the appeal.
- e. Denial of Registration. If the Authority determines that the registrant has failed to meet the requirements to be registered as an Operator, the Authority will within a reasonable time deny the Operator's initial registration application or suspend or revoke an existing registration and specify in writing to the applicant or Operator the reason for such denial. The initial registrant may seek administrative review related to the denial of its application pursuant to Section 3. a.1. The suspension or revocation of an existing registration shall proceed pursuant to Section 29.k.i.

## 23 PPA Regs. §e.i.

- i. Any material falsification contained in an initial or renewed registration, any failure to notify the Authority of any material change in the information contained therein, or any attempt by a registrant or Operator to conceal the identity of a party having a direct or indirect interest in his or her business, shall be cause for denial of such registration, in addition to any other sanctions imposed by the Authority.
  - ii. If at any time during the term of Registration the Authority becomes aware of information that the registered Operator no longer meets the Authority's requirements, the Authority may deny, suspend or revoke his or her renewed registration, in the manner provided by the Authority's Procedures.
- f. Term. The Registration shall be issued as of January first and shall expire on December thirty-first next succeeding, unless sooner suspended or revoked by the Authority.
- g. Display of Privilege.
- i. A registered Operator shall conspicuously display proof of his or her authority to provide management services to the Industry in the City, or a copy thereof, at all times in every place of business maintained by the registered Operator.
  - ii. An Operator shall not display an expired, suspended or revoked proof of his or her authority and shall surrender such expired, suspended or revoked proof of authority to the PPA immediately.
- h. Renewal. In Order to continue to provide financial services to the Industry in the City, a registered Operator must renew his or her registration before the current registration term expires. The registered Operator may renew his or her registration within sixty (60) days of the expiration date of the current registration. Renewal may be denied if the Authority finds that the Operator has provided inferior service.
- i. Operators may be held responsible for any and all of the responsibilities of a Certificate Holder.
    - i. The existence of an Operator in no way shall limit the responsibilities of a Certificate Holder or the Certificate Holder's responsibility to exercise control.
    - ii. All notices that are to be sent to the Certificate Holder shall also be sent to its Operator.
    - iii. An Operator may present the Certificate Holder's vehicles for inspection without any additional authorization.
- j. Providing the services of an Operator without being properly registered with the Authority shall be punishable by fine and cause for denial of future applications with the Authority.
- k. Use of an unregistered operator by a Certificate Holder may be cause for fine and/or suspension or revocation of its Certificate.

## 24. MEDALLION BROKERS.

- a. Registration Required. Commencing six months after the Transfer Date, no Person shall engage in the business or occupation of, or hold himself/herself out or act temporarily as, a Medallion Broker in the City of Philadelphia unless currently registered with the Authority. Only Persons registered as Medallion Brokers may participate in the Medallion sale and transfer conducted by the Authority and have the Authority direct payment for their services from the proceeds of sales.
- b. Eligibility. An individual, the members of a partnership, or the officers and directors of a corporation, registering as a Medallion Broker or for renewal shall be:
  - i. At least twenty-one (21) years of age;
  - ii. A citizen or permanent resident of the United States;
  - iii. Of good moral character; and
  - iv. Able to speak, read, write and understand the English language.

- c. Waiver for Attorneys. Current members in good standing of the Pennsylvania Bar may serve as Medallion Brokers without any additional registration other than its State identification as an attorney in good standing.
- d. Registration. The registration for a Broker shall be in such form and detail as the Authority shall prescribe, and shall include the following:
- i. The registrant shall disclose the names of all owners of the brokerage business who control at least 5% of the business; the names of all officers and directors of the brokerage business; the names of all owners with at least a 5% interest in any holding company that controls at least 5% of the brokerage company; the names of all officers and directors of any holding company that controls at least 5% of the brokerage company; and any employee empowered to act as a broker.
    - 1. The Authority shall require criminal record checks on all of those listed.
    - 2. A registered Broker's status shall not be granted to any person who has been convicted of a felony during the five-year period immediately preceding the date of application or who is still under supervision for a felony conviction at the time of application.
  - ii. The registrant shall remit to the Authority a nonrefundable application fee determined by the Executive Director.
  - iii. The registration shall include primary contact information, including a mailing address, a business address within the City, a phone number, an email address and the name and title of a primary contact.
  - iv. The business or occupation theretofore engaged in by the applicant, or, if a partnership, by each member thereof, or, if a corporation, by each officer, director and shareholder thereof, for a period of five (5) years immediately preceding the date of such application, setting forth the place or places where such business or occupation was engaged in and the name or names of employers, if any.
  - v. If the registrant is a corporation, it shall file with its Broker's registration a certified copy of its certificate of incorporation. A list of its officers, directors and shareholders, and a certified copy of the minutes of the meetings at which the current officers and directors were elected or appointed shall also be furnished.
  - vi. If, in addition to services as a Broker, the brokerage or any principal thereof will be acting as a lender, insurance provider or automobile dealer, or has a financial interest in such lender, insurance brokerage firm or automobile dealership, full information as to extent of such interest.
  - vii. The Broker shall file any changes to the application during the application period or licensing term within three (3) business days of the change occurring.
  - viii. The Authority may establish and administer a test of a registrant's knowledge of the relevant regulations and procedures.
- e. Bonding. The registrant shall deposit with the Authority a bond, in the penal sum of fifty thousand (\$50,000) dollars, containing one or more sureties to be approved by the Authority. This bond shall be payable to the Authority and shall require that the Broker will comply with the Regulations, Orders and Procedures of the Authority relating to Taxicabs and Limousines; shall pay all fines imposed by the Authority; pay or satisfy all judgments awarded for damages to any person that were found to have been caused by the registrant, his or her agents or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted as a Broker, or caused by any other violation in carrying on the business as a Broker. The term judgment shall include, but not be limited to, an Order of a Hearing Officer of the Authority directing restitution to an aggrieved party. The Broker is immediately liable for satisfaction upon determination of the fine or award judgment, or, if timely appeal is taken, upon final determination of the appeal.
- f. Denial of Registration. If the Authority determines that the registrant has failed to meet the requirements for a Taxicab Broker it will, within a reasonable time, deny the Broker's initial registration or its renewal, and specify in writing to the applicant the reason for such denial.

## 24 PPA Regs. §f.i.

- i. Any material falsification contained in an initial application or renewal as a registered Broker, any failure to notify the Authority of any material change in the information contained therein, or any attempt by a registrant or Broker to conceal the identity of a party having a direct or indirect interest in his business of Medallion brokerage, shall be cause for denial or revocation of the Broker's registration, in addition to any other sanctions imposed by the Authority.
  - ii. If at any time during the term of the Broker's registration the Authority becomes aware of information that the Broker no longer meets the requirements for a registered Broker, the Authority may deny his or her renewal registration, or suspend or revoke his or her Broker's registration, in the manner provided by the Authority's Procedures.
- g. Term. Broker's registrations shall be issued as of July first and shall expire on June thirtieth next succeeding, unless sooner suspended or revoked by the Authority.
- h. Display of Registration.
- i. A Broker shall conspicuously display his or her Broker registration, or a copy of his or her registration, at all times in every place of business maintained by such broker.
  - ii. A Broker shall not display a Taxicab or Limousine Broker's registration that has expired, been suspended or revoked, but shall surrender it to the Authority immediately.
- i. Renewal. A Broker shall submit an application for renewal of the Broker's registration no later than sixty days prior to the expiration date of the License.
- j. Nontransferable. a Broker's registration is not transferable.
- k. Proscribed Procedures.
- i. For each transaction, a Broker must have a written agreement that clearly identifies who the Broker is representing (if representing both parties that each party recognizes this in writing), the scope of those services and who is to pay what fees to the Broker.
  - ii. A Broker shall not request or permit a party to sign a Power of Attorney or any other instrument in blank, or accept any such instrument signed in blank.
  - iii. If the Broker requests any instrument or document to be signed by an interested party and returned to said broker, the broker shall provide the interested party with a duplicate copy of the instrument for the party's own records. If an interested party attends a closing, at which time the interested party is presented with an instrument or other document for signature, the broker shall furnish the interested party with a photocopy of the signed instrument at the closing.
  - iv. A Broker shall keep and maintain for a period of three (3) years the following records:
    - 1. The names and addresses of buyers, sellers, lenders, or lienholders, if any;
    - 2. The purchase price;
    - 3. Amount of deposit paid on contract;
    - 4. Amount of commission paid to broker;
    - 5. Expenses of procuring financing, if any; and
    - 6. Closing statements.
- l. Additional Responsibilities of the Broker.
- i. A Broker shall cooperate with all law enforcement personnel and authorized representatives of the Authority, and shall comply with all their reasonable requests.
  - ii. A Broker shall answer and/or comply with all questions, communications, and directives within seventy-two (72) hours of receipt from the Authority or its representatives. An emergency communication shall be answered immediately.
  - iii. A Broker shall answer all summonses from the Authority on the scheduled date.

- iv. A Broker shall, upon demand, furnish the Authority or its representatives for inspection all records and documents.
- m. Standards of Conduct.
  - i. A Broker shall not offer a Taxicab for transfer unless he is authorized to do so by an instrument signed by the Medallion Owner.
  - ii. In all agreements obtained by a Broker which provide for an exclusive listing of a Taxicab, the Broker shall have attached to the listing, printed in boldface type on the listing, or printed on the reverse side of the listing and signed or initialed by the Medallion Owner, an explanation stating that this is an exclusive listing and the applicable term in type size of not less than eighteen points (1/4 inch).
  - iii. A Broker shall not be a party to an exclusive listing contract that contains an automatic continuation of the period of such listing beyond the termination date set forth in the contract.
  - iv. A Broker shall not induce any party to a contract for the transfer of a Taxicab medallion to break such contract for the purpose of substituting in lieu thereof a new contract with another principal.
  - v. If applicable, a Broker shall disclose to his principals, in writing, that, in addition to his services as a Broker for their Medallion transaction, he is acting also as a lender, insurance broker, automobile dealer or in any such other capacity, or has a financial or other interest in such lender, insurance brokerage firm or automobile dealership. This disclosure will require a separate signature by the sellers and buyers.
  - vi. A Broker shall not accept any commission, rebate or profit on expenditures made by him or her for his or her principal without the latter's full knowledge and written consent. This consent shall be retained by the Broker for a period of two years.
  - vii. A Broker shall not directly or indirectly buy for himself or herself any interest in a Medallion listed with him or her, without first disclosing such interest to the Medallion Owner in writing.
  - viii. A Broker shall not sell a Medallion in which he owns an interest, unless he makes known to the vendee such interest in writing.
  - ix. A Broker with whom a Medallion and/or Vehicle Certification Card have been left for purposes of sale shall deliver the Medallion and Vehicle Certification Card to the Authority for placement into storage within 48 hours of receipt of same, exclusive of holidays or weekends.
  - x. A Broker shall not operate or cause to be operated any Medallion delivered to him without the Medallion Owner's knowledge and express written and duly acknowledged consent.
  - xi. A Broker, to whom money has been advanced on a contract by a buyer, shall not pay over any part of those funds to the seller or any other person without the written approval of the buyer.
  - xii. A Broker shall not commingle advanced moneys from a buyer with his own, but shall deposit it promptly in a separate, Federally insured, special account.
  - xiii. A Broker, upon making a deposit of the buyer's advanced funds, shall notify in writing the person who advanced the money, giving the name and address of the bank in which the money was deposited and the amount of such deposit.
  - xiv. A Broker shall not retain or benefit from accrued interest, if any, from the buyer's account, unless authorized, in writing by his principal.
  - xv. Any advertisement placed by a Broker shall indicate that the advertiser is a registered broker. A Broker shall not use deceptive or misleading advertising.
  - xvi. A Broker, while performing his or her duties and responsibilities as a Taxicab Broker, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, material misrepresentation, dishonesty or theft, or perform any willful act of omission or commission that is against the best interests of the public.
  - xvii. A Broker who arranges a loan for his or her principal shall give such principal a copy of the lender's commitment and of all other documents provided to the Broker by the lender.
  - xviii. A Broker shall advise the parties to a sale, in writing, of their right to be represented by an attorney and/or accountant of their own choosing, with respect to such Medallion transfer.

- xix. Within five (5) business days after the completion of a closing (including the financial closing), a Broker shall provide his or her principal(s) and the Authority with a written closing statement setting forth the following:
    - 1. Names and addresses of seller(s) and purchaser(s);
    - 2. Which Medallion(s) were being sold;
    - 3. The sales price;
    - 4. Vehicle cost (if any);
    - 5. Amount of personal funds furnished by the purchaser;
    - 6. Names and addresses of lenders together with the amount(s) of the loan(s);
    - 7. The amount of the Broker's commission; and
    - 8. An itemization and explanation of all disbursements or payments made at the closing, including who received the disbursements or payments.
  - xx. A Broker shall release all funds that it is holding at the time of settlement under the supervision and direction of the Authority. The Authority may direct that some of the money be held in escrow.
  - xxi. A Broker, without the prior written consent of the Authority, shall not employ or use the services of any individual whose license as a Taxicab broker has been revoked or suspended, or who was the chief executive officer of a partnership or corporation whose license has been revoked or suspended.
  - xxii. No Broker or attorney in the capacity of a broker, without the prior written consent of the Authority, shall act on behalf of any broker who has not been licensed by the Authority or whose license has been suspended or revoked.
- n. Any Person providing brokerage services without being a registered Broker shall be reported to Philadelphia's District Attorney for investigation and prosecution. If that Person is otherwise a holder of a Certificate or is a registered Financial Services Provider, Authority may revoke these other privileges as a result of this action.

## **25. FINANCIAL SERVICE PROVIDERS.**

- a. As of six months after the transfer date, any person who provides certain financial services to Taxicabs and Limousine service providers in the City must be registered with the Authority and meet certain requirements.
- b. Only those Financial Service Providers registered with the Authority shall be permitted to:
  - i. File a lien on more than two Medallions as a lender with the Authority except where the lender is the seller of the Medallion.
  - ii. Be the lender of record on more than two Medallion transfers other than in the case of owner financing. A Medallion owner may finance the purchase of his/her own Medallion without being a registered Financial Services Provider but still must meet the requirements of providing information regarding the loan at the closing.
  - iii. Provide or broker insurance accepted by the Authority.
- c. Minimum Requirements.
  - i. A Person providing insurance services shall demonstrate that the Person is allowed by license or other specific authority of the Pennsylvania Insurance Department, that such rights are in good standing. Additionally the Person shall sign a form provided by the Authority indicating that it will comply with the applicable regulations, procedures and orders of the Authority. Attorneys who are allowed by the Commonwealth to provide these services need only notify the Authority that it is providing these financial services and document that he/she is a current member in good standing of the Pennsylvania Bar.
  - ii. A Person who wishes to be a Lender must meet the following requirements.
    - 1. At least twenty-one (21) years of age;
    - 2. A citizen or permanent resident of the United States;

3. Of good moral character; and
  4. Able to speak, read, write and understand the English language.
- iii. To register as a Lender, the person shall:
1. Complete a registration process that includes, in part:
    - a. Disclosure of the names of all owners of the registrant's financial services business who control at least 5% of the business; the names of all officers and directors of the financial services business; the names of all owners with at least a 5% interest in any holding company that controls at least 5% of the financial services company; the names of all officers and directors of any holding company controlling at least 5% of the financial services company; and any employee empowered to act on behalf of the Financial Services Provider.
    - b. Criminal record checks on all of those listed. No person shall be registered by the Authority who has been convicted of a felony during the five-year period immediately preceding the person's registration or who is still under supervision for a felony conviction at the time he or she registers with the Authority.
    - c. The business or occupation theretofore engaged in by the registrant, or, if a partnership, by each member thereof, or, if a corporation, by each officer, director and shareholder thereof, for a period of two (2) years immediately preceding the date of registration, setting forth the place or places where such business or occupation was engaged in and the name or names of employers, if any.
    - d. If the registrant is a corporation, it shall file with its registration a certified copy of its certificate of incorporation. The registrant shall also file a list of its officers, directors and shareholders, and a certified copy of the minutes of the meeting at which the current officers and directors were elected and appointed.
  - iv. Any registrant shall remit to the Authority a nonrefundable application fee determined by the Executive Director.
  - v. Any registrant shall include primary contact information, including a mailing address, a business address within the City, a phone number, an email address and the name and title of a primary contact.
  - vi. A Person may simultaneously register to provide one or more financial services provided, including, but not limited to, lender, loan broker, insurance provider and insurance broker. If the registrant is also registered or registering to provide another financial service, or is a Broker or an applicant to become a Broker, the registrant shall so indicate. If the registrant is already registered with the Authority and wishes to amend the registration to include additional financial services, it may do so through a written request that only provides the additional information applicable to the additionally services sought. This does not apply to a Financial Services Provider that wishes to become a Broker, where a full application is required.
  - vii. The registrant shall file any changes to the application during the application period or licensing term within three (3) business days of the change occurring.
- d. Denial of Registration: If the Authority determines that the registrant has failed to meet the requirements to be registered as a Financial Services Provider, the Authority will within a reasonable time deny the Financial Service Provider's initial registration application or suspend or revoke an existing registration and specify in writing to the Financial Service Provider the reason for such denial. The initial registrant may seek administrative review related to the denial of its application pursuant to Section 3. a.1. The suspension or revocation of an existing registration shall proceed pursuant to Section 29.k.i.
- i. Any material falsification contained in an initial or renewed registration, any failure to notify the Authority of any material change in the information contained therein, or any attempt by a registrant or Registered Financial Services Provider to conceal the identity of a party having a direct or indirect interest in his or her business, shall be cause for denial of such registration, in addition to any other sanctions imposed by the Authority.

- ii. If at any time during the term of Registration the Authority becomes aware of information that the Registered Financial Service Provider no longer meets the Authority's requirements, the Authority may deny, suspend or revoke his or her renewed registration, in the manner provided by the Authority's Procedures.
- e. Term. The Registration shall be issued as of July 1 first and shall expire on June thirtieth next succeeding, unless sooner suspended or revoked by the Authority.
- f. Display of Privilege.
  - i. A Registered Financial Services Provider shall conspicuously display proof of his or her authority to provide financial services to the Industry in the City, or a copy thereof, at all times in every place of business maintained by the Registered Financial Services Provider.
  - ii. A Financial Services Provider shall not display an expired, suspended or revoked proof of his or her authority and shall surrender such expired, suspended or revoked proof of authority to the PPA immediately.
- g. Renewal. In Order to continue to provide financial services to the Industry in the City, a Registered Financial Service Provider must renew his or her registration before the current registration term expires. The Registered Financial Service Provider may renew his or her registration within sixty (60) days of the expiration date of the current registration.
- h. Code of Conduct.
  - i. All insurance providers and brokers must comply with the rules and regulations of the Commonwealth's Insurance Department and present the policyholder at time of binding with information that clearly states:
    1. The coverage provided by the insurance in plain English.
    2. The cost of the insurance, absent any commissions, fees, surcharges, financing charges, or other charges or fees not part of the actual cost of the insurance.
    3. An itemized accounting of each charge in addition to the basic premium (e.g., commissions, fees, surcharges, financing charges).
    4. Any early cancellation penalty, including, but not limited to, the disclosure of any amount that will not be prorated in case of early cancellation by either party.
    5. A section that clearly states any limitations on who may or may not operate the vehicle while insured. This shall not limit the responsibility of the insured to pay claims to injured parties but rather allows the insurer to take actions against the insured should the insurer be required to pay claims not covered by an individual policy.
    6. A section that clearly delineates variations from standard (e.g., ISO forms) and explains the impact on the insured.
    7. Loss runs on request to the policyholder and the Authority.
    8. A statement of whether or not the insurer is a participant in the Commonwealth's guarantee fund and the implications on the insured if the insurer is unable to pay claims.
    9. Comply with fair claims settlement and compromise practices.
  - ii. All Lenders using a Medallion as collateral must present the borrower with information that clearly states:
    1. The terms and conditions of the loan in plain English.
    2. The total cost of the loan in interest and principal with each part differentiated in a payment amortization table.
    3. An itemized accounting of each charge in addition to the basic interest and principal (e.g., commissions, fees, points surcharges, financing charges, setup charges).
    4. The effective interest rate with and without all costs.
    5. Any early cancellation penalty.

6. These documents will be filed as part of any Medallion closing and any lien notice filed with the Authority by the lender.
- iii. No Lender or insurance provider may be involved with sources of funds associated with illegal activities.
- iv. All Registered Financial Service Providers must adhere to the highest professional standards.
- v. All Lenders shall adopt operating policies that generally conform to State and Federal truth-in-lending rules, generally treating Medallion Owners as individuals rather than corporations, with the exception of rates and filing requirements.

## **26. INVESTIGATIVE POWERS.**

- a. The Authority may conduct investigations into any and all matters affecting Taxicab and Limousine Service in the City. Persons in the Industry are required to cooperate fully with any investigation being conducted by the Authority, the TLD Staff or on behalf of the Authority or the TLD Staff.
- b. The Authority shall have access to any and all records of persons in the Industry that it reasonably requires to execute its responsibilities. The respondent may request in writing that certain information it provides to the Authority be treated as confidential.
- c. Persons in the Industry are required to maintain reasonable records in conformance with standard business practices and as may be required by other governmental agencies.
- d. Failure by a person in the Industry to provide the Authority with information it requests, or that is requested by the TLD Staff or its designees, shall be a ground for suspension and revocation of the associated privileges granted by the Authority and/or a fine.
- e. Any person who knowingly provides the Authority with inaccurate information shall be considered to have committed an act of fraud and referred to the City's Office of the District Attorney.

## **27. COMPLAINT PROCESS.**

(a) A complaint is a written pleading in a form substantially similar to that required by the Pennsylvania Rules of Civil Procedure which seeks the enforcement of these Regulations or procedures, orders or other directives of the Authority or applicable laws related to the Industry. A Complaint may be filed by the TLD's Enforcement Division, TLD Trial Counsel, or other parties permitted by law to initiate enforcement actions before the Authority. Actions initiated pursuant to a citation shall proceed pursuant to subsection (m).

(b) A complaint shall be filed in person, or through other means approved by Order of the Director of the TLD, with the TLD Court Administrator who shall create a docket number and file for each complaint and forward the file to the TLD's Adjudication Department for assignment of a Hearing Officer. All subsequent filings shall be made through the TLD's Court Administrator and duly docketed.

(c) The complainant shall serve a copy of the complaint listing the TLD docket number upon all non-Authority respondents by regular United States Mail, proof of mailing, at the address of such respondent on file with the Authority. The complaint shall be considered served on the second business day after mailing.

(d) Each respondent shall file an answer to the complaint in a manner substantially similar to that required by the Pennsylvania Rules of Civil Procedure within 30 days of service of the complaint or waive all defenses and objections applicable to the matter. The time to file an answer may be extended by written agreement of the parties or order of the assigned Hearing Officer. Legal counsel for parties shall

enter their appearance with the TLD Court Administrator and shall remain counsel of record absent a substitution of counsel filed with the Court Administrator or upon leave of the assigned Hearing Officer.

(e) No other pleading is permitted without direction or leave of the assigned Hearing Officer, motions for such leave shall be filed and served in the same manner required of complaints and served by United States Mail, proof of mailing. To assist with the determination of the case, the Hearing Officer may in his sole discretion order:

1. additional filings or pleadings, including briefs, proposed findings, preliminary objections and motions;
2. scheduling or settlement conferences;
3. reasonable discovery;
4. the joinder of additional parties; and
5. provide for other reasonable process.

(f) Upon completion of all pleadings and other preliminary matters that may be directed by the Hearing Officer, a hearing shall be scheduled. The hearing shall be conducted before and transcribed by a court reporter designated by the Adjudication Department of the TLD.

(g) Each hearing shall be open to the public as limited only by the Hearing Officer's reasonable discretion. Except as provided in subsection (f), the recording of any hearing is prohibited.

(h) The technical rules of evidence do not apply to TLD hearings and all reasonably probative evidence intended to assist the Hearing Officer in reaching a decision shall be received. The Hearing Officer may limit or prohibit evidence which is needlessly scandalous or impertinent, duplicative, inherently unreliable, irrelevant, or otherwise unlikely to assist in the determination of the case.

(i) The party requesting relief or action by the Authority shall bear the burden of proof by a preponderance of the evidence and shall proceed first with submission of evidence.

(j) In the event a respondent fails to defend itself, the Hearing Officer may enter a default judgment against such respondent, however, only after the taking of evidence related to the sufficiency of service and such substantive evidence in support of the complainant's averments to assure the Hearing Officer that an actual case or controversy exists and the interests of justice will not be harmed through entry of the default order.

(k) Upon the conclusion of the taking of evidence and after receipt of any post hearing submissions directed by the Hearing Officer, the Hearing Officer shall issue a written order and such findings or opinions necessitated by law, which shall be mailed to all named parties or their counsel, and the Chairperson of the TLC, under a cover letter indicating the date of mailing.

(l) The Authority may issue orders establishing additional rules or procedures to assist with the administration of this Chapter.

(m) A timely request for a hearing by a party with standing related to a citation issued as a result of an alleged violation of the Act or Regulations, orders, or other directives of the Authority shall proceed pursuant to this Section, except that subsections (a) through (d) shall not apply. The request for a hearing must be filed with and received by the TLD's Court Administrator within 15 days of the date of the citation. In such cases the party to whom the citation was issued shall be the respondent and the TLD or other issuing entity shall be considered the party requesting relief or action by the Authority and the citation shall be considered a complaint.

**28. ENFORCEMENT.**

- a. The provisions of these Regulations are to be enforced by the Authority, including its Staff, and named Agents.
- b. Authority Staff or designated Agents, PUC enforcement officers, and City police officers and licensing officials may each commence and prosecute the following:
  - i. A complaint that is brought before the Authority pursuant to these regulations or applicable Orders or Rules of the PPA regarding taxicab and limousine regulation.
  - ii. A complaint that arises out of service to or from Philadelphia against a taxicab or limousine operating solely under its PUC issued rights and is brought before the Commission pursuant to the PUC's regulations.
- c. Citations brought before the Authority pursuant to these Regulations or Orders and Procedures of the Authority dealing with the Taxicab and Limousine regulation shall be subject to the following protocols:
  - i. The cited party(s) shall have fifteen (15) days to contest the citation after notice has been given. If the citation is contested consistent the Authority's Regulations and Procedures within this time, a Contested Complaint notice will be issued by the Authority.
  - ii. If appropriate remedial action is taken within two (2) business days, the cited party may be eligible for a reduced fine.
  - iii. If the citation is such that public safety may be at risk, the citing authority may order the vehicle and/or driver immediately out-of-service.
- d. The Philadelphia Police Department shall be asked to pay specific attention to drivers and vehicles that offer or appear to offer Taxicab or Limousine Service in the City without the proper authority, and to disable and or impound these vehicles and arrest the drivers.
- e. If a vehicle using a dispatcher's service fails to respond to a radio call for service and is reasonably determined by the Certified Dispatcher to be an appropriate vehicle to respond to that call, the Certified Dispatcher shall:
  - i. Attempt to immediately notify the driver about this potential infraction.
  - ii. Notify the Authority within two business days and the Medallion Owner if the driver still refuses the request.
  - iii. The Authority may take any or all of these actions:
    1. Take steps to disable the meter of the driver and place the vehicle out of service.
    2. Suspend or revoke the Driver's Certificate.
    3. Issue a fine to the driver and/or the Medallion Owner.
  - iv. If the Dispatcher fails to report this information to the Authority, the Authority may take any or all of these actions.
    1. Suspend or revoke the Dispatcher's Certificate of Public Convenience, subject to notice and an opportunity to be heard.
    2. Issue a fine to the Dispatcher.
- f. Confiscation and Impoundment of Vehicles. In addition to penalties provided for in these Regulations and The Act the Authority is empowered to confiscate and impound vehicles, Medallions and equipment which are utilized or appear to be utilized for Taxicab or Limousine Service without a proper certificate of public convenience or which are in violation of the Regulations or orders of the Authority. Upon satisfaction of all penalties imposed and all outstanding fines assessed against the owner or Certificate Holder of the confiscated vehicle, medallion and/or vehicle and payment of the costs of the Authority associated with confiscation and impoundment, the vehicle, Medallion and/or equipment shall be returned to its registered owner or registered lienholder.

- i. If an owner or operator does not satisfy all penalties imposed and all outstanding fines assessed within 45 days of the date of impoundment, the authority may publicly auction all confiscated property.
- ii. The authority shall, at least 30 days before the date of the public auction, provide notice by regular mail to the registered owner and any registered lienholder of the public auction of confiscated vehicles, medallion and equipment. The notice required under this subsection may be provided within the period of 45 days of the date of impoundment.
- iii. The authority shall apply the proceeds from the sale of all confiscated property in the following order:
  1. To the costs of the authority associated with the confiscation, impoundment and auction.
  2. To all penalties imposed and all outstanding fines assessed against the owner and Certificate Holder of the confiscated property, including but not limited parking tickets issued by the Authority.
  3. Except as provided in §iii.5, below, to the lien of any registered lienholder of the confiscated property upon demand.
  4. Except as provided in §iii.5, below, to the registered owner of the confiscated property upon demand.
  5. When not claimed by any registered lienholder or registered owner within one year of the auction date, remaining proceeds shall be deposited into the Fund.
- iv. After application of the proceeds from the sale of confiscated property under this subsection (f), the uncompensated costs of the authority associated with the confiscation, impoundment and auction and all outstanding penalties imposed and all outstanding fines assessed against the registered owner or Certificate Holder of the confiscated property may be assessed against the registered owner or Certificate Holder of the confiscated property including but not limited the issuance of tickets to:
  1. The driver, Certificate Holder and/or owner of the vehicle for the amount due; and/or
  2. The placing of liens on the driver, owner and/or Certificate Holder.
  3. Outstanding liens or tickets on a person or its officers may be reason not to certify that person or its officers by the Authority.
- v. **Junking of valueless vehicles.** Upon the determination by the Authority that the unclaimed vehicle or equipment is valueless, and in the case of vehicles, upon issuance of a certificate of junk by the Department of Transportation, the Authority may proceed to junk the unclaimed vehicle and seek recovery of the costs per subsection iv above.
- g. Discretion to confiscate Medallion, Vehicle Certification Card, Driver's Certificate or deactivate meter. TLD Staff may remove a Medallion from any vehicle or demand the return of the Vehicle Certification Card and/or Driver's Certificate from any driver and/or deactivate the meter when, in the TLD Staff's discretion, the continued operation of the vehicle or provision of service by that driver is not in the public interest (e.g., the vehicle is unsafe, insurance is not current, the driver is not able to safely operate a vehicle, the meter is not working, the radio or associated dispatch equipment is not working, the vehicle is in such disrepair that it would be uncomfortable to a passenger, the driver is not able to safely drive). The affected Medallion holder and/or driver may appear before personnel designated by the Authority to determine how the confiscated certification identifications may be returned. This opportunity shall be afforded within the same business day if the seizure occurred before noon and the next business day if it occurred after noon or on a weekend or holiday.
- h. Discretion to seek arrest. An individual empowered to enforce these Regulations who cites an individual for a violation that carries with it a criminal offense may seek to have the violator arrested.
- i. The Authority shall endeavor to track patterns of discrimination by Certificate Holders and drivers, especially those that may indicate a pattern of discrimination and/or geographically redlining. The

finding of such patterns of discrimination shall start proceedings that could lead to fines and/or suspensions or revocations of Certificates of Public Convenience and/or Driver's Certificates.

- j. Enforcement of out-of-state providers. Certificate Holders providing Hospitality Vehicle Service from a Hospitality Center to a destination outside the State must do so under a certificate issued by the Authority, unless exempted by the Real Interstate Driver Equity Act of 2002. Any vehicle legally providing interstate Taxicab and Limousine Service in the City without being certified by the Authority or the Commission shall be required to adhere to the following:
- i. All vehicles must be properly licensed in another state and meet applicable federal interstate carrier licensing requirements and have in their possession:
    1. Letter of federal authority to conduct interstate transportation;
    2. Proof of insurance in accordance with federal requirements of at least \$1.5 million liability insurance if the vehicle has a capacity of 15 or less and \$5.0 million if the capacity of the vehicle is 16 or more.
    3. Official copy of the driver's criminal background check from its own state comparable to those required of Certified Drivers.
    4. Documentation of health screening and required to take drug tests, consistent with the standards set forth for Certified Drivers.
    5. Appropriate markings from USDOT.
  - ii. All vehicles shall be maintained in a clean and sanitary condition including the interior, exterior and the trunk compartment.
  - iii. The passenger area shall be free of tears and graffiti. Repairs shall be workmanlike (e.g., prohibit the visible use of tape).
  - iv. All doors and windows shall be in good operating condition and reasonably aligned.
  - v. The body shall be free of damage. Paint shall be consistent on all body segments. Hoods and trunks shall be reasonably aligned and secured.
  - vi. All vehicles must have working air conditioning and heating units that provide sufficient conditioned air to the passenger section of the vehicle.
  - vii. Any vehicle using a meter to determine its authorized fare shall be equipped with a sealed meter that is calibrated in accordance with the approved tariff.
  - viii. All vehicles shall be equipped with seatbelts for every passenger and the driver.
  - ix. Any vehicle that has had its length modified must present documentation that said modification conforms to original manufacturer's guidelines.
  - x. Vehicles must be in compliance with applicable laws (e.g., ADA).
  - xi. All such deficiencies cited by the Authority staff shall be reported to the carrier's certifying agency(ies).
  - xii. If the vehicle is not certified by the Authority or certified by another governmental agency with the authority to authorize Taxicab or Limousine Service in the City, the vehicle and driver will be treated as an unauthorized service provider.

## **29. PENALTIES.**

- a. At the discretion of the Hearing Officer or the Executive Director, penalties shall be assessed against any person in the Industry who fails to comply with the requirements of the Authority. At the discretion of the Authority, penalties may be assessed on one or more Persons for the same or related infractions.
- b. A schedule for fines and other penalties shall be established by Order and published, posted and/or sent to all affected persons in a manner consistent with these Regulations regarding notices to persons in the Industry, however, the Order shall not be deemed exhaustive of applicable fines and penalties available to the Authority. Upon issuance of a finding of liability for any violation of the Act or Regulations, orders, or other directives of the Authority for which a fine or other penalty has been

scheduled by Order permitting reduction, and upon good cause shown, the issuing Hearing Officer may reduce such fine or other penalty in the best interests of the public.

c. Overcharges.

- i. If the overcharge is determined to be 20% or less, the Authority may require that the appropriate party(ies) refund to the passenger \$5 or double the overcharge, whichever is greater.
- ii. If the overcharge is determined to be greater than 20%, the Authority may require that the appropriate party(ies) refund the passenger \$10, double the overcharge or the full-fare charged, whichever is greater.

d. Corrective Actions. As appropriate, the Authority's schedule for fines shall include a provision where the driver, Certified Dispatcher and/or the Certificate Holder are encouraged to correct the offense through the provision of a short corrective grace period. If the offense is corrected and the vehicle presented for inspection within the allowed grace period, the fines will be waived and replaced by an administrative fee. This provision may not be made available to drivers, Certified Dispatchers or Certificate Holders with the same or similar recurring offenses twice within a twelve-month period.

e. Bribes.

- i. Any person found to be offering a bribe to an Authority employee shall be barred from the Industry and not issued a Certificate to operate, drive, dispatch, broker or provide other financial services for a period of at least ten (10) years and reported to the appropriate law enforcement officials.
- ii. Any Authority employee found accepting a bribe directly or indirectly from any person in the Industry shall be dismissed from employment and reported to the District Attorney's Office.

f. Fraud. Cases of fraud shall be reported to the City's District Attorney. For example, anyone requesting more than the tariff rate for Taxicab or Limousine service or advertising to be limousine or taxicab service without proper PPA certification in the City may be prosecuted for fraud.

g. Insurance Fraud. Any member of the Industry shall have his Certificate, License or Registration revoked subject to notice and an opportunity to be heard if the person is found guilty of insurance fraud.

h. Requesting a fee for a fare. Dispatchers, starters at cab lines, door men or anyone else may not in any way request or induce a driver to pay a fee, gratuity, or any other inducement to receive a fare or any other special consideration. Either requesting or paying consideration for these types of services shall be subject to a fine determined by the Authority and reported to the District Attorney as extortion or bribery as appropriate.

- i. Unauthorized operators shall include anyone who offers or appears to offer Taxicab or Limousine Service in Philadelphia without all of the following: a current Medallion, in the case of a Medallion Cab; proof that the vehicle has passed a current inspection conducted by the Authority; possession of and compliance with the Vehicle Certification Card; Certified Driver; and current insurance.
  - i. Any vehicle that is found to be offering or providing, or that appears to offer or provide, Taxicab or Limousine Service without adhering to the paragraph above shall be considered an unauthorized service provider and shall be subject to being disabled and/or impounded by Authority Staff or Agents. This shall be in addition to any fine that may be imposed.
  - ii. Any taxicab that does not have point-to-point rights in Philadelphia or in an area of Philadelphia that has its dome light on shall be considered to be offering unauthorized service and accordingly penalized.
  - iii. Any vehicle that does not have taxicab rights in the City and has a dome light, whether or not illuminated, may be considered to be offering unauthorized service.

- iv. Advertising to provide taxicab or limousine service in the City shall be considered equivalent to offering these services and may be penalized accordingly. No one offering limousine service may indicate in any way that it is a taxi and no one offering taxicab service may indicate in any way that it is providing limousine service.
  
- j. Penalties on Drivers are equally applicable to owner-drivers, wage-drivers and lease-drivers. Violations may result in the suspension or cancellation of a Driver's Certificate or the assessment of a civil penalty, or both. Suspension of a Driver's Certificate shall be of a duration that the Executive Director or the Hearing Officer determines based upon the facts and circumstances of each case.
  
- k. Suspension and Revocation of Rights. The Authority may suspend or revoke any right, including certificates of public convenience, that it has issued or permitted to continue, for violation of law or Regulations, orders, or other directives of the Authority, or in the best interests of the public.
  - i. **Ineligibility of Holder.**
    - 1. The holder of any right issued or continued by the Authority may be subject to suspension or revocation of such right if it becomes patently ineligible to hold those rights, as determined by the Authority through the renewal process or otherwise.
    - 2. Decisions suspending rights pursuant to this subsection may be reviewed pursuant to Section 3.a1.
    - 3. Except in case of emergency, revocation of rights pursuant to this section shall not occur without 30 days notice of a right to administrative review pursuant to Section 3.a1., during which time the certificate holder's rights may be placed in a suspended status. The assigned Hearing Officer may stay the suspension or emergency revocation pending disposition of the underlying matter.
  - ii. **Violation of Holder.**
    - 1. The holder of any right issued or continued by the Authority may be subject to suspension or revocation of such right for violation of any law or Regulation, order, or other directive of the Authority for which suspension or revocation is a potential penalty, or for engaging in conduct found to have such a direct and negative impact upon the Industry or the public good as to merit such suspension or revocation.
    - 2. Suspensions or revocations pursuant to this subsection shall be initiated by complaint of the TLD's Enforcement Division or other appropriate unit of the Authority.
    - 3. A complaint for revocation shall proceed pursuant to Chapter 27, except when the suspension or revocation is a penalty cited on the Authority's Schedule of fines and penalties and the matter originates through issuance of a citation, in which case the matter shall proceed pursuant to Section 27.(m).
    - 4. In cases concerning public safety or other emergency, the TLD may suspend a person's Authority rights provided prompt notice is provided of a scheduled hearing before the assigned Hearing Officer as to the propriety of continuing the suspension through final disposition of the case.
    - 5. The Hearing Officer shall condition the lifting or alteration of suspensions entered pursuant to subparagraph 4. above, on the timely submission of an appropriate request for a hearing on the underlying citation or the timely filing of an Answer to the Complaint.
  - iii. **Period of Revocation or Suspension.** In the event of a suspension or revocation of any right issued or continue by the Authority, unless otherwise set forth in the decision, a suspension shall be for a period of 30 days and a revocation shall be permanent.
  
- k.(1) If the Authority revokes the Certificate associated with a Medallion Cab, the Medallion owner shall have six (6) months from the date of issuance of the final order or the Authority revoking the certificate to dispose of the Medallion. If the six (6) months lapses without a transfer occurring, the Medallion shall become the property of the Authority by default, without compensation or further

notice to the owner, and may be reissued by the Authority in the best interests of the public, with the proceeds of the sale going to the Fund

- k.(2) A discontinuance of service for more than forty-eight (48) hours shall be reported to the Authority with a statement of the cause of interruption and its probable duration. Discontinuance of service for a period of five (5) consecutive days without notice to the Authority shall be deemed sufficient cause for suspension or revocation of the rights of the Certificate Holder, except if the suspension is caused by a strike or labor difficulties, riot, insurrection, war, government decrees, an act of god, or good cause shown. The TLD shall establish a procedure for voluntary suspensions of rights, not inconsistent with the Act or these Regulations.
- k.(3) The Authority may suspend or revoke the Certificate of Public Convenience for the operation of a Taxicab whenever it is shown that the Taxicab is not in service at least 50% of the time over any consecutive three-month period. Taxicabs that are exclusively driven by its owner-operator must provide service for at least an 8 hour shift 50% of the time over any consecutive three-month period.
- k.(4) A Driver's Certificate may be denied, suspend, or revoke by the Authority upon a determination that the driving record of the certified party evidences a safety threat to the public.
- l. Aiding or abetting violations. No person may aid, abet, encourage or require a person in the Industry to violate these Regulations or the Procedures and Orders of the Authority. Such actions shall carry the same potential penalties as committing the wrongful act.
- m. Criminal Penalties.
  - i. Operating a Taxicab without a Taxicab Driver's Certificate, or authorizing or permitting the operation of a Taxicab by a driver who is not certified as a Taxicab driver by the Authority, is a nontraffic summary offense in the first instance and a misdemeanor of the third degree for each offense thereafter.
  - ii. Operating a certified Taxicab without a Medallion or shield is a nontraffic summary offense.
  - iii. Operating an unauthorized vehicle as a Taxicab, or giving the appearance of offering call or demand service with an unauthorized vehicle, is a nontraffic summary offense in the first instance and a misdemeanor of the third degree for each offense thereafter.
  - iv. The manufacture or possession of a counterfeit Medallion is a misdemeanor of the third degree for each offense.
  - v. For purposes of these Regulations, any person convicted of:
    - 1. A summary offense shall be sentenced to pay a fine of \$500 and may be sentenced to a term of imprisonment not to exceed ninety (90) days, or both; or
    - 2. A misdemeanor shall be sentenced to pay a fine of \$2,500 and may be sentenced to a term of imprisonment not to exceed one year, or both.

**30. FILING AND REPORTING REQUIREMENTS**. No proprietary or confidential information collected by the Authority from persons in the industry shall be divulged to anyone without good cause. The Authority shall work with the Industry to collect as much information automatically and electronically. Other reporting or filing requirements may be stated elsewhere in these Regulations.

- a. Certificate Holders.
  - i. In a form provided by the Authority, each Certificate Holder shall report revenues and expenses to the Authority on April 30 of each year for the preceding calendar year.
  - 1. A common carrier with average gross annual revenues, intrastate and interstate combined, during the preceding year, of \$1 million and over, shall maintain books, accounts and records in conformity with the Uniform System of Accounts for Class I Common and Contract Motor Carriers

### 30 PPA Regs. §a.i.1.

- of Passengers, 49 CFR Part 1206 (relating to common and contract motor carriers of passengers), and the applicable current sections of 49 CFR (relating to transportation) governing the preservation of records of Class I motor carriers.
2. Other common carriers shall have the election of maintaining books, accounts and records in conformity with those required of motor carriers with average gross revenues of \$1 million and over, or on a modified basis and shall preserve their records under the applicable current sections of 49 CFR governing the preservation of records of Class I and Class II motor carriers.
    - ii. Amounts received as operating subsidies or payments from government agencies or others shall be included as revenue and separately listed.
    - iii. Medallion owners must report changes in radio dispatch service within 2 business days.
    - iv. Taxicab and Limousine services must maintain a log of all drivers assigned to each approved vehicle, including the date and time and the Driver's Certificate number. These records must be maintained for two years.
      1. Limousine Services, with the exception of Hospitality Vehicle Service, must maintain a log of all reservations and trips for a period of a year. The Certificate Holder shall provide the driver with a means of establishing that legal service is being provided at all times. This may include a verifiable trip ticket, trip log or other methods that enable the PPA's staff and Agents to determine the legality of the service. This documentation may be in electronic or paper form and must be readily available to the driver providing the service.
    - v. Taxicab and Limousine Certificate Holders shall immediately report to the Authority whenever it becomes aware that an insurance claim involving one of its vehicles has been made. This requirement may be satisfied by delivering the notice of a claim presented to or taken by the insurance company as long as it identifies the driver by name and certificate number the vehicle by identification number and a description of the accident.
  - b. Operators. Any and all information required to be reported by the Certificate Holder must be reported by its Operator.
  - c. Dispatchers.
    - i. Dispatchers shall maintain a current list of its users and report any changes in paid subscribers to the Authority within five business days of finding that a Taxicab is no longer subscribed with the Certified Dispatcher or as otherwise may be required to support a coordinated dispatch system. Such information may be required to be file electronically. (The Authority shall report to the previous dispatcher of record if a Taxicab presents itself for inspection associated with another dispatcher or if another dispatcher gives notice to the Authority of a Taxicab being added to its roles).
    - ii. Dispatchers shall report operating statistics (e.g., calls taken; time to answer call, etc) as required by the Authority (it is anticipated that technology requirements being imposed on cabs and dispatchers may greatly reduce or eliminate the need for this reporting requirement).
    - iii. Dispatchers are required to keep records of all requests for service and dispatches for a period of 90 days.
  - d. Drivers. A driver is responsible for reporting information as required by the Authority, including, but not limited to:
    - i. Responses to customer complaints and inquiries.
    - ii. Information on hours driving and in what vehicle.
    - iii. Copies of leases.
    - iv. Information regarding accidents involving the driver.
    - v. Report accidents as required by these regulations.

- e. DOVs.
  - i. DOVs must report to the Authority the Certificate Holder to whom it is leasing its vehicle and in the case of Medallion Cabs, the Dispatcher with whom the DOV or its Certificate Holder has affiliated.
  - ii. DOVs must comply with Driver reporting requirements.
- f. Insurance Providers.
  - i. Notice of coverage and cancellation.
  - ii. Loss runs for each vehicle and Certificate Holder insured within 30 days of request by the Authority.
  - iii. The range and average premiums charged for each vehicle insured. This report shall be filed annually for the calendar year on or before March 1 of the following year.
  - iv. Insurance providers and agents shall immediately report to the Authority whenever it becomes aware that an insurance claim involving one of its vehicles has been made. This requirement may be satisfied by delivering the notice of claim presented to or taken by the insurance company as long as it identifies the Certificate Holder, vehicle and driver.
- g. Registered Lenders.
  - i. Summary of loans and liens outstanding shall be filed annually for the calendar year on or before March 1 of the following year. This shall include at least the number of P#'s affected and the total dollar amount of outstanding loans that have a medallion as collateral.
- h. Brokers.
  - i. Each Broker shall file the appropriate documents for each transaction.

### **31. FEES.**

- a. Allowable Fees: The Authority may establish fees for any and all participants in the Industry. Such fees shall consider the economics of the Industry and its participants. Such fees shall also be established to provide for the full funding of the program, considering any other, if any, other sources of revenues.
- b. All persons in the Industry shall be charged an annual fee.
  - i. Annual fees are normally due prior to the start of the fiscal year except where the Authority makes these fees due upon an expiration or anniversary date of a certificate, license or a registration. Annual fees for vehicles may be divided at the Authority's discretion into two installments, tracking the inspection schedule.
  - ii. Notices of annual fees included in the Authority's proposed budget shall be provided by the Authority by June 1 of each year to all those who must pay these fees by June 30 of each year and amended as necessary.
- c. A fee shall be charged for all inspections, other than the semiannual inspections. A rescheduling fee for the semiannual inspections if the appointment is not kept. Fees shall be charged for reinspections except if the only deficiencies were mechanical and not readily discernable by someone other than a mechanic.
- d. A fee will be charged for the state inspection.
- e. The Authority may charge a fee for access to nonproprietary data.
- f. Where required, any person in the Industry who must submit to criminal history and motor vehicle record checks may be charged a fee.
- g. Certificate owners shall normally be charged a fee based upon number of vehicles in service.

- h. Dispatchers may be required to pay an access and/or use fee to participate in either voluntary or mandatory coordinated dispatch systems.
- i. Fees will be charged for duplicate records and proof of Certification or License.
- j. Fees shall be determined by the Authority and published in a manner consistent with the notification requirements of these Regulations. The Authority may establish fees in addition to those listed in this section through its annual budget process (e.g., replacement or spare documents, towing, etc).
- k. Fees shall generally be nonrefundable, unless so ordered by the Authority.

**32. INSURANCE.** The Provisions of this section may be revised by the Authority by Order or Regulation as it deems necessary for the protection of persons or property of the patrons of Taxicab and Limousine service and the public, including, in part, the filing of surety bonds, the carrying of insurance or the qualifications and conditions under which Certificate Holders may act as self-insurers.

- a. A Taxicab or Limousine must at all times be insured consistent with these Regulations and the Authority's Orders. If the Taxicab or Limousine is providing service under a Certificate of Public Convenience issued by the PUC, then the vehicle shall comply with the insurance requirements imposed by the PUC.
  - i. Certificate Holders that do not have the required insurance must immediately cease operations.
  - ii. Any Certificate Holder or vehicle that provides or appears to provide service without proper insurance shall be considered an unauthorized vehicle and subject to all related penalties.
- b. Each Certificate Holder shall provide proof of insurance as required by the Authority and certificate of insurance in each covered vehicle as required by the Pennsylvania Department of Transportation.
- c. Insurance carriers may be required under the Authority's Procedures to submit proof of insurance both electronically and in hard copy to the Authority.
- d. Submission of proof of insurance shall require the insurer to at least meet the minimum insurance requirements established by the Authority, regardless of any exclusions or limitations that the insurer may have in its contract with the insured.
  - i. This shall not limit the insurer's ability to seek compensation from the insured as may be prescribed by these exclusions and limitations.
  - ii. The insurer must summarize as a separate attachment from its policy any and all deviations of the policy from the standard ISO form. The insurer shall have the insured sign this attachment to the policy.
- e. All insurance providers must be authorized to provide the required insurance coverage in the Commonwealth.
- f. As part of any insurance filing with the Authority, the Certificate Holder shall be required to complete a release form entitling the Authority to request a copy of the Certificate Holder's loss history from its insurer for the Authority's purposes.
- g. By filing proof of insurance with the Authority, the insurer is stating that the coverage to the public is consistent with Commonwealth's Motor Vehicle Financial Responsible Act (75 Pa. C.S. §§ 1701-1799.7) and be in accordance with ISO's Business Auto Coverage Form CA000107 or the Bus Regulatory Reform Act of 1982 or subsequent replacements to these forms.
  - i. For taxicabs coverage that meets at a minimum the requirements set for each class of vehicle by the Commonwealth's Department of Transportation. The Authority may increase the minimum coverage requirement with sixty days notice to Certificate Holders.

## 32 PPA Regs. §g.ii.

- ii. For Luxury Limousines or Hospitality Vehicles up to 15 passengers \$1,500,000 combined single limit per accident to cover liability because of bodily injury, death or property damage and for vehicles with a capacity of 16 or more \$5,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.
  - iii. For Hospitality Vehicles or Exclusive Buses up to 15 passengers \$500,000 combined single limit per accident to cover liability because of bodily injury, death or property damage, unless engaged in interstate commerce that requires \$1,500,000 in coverage; and for vehicles with a capacity of 16 or more \$5,000,000 combined single limit per accident per vehicle to cover liability because of bodily injury, death or property damage.
  - iv. Insurance for cargo damage shall be at least \$1,000.
- h. If the insurer is a surplus lines carrier, a form 1609-PR of the Pennsylvania Insurance Department must be submitted along with the proof of insurance. The Authority reserves the right to have surplus line carriers demonstrate denial of coverage from insurance carriers that the Authority may be aware is providing admitted coverage, if any.
- i. A Certificate Holder or group of Certificate Holders may file an application with the Authority to act as a self-insurer of all or part of its bodily injury, property damage or cargo damage claims. In support of its application, the applicant shall submit a true and accurate statement of its financial condition that establishes and describes its capability to satisfy its insurance obligations as they become due, a self-insurance plan that includes adequate security to protect the public, and a description of its safety program that includes its past accident record. An interstate carrier shall submit the approval of a duly authorized federal agency of its proposed self-insurance plan with its application. A self-insurance applicant shall agree in the application to grant the PPA authority to rescind approval of self-insurance status, without hearing, if the PPA determines that the public interest demands it. In reviewing self-insurance applications, the PPA will examine the following factors in determining whether approval will be granted:
- i. The net worth of the Certificate Holder(s) in relationship to the size of its operation and the nature and extent of its request for self-insurer status. The evidence shall demonstrate the Certificate Holder(s)'s financial capability to adjust and pay insurance obligations as they become due, before approval will be granted.
  - ii. The organization of the Certificate Holder(s)'s proposed self-insurance program, including the adequacy of security to protect the public. Security may be in the form, but not limited to, one or more of the following:
    - 1. Reserves;
    - 2. Sinking Funds;
    - 3. Third party financial guarantees;
    - 4. Parent company or affiliate sureties;
    - 5. Excess insurance coverage; and
    - 6. Other similar arrangements.
  - iii. The effectiveness of the applicant's safety program. The PPA will look closely at the average number and average cost of accident losses over the past three (3) years in determining whether self-insurance is feasible.
  - iv. PPA approval of self-insurance application may be made conditional on revisions in the applicant's proposed self-insurance plan or safety program, as well as requirements for periodic financial filings with the PPA.
  - v. PPA approval of self-insurance status is subject to the issuance of a self-insurance certificate by the Department of Transportation as required by 67 Pa. Code § 223.5 (relating to certificate) for vehicles registered in Pennsylvania.

- j. Certificate Holders who are responsible to the public for adjustment or payment of bodily injury, property damage or cargo damage claims, or both, shall comply with fair claims settlement and compromise practices. The following practices are prohibited:
- i. Misrepresenting pertinent facts relating to claims at issue.
  - ii. Failing to acknowledge and act promptly upon written or oral communications to insurance claims.
  - iii. Failing to adopt and implement reasonable standards for the prompt investigation of claims.
  - iv. Refusing to pay claims without conducting a reasonable investigation based upon available information.
  - v. Failing to affirm or deny responsibility for claims within a reasonable time after proof of loss statements have been completed and communicated to the Certificate Holder or its representative.
  - vi. Not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which the Certificate Holder's liability has become reasonably clear.
  - vii. Compelling persons to institute litigation to recover amounts due by offering substantially less than the amounts due and ultimately recovered in actions brought by those persons.
  - viii. Making claim payments to claimants not accompanied by a statement defining which payments are being made.
  - ix. Making known to claimants a policy of appealing from arbitration awards in favor of claimants to induce or compel them to accept settlements or compromises less than the amount awarded in arbitration.
  - x. Delaying the investigation or payment of claims by requiring a physician to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information.
  - xi. Failing to promptly provide a reasonable explanation in relations to the facts or applicable law for denial of a claim or offer of a compromise settlement.

**33. CORPORATIONS.** Each Certificate Holder may hold each Certificate (and where applicable Medallion) in a separate corporation. No Certificate Holder may divide the rights held under a single Certificate for any purpose except in the case of Medallion Cabs. The Authority may require any person who holds an interest in a business that controls one or more Certificates of Public Convenience to so notify the Authority and allow the Authority to make a single notice to the person that applies to one or more of these Certificates. The Authority may issue multiple, yet separate, certificates for different classes or subclasses of services.

### **34. RATES, TARIFFS, MINIMUM WAGES AND MAXIMUM LEASES**

- a. Rates.
- i. All Taxicabs within the City shall charge a uniform rate to passengers, as determined by the Authority upon investigation.
    1. A Partial Rights Cab may request to charge a different rate than that approved for Medallion Cabs as long as the rate is the PUC approved rate for its PUC jurisdictional service; and
    2. The Partial Rights Cab Certificate Holder volunteers to cap its service at the number of vehicles then registered by the carrier with the PPA.
    3. The PPA may make the Partial Rights Cab carrier responsible for the costs associated with customized postings.
  - ii. Any Medallion holder or Certified Driver may petition the Authority to reopen a rate investigation no less than eighteen (18) months after the close of the preceding investigation by the Authority. Previous rate investigations by the PUC shall not affect this schedule. The Authority may begin its own investigation on the reasonableness of rates at any time. The Authority may rely on any and all information at its disposal in considering the reasonableness of rates and may require members of the Industry to supply the Authority with any reasonable information requested by the Authority for this purpose.

### 34 PPA Regs. §a.iii.

- iii. Whenever considering Taxicab rates, the Authority shall also consider the relationship of those rates to the rates of Limousine services and may simultaneously order changes to the Limousine rates and/or establish minimum rates for these subclasses of limousines.
- iv. The Authority may consider approving a rate surcharge based upon a change in a single major factor (e.g., fuel costs, insurance costs, tolls, taxes, and other charges that reasonably impact on Taxicab rates). This shall not affect the 18-month rule in a.i.1, above.
- v. The Authority may open an investigation into taxicab rates at any time and shall open an investigation into rates within forty-eight 48 months after the last rate investigation concluded.
- vi. Every rate made, demanded or received by a Taxicab or Limousine Service shall be just and reasonable and in conformity with the Authority's Regulations and Orders.
- vii. No Taxicab or Limousine Service shall make or grant any unreasonable preference to any person, corporation or municipal corporation, or subject any person, corporation or municipal corporation to any unreasonable prejudice or disadvantage concerning rates. No Taxicab or Limousine Service shall establish or maintain any unreasonable differences as to rates. This subsection shall not prohibit the establishment of reasonable zone or group systems or classifications of rates.
- viii. Taxicab and Limousine rates may require passengers to be responsible for the payment of tolls (including, but not limited to, airport exit or entry fees).
- ix. For rates that include waiting time, the time shall begin when the passenger enters the vehicle or places an item in the vehicle, whichever is sooner, until the passenger leaves the vehicle, or all of the passenger's belongings have been removed from the vehicle, whichever is later. Waiting time does not mean garage-to-garage time based fees.
- x. Limousine rates for exclusive service shall generally be based upon a reserved time, usually with an hour minimum and usually based upon a garage-to-garage time periods. This is a clear differentiator from call or demand service.
- xi. Voluntary Changes in Rates.
  1. Unless the Authority otherwise orders, no Taxicab or Limousine shall make a change in any existing and duly established rate, except after sixty (60) days notice to the Authority, which shall plainly state the proposed changes to the rates then in force and the time when the changed rates will go into effect. The Taxicab or Limousine service shall also give notice of the proposed changes to other interested parties as the Authority, in its discretion, may direct. The notices regarding the proposed changes that are provided shall be in plain, understandable language as the Authority prescribes. All proposed changes shall be shown by filing new tariffs or supplements to existing tariffs filed and in force at the time. The Authority, for good cause shown, may allow changes in rates, without requiring the sixty (60) days notice, under conditions as it may prescribe.
  2. Whenever there is filed with the Authority by any Taxicab or Limousine Service any tariff stating a new rate, the Authority may, either upon complaint or upon its own motion and upon reasonable notice, conduct a hearing concerning the lawfulness of the rate. Pending the Hearing and its outcome, the Authority, upon filing the tariff and delivering to the Taxicab or Limousine Service affected a statement in writing of its reasons may, at any time before it becomes effective, suspend the operation of the rate for a period not longer than nine (9) months from the time it would have otherwise become effective. The rate in force when the tariff stating the new rate was filed shall continue in force during the period of suspension, unless the Authority shall establish a temporary rate. The Authority shall consider the effect of the suspension in finally determining and prescribing the rates to be charged and collected by the Taxicab or Limousine Service.
  3. If after the hearing conducted pursuant to the preceding paragraph, the Authority finds any rate to be unjust or unreasonable or in any way in violation of law, it shall determine the just and reasonable rate to be charged or applied to the Taxicab or Limousine Service for the service in question and shall fix the rate by Order, to be served upon the Taxicab or Limousine Service. The rate shall then be observed until duly changed.

## 34 PPA Regs. §a.xii.

- xii. Temporary Rates: The Authority may, in any proceeding involving the rates of a Taxicab or Limousine Service, after reasonable notice and hearing, and if the public interest requires, immediately fix, determine and prescribe temporary rates to be charge by a Taxicab or Limousine Service, pending the final proceeding.
  - xiii. Fair Return: In fixing any rate of a Taxicab or Limousine Service engaged exclusively as a Common Carrier by motor vehicle, the Authority may fix the fair rate of return or operating ratio by comparing the fair and reasonable operating expenses, depreciation, taxes and other costs of furnishing service to operating revenues.
  - xiv. Refunds: If in any proceeding involving rates the Authority determines that any rate received by a Taxicab or Limousine Service was unjust or unreasonable, or was in violation of any regulation or Order of the Authority, or was in excess of the applicable rate contained in an existing and effective tariff of the Taxicab or Limousine Service, the Authority shall have the power to make an Order requiring the refund of the excess amount paid by the patron.
  - xv. Luxury Limousine Service and Exclusive Bus Service may file tariffs that include flexible rates within a prescribed range or maximum approved and/or determined by the Authority. A rate within the approved range or options established by the tariff shall be agreed to by the patron at the time a reservation is made.
  - xvi. Hospitality Vehicle Service tariffs shall be for set amounts that may only be changed with the Authority's approval.
  - xvii. Tariffs may differ between Limousine service providers. Rates may differ depending upon conditions set forth in the approved tariff unless otherwise determined by the Authority.
  - xviii. Carriers providing Limousine Service on an exclusive, advanced reservation basis provided in vehicles with a capacity over 15 passengers including the driver, other than modified passenger vehicles such as sedans or SUVs, may petition the Authority to provide this service under rates negotiated with the customer.
  - xix. Large Vehicles are exempt from PPA rate regulations under the Transportation Equity Act.
- b. Minimum Wages and Maximum Leases. Whenever considering Taxicab rates, the Authority shall also consider the minimum prevailing wage rate that a Medallion holder must pay a driver or in the alternative the maximum lease amount that a Medallion holder may charge a driver both with and without a vehicle. The minimum wage rate and the maximum lease may include employee benefits.
- c. Tariffs.
- i. All Taxicabs with point-to-point service rights within the City shall adhere to the tariff approved for Medallion Cabs by the Authority, or if a tariff is yet to be approved by the Authority, the latest tariff approved by the PUC.
  - ii. All Limousines certified by the Authority shall follow the tariff approved for the Certificate Holder by the Authority, or if a tariff is yet to be approved by the Authority, the latest tariff approved by the PUC.
  - iii. Tariffs authorized by the Authority shall apply to all trips that begin and/or end in the City.
  - iv. All tariffs shall be maintained by the Authority at a location it determines within the City. The Authority shall post all tariffs electronically within six months after the Transfer Date. Each Limousine Service shall maintain a copy of its tariff at a location within the City and have them available during normal business hours. Each Certified Dispatcher shall maintain a copy of the Medallion Cab tariff at a location within the City, available for inspection during normal business hours.
  - v. Tariffs shall clearly state and include a map of the area covered by the tariff.

**35. VALUE-ADDED SERVICES.** By Regulation, Order or Procedure, the Authority may offer value-added services to the Industry, including, but not limited to, loans, loan guarantees, equipment grants or subsidies, Driver-to-Certificate Holder clearing houses, and/or insurance programs. These

programs may be funded by the Fund in accordance with the Authority's budgetary capacity and process.

**36. EXCEPTIONS.**

- a. Certificate Holders that meet the requirements of this subsection may request to be authorized by the PPA to perform certain functions on their own vehicles and drivers.
  - i. These functions include:
    - 1. The semi-annual inspection of taxicabs that does not include the State inspection, if the vehicle is less than 5 years old;
    - 2. Criminal, health, English proficiency and driver record checks on drivers if it requires the driver to adhere to a superior dress code than that required by the Authority; and/or
    - 3. Driver training (this excludes testing).
  - ii. The Authority shall require these Certificate Holders to provide documentation certifying that it has performed these functions and report the results.
  - iii. The minimum requirements for these Certificate Holders include:
    - 1. A local office.
    - 2. A fleet of at least 10 PPA certified vehicles.
    - 3. Liability insurance of at least \$2.5 million for Limousines 15 passengers and smaller including the driver and \$5 million for Large Vehicle, and \$100,000 for Taxicabs, per incident.
    - 4. A gross annual revenue of at least \$1 million.
    - 5. Assets of at least \$2.5 million.
    - 6. The applicant shall deposit with the Authority a bond, in the penal sum of fifty thousand (\$50,000) dollars, containing one or more sureties to be approved by the Authority. This bond shall be payable to the Authority and shall require that the applicant will comply with the Regulations, Orders and Procedures of the Authority relating to Taxicabs and Limousines; shall pay all fines imposed by the Authority; pay or satisfy all judgments awarded for damages to any person that were found to have been caused by the applicant, his or her agents or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted under his or her duties associated with these exemptions. The term judgment shall include, but not be limited to, an Order of a Hearing Officer of the Authority directing restitution to an aggrieved party. The Certificate Holder is immediately liable for satisfaction upon determination of the fine or award judgment, or, if timely appeal is taken, upon final determination of the appeal.
  - iv. Certificate holders may apply for any or all of these exemptions by providing documentation to the Authority in a form the Authority may prescribe demonstrating that all of the requirements in §§I and iii above are met. The Authority shall respond to any such application within 30 days and in case of denial explain the deficiencies in writing.
- b. Large vehicles may apply for an exemption from the Authority's scheduled inspections regulations.
  - i. This exception only applies to vehicles with a capacity of 16 or more including the driver.
  - ii. The applicant must demonstrate that it has received a similar inspection from another governmental agency acceptable to the Authority (e.g., school bus certification for a person providing Exclusive Bus Service).
  - iii. RESERVED.
  - iv. Application must be made in writing indicating the covered vehicles, PPA identification number make and model, seating capacity and other governmental inspection.
- c. Temporary Vehicles. Certificate Holders whose certificates allow them to increase the size of their fleets may bring on temporary vehicles to meet fluctuations in demand subject to the following restrictions.
  - i. No Certificate Holder may expand its fleet via temporary certificates more than 20 days within any fiscal year. The Authority may waive this provision if it finds that there is a public interest need.

- ii. All vehicles must be registered with the Authority at least one business day prior to it being placed into service.
  - 1. All vehicles must meet the vehicle requirements for this service.
- iii. All drivers must meet the requirements for a temporary driver (e.g., screening).
- iv. Certificate holders shall be required to pay a daily fee per vehicle it registers.

### **37. EFFECTIVE DATES.**

- a. Unless otherwise stated, these requirements shall become effective upon adoption by the Authority, even though the Transfer Date may not have occurred or the requirement to act is at a later prescribed date.
  - i. This shall not affect the PUC's authority prior to the Transfer Date.
  - ii. The Regulations require some Industry participants to take certain actions (e.g., to submit certain information to the Authority) prior to the Transfer Date. Affected members of the Industry are required to make these filings as scheduled in these Regulations if they expect to continue to provide service after the Transfer Date. These filings may not be made more than 15 days prior to a filing deadline.
  - iii. For actions due within the first year after the Transfer Date, the Authority may establish filing schedules and protocols.