

# RULES AND REGULATIONS

## Title 52—PUBLIC UTILITIES

### PHILADELPHIA PARKING AUTHORITY

[ 52 PA. CODE CHS. 1001, 1002, 1003, 1005, 1011, 1013, 1017, 1019, 1021, 1027, 1029, 1030, 1051, 1053, 1055, 1057, 1059 AND 1063 ]

### Taxicab and Limousine Temporary Regulations

*Amendments to Taxicab and Limousine Temporary Regulations; Doc. No. 17-002*

#### Order

*By the Authority:*

The Philadelphia Parking Authority (“Authority”) is the sole regulator of all taxicab and limousine service in Philadelphia.<sup>1</sup> The purpose of this order is to amend the temporary taxicab and limousine regulations that were promulgated on January 27, 2017 pursuant to 53 Pa.C.S. § 57B02.<sup>2</sup>

#### *Background*

On January 27, 2017, the Authority entered an Order adopting temporary taxicab and limousine regulations to become part of 52 Pa. Code Part II with an effective date of February 25, 2017. However, the Authority’s Taxicab and Limousine Division (“TLD”) has since received and reviewed written comments from various industry members and the public relating to the temporary regulations.

#### *Discussion*

Upon consideration of all comments received concerning the temporary regulations and further review by the TLD, the Authority is proposing certain amendments to the temporary regulations, including but not limited to, the following:

- Taxicab meter system will not be required to have a driver distress button.
- Upon the death or incapacitation of an individual medallion taxicab certificate holder or a person with controlling interest in a medallion taxicab certificate holder, the operation or use of the medallion may continue until the medallion or securities are properly transferred.
- Requirements for wheelchair accessible vehicle (WAV) taxicabs will be consistent with the vehicle standards under the Americans with Disabilities Act.
- The Authority and medallion and limousine certificate holders will enforce a zero-tolerance policy on the use of drugs or alcohol by a taxicab or limousine driver while providing service.
- As a result of the changes made to the statutory structure for the Authority’s regulation of taxicabs and limousines, the temporary regulations address the additions or amendments to the following fees: the fee for a state inspection conducted by the Authority will be \$50; the fee to attend taxicab driver training is \$100; the fee for a limousine driver certificate will be \$25; and the fee for a stand-by fleet owner application will be \$350.

<sup>1</sup> See the act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§ 5701 et seq., as amended, (the “Act”)

<sup>2</sup> See the act of November 4, 2016, (P.L. 12220, No. 164), 53 Pa.C.S. Chapter 57B, et seq. (relating to regulation of taxicabs and limousines in cities of the first class) (the “Act”).

- Limousine rates and tariffs may be filed as follows: nonflexible rates based on time, mileage or both but meters prohibited; or flexible rates subject to approval by the TLD Director allowing for rates to change in real time based on supply and demand, meters prohibited, and customer protection procedure for disclosing the estimated fare customers and compliance with the Price Gouging Act.

*Amended temporary taxicab and limousine regulations*

Based on all of the comments received and a review of the temporary regulations adopted on January 27, 2017, the Authority proposes the adoption of the amended temporary regulations set forth in Annex A to this Order to become part of 52 Pa. Code Part II and to replace the temporary regulations in their entirety that were adopted by the Authority on January 27, 2017.

*Therefore,*

*It Is Ordered That:*

1. The regulations of the Authority, 52 Pa. Code Chapters 1001, 1002, 1003, 1005, 1011, 1013, 1017, 1019, 1021, 1027, 1029, 1030, 1051, 1053, 1055, 1057, 1059 and 1063, are amended by adding §§ 1002.1—1002.4, 1017.79, 1017.81—1017.85, 1030.1, 1030.2 and 1057.17, deleting § 1055.12 and amending §§ 1001.10, 1001.42, 1001.61, 1003.31, 1003.32, 1003.51, 1005.102, 1005.111, 1005.241, 1005.243, 1011.2, 1011.3, 1011.4, 1011.5, 1011.7, 1011.9, 1011.11, 1011.14, 1011.15, 1013.3, 1013.37, 1017.1, 1017.4, 1017.5, 1017.6, 1017.8, 1017.11, 1017.12, 1017.14, 1017.21, 1017.23, 1017.24, 1017.25, 1017.31, 1017.32, 1017.33, 1017.38, 1017.42, 1017.71, 1017.72, 1017.73, 1017.74, 1017.76, 1017.77, 1017.78, 1019.3, 1019.5, 1019.6, 1019.7, 1019.8, 1019.9, 1021.2, 1021.4, 1021.5, 1021.5a, 1021.7, 1021.8, 1021.10, 1021.11, 1021.12, 1021.17, 1027.3, 1027.7, 1027.9, 1027.12, 1027.15, 1029.5, 1051.2, 1051.3, 1051.4, 1051.5, 1051.6, 1051.8, 1051.10, 1051.13, 1051.14, 1053.1, 1053.42, 1053.43, 1055.1, 1055.3, 1055.4, 1055.11, 1055.17, 1055.19, 1055.31, 1057.2, 1057.4, 1057.5, 1057.8, 1057.10, 1057.16, 1059.2, 1059.3, 1059.6, 1059.8, 1059.11, 1059.13 and 1063.2 to read as set forth in Annex A.

2. The Authority hereby adopts the amended temporary regulations set forth in Annex A to this Order to become part of 52 Pa. Code Part II and to replace the temporary regulations in their entirety that were adopted by the Authority on January 27, 2017. The amended temporary regulations are hereby effective on February 25, 2017.

*(Editor’s Note: The Order entered on January 27, 2017, was not published in the Pennsylvania Bulletin.)*

3. The Secretary of the Board shall certify this Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

4. A copy of this Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority’s website at [www.philapark.org/tld](http://www.philapark.org/tld).

5. The contact person for this Order is Michael Casey, Taxicab and Limousine Division, (215) 683-9417.

CLARENA TOLSON,  
*Executive Director*

**Fiscal Note:** 126-13. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART II. PHILADELPHIA PARKING AUTHORITY**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 1001. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE**

**Subchapter A. GENERAL PROVISIONS**

**§ 1001.10. Definitions.**

(a) Subject to additional definitions contained in subparts which are applicable to specific chapters or subchapters, the following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

*Act*—53 Pa.C.S. Chapters 55, 57, 57A and 57B.

*Adjudication*—An order, decree, decision, determination or ruling by the Authority affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of the parties to the proceeding in which the adjudication is made.

*Adversarial proceeding*—A proceeding initiated by a person to seek Authority approvals, tariff changes, enforcement, remedies, issuance of fines or other relief by order of the Authority which is contested by one or more other persons and which will be decided on the basis of a formal record.

*Applicant*—A person, who on his own behalf or on behalf of another, is applying for permission to engage in an act or activity which is regulated under the act or this part.

*Approved, approval or approve*—The date that an application to the Authority is granted regardless of the pendency of administrative or judicial appeals or other legal action challenging the decision of the Authority.

*Arrest*—Detaining, holding or taking into custody by police or other law enforcement authorities to answer for an alleged commission of an offense.

*Authority*—The Philadelphia Parking Authority.

*Authorized agent*—A person with permission to legally act on behalf of the filing user.

*Board*—A quorum of the members of the Philadelphia Parking Authority appointed under 53 Pa.C.S. § 5508.1 (relating to special provisions for authorities in cities of the first class).

*Broker*—An individual authorized by the Authority as provided in § 1029.8 (relating to broker registration approval) to prepare application-related documents, appear at settlements, and otherwise act on behalf of a party as to matters related to the sale or transfer of transferable rights.

*Call or demand service*—Local common carrier service for passengers, rendered on an exclusive basis, when the service is characterized by the fact that passengers normally hire the vehicle and its driver either by telephone call or by hail, or both.

*Certificate*—

(i) A certificate of public convenience issued by the Authority under the act.

(ii) The term does not include a driver's certificate or broker registration.

*Certificate holder*—The person to whom a certificate is issued.

*City of Philadelphia or Philadelphia*—A city of the first class in this Commonwealth.

*Clerk*—The Authority employee with whom pleadings and other documents are filed, and with whom official records are kept under § 1001.5 (relating to Office of the Clerk) and as otherwise provided for in this part.

*Common carrier*—

(i) A common carrier by motor vehicle, within the scope of the act, who or which holds out or undertakes, directly or indirectly, the transportation of passengers within the City of Philadelphia by motor vehicle for compensation.

(ii) The term does not include common carriers by rail, water or air, and express or forwarding public utilities insofar as the common carriers or public utilities are engaged in these motor vehicle operations.

*Compensation*—A thing of value, money or a financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

*Contested complaint*—A formal complaint.

*Conviction*—A finding of guilt or a plea of guilty or nolo contendere whether or not a judgment of sentence has been imposed as determined by the law of the jurisdiction in which the prosecution was held relating to any of the following:

(i) A crime for any of the following within the preceding 7 years:

(A) A felony conviction involving theft.

(B) A felony conviction for fraud.

(C) A felony conviction for a violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(D) A felony conviction under 18 Pa.C.S. § 2706 (relating to terroristic threats) or a similar statute in another jurisdiction.

(ii) A crime for any of the following within the preceding 10 years:

(A) Use of a motor vehicle to commit a felony.

(B) Burglary or robbery.

(iii) A crime for any of the following at any time:

(A) A sexual offense under 42 Pa.C.S. § 9799.14(c) or (d) (relating to sexual offenses and tier system) or similar offenses under the laws of another jurisdiction or under a former law of the Commonwealth.

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

(C) An act of terror.

*Criminal history report*—The report issued by the State Police, similar government entity in a jurisdiction outside this Commonwealth or a third-party report which will identify any convictions associated with an individual. A third-party report shall be conducted on a local and National background check, which must include a multistate or multijurisdictional criminal records locator or other similar Nationwide database with primary source validation and a review of the United States Department of Justice's National Sex Offender Public Website.

*Director*—The Director of the Authority's Taxicab and Limousine Division as provided in § 1003.72 (relating to TLD staffing generally).

*Dispatcher*—

(i) The owner of a certificate of public convenience to operate a dispatching service in Philadelphia issued by the Authority under section 5711(c)(6) of the act (relating to power of authority to issue certificates of public convenience) and Chapter 1019 (relating to dispatchers).

(ii) The term includes a wheelchair accessible vehicle (WAV) taxicab dispatcher as provided in § 1011.2 (relating to definitions).

*Electronic mail or email*—A means of dispatching or receiving notice or a submittal in relation to an Authority matter through electronic means.

*Enforcement Department*—The department of the TLD created under § 1003.74 (relating to Enforcement Department).

*Enforcement proceeding*—A proceeding initiated by the Authority through the issuance of a formal complaint averring any violation of the act, this part or an order of the Authority.

*Exclusive service*—Transportation on a given trip when the first or principal person, party or group hiring the vehicle has the exclusive right to determine where, when or if another passenger shall be carried on that trip.

*Ex parte communication*—

(i) Any off-the-record communications regarding a pending matter before the Authority or which may reasonably be expected to come before the Board in a contested on-the-record proceeding.

(ii) The term does not include off-the-record communications by and between members, staff and employees of the Authority, the PUC, the State Police, the Attorney General or other law enforcement officials necessary for their official duties under this part.

*Executive Director*—The Authority's chief operating officer.

*Fiscal year*—The period which begins on July 1 and terminates the following June 30.

*Formal complaint*—A written document filed with the Clerk initiating an enforcement action as provided in Chapter 1005 (relating to formal proceedings).

*Formal proceeding*—A matter intended to produce a formal record.

*Formal record*—The pleadings and submittals in a matter or proceeding, a notice or Authority order initiating the matter or proceeding and, if a hearing is held, all of the following: the designation of the presiding officer, transcript of hearing, exhibits received in evidence, offers of proof, motions, stipulations, subpoenas, proofs of service, references to the Authority and determinations made by the Authority thereon, certifications to the Authority, and anything else upon which action of the presiding officer or the Authority may be based.

*Friendly cross-examination*—Cross-examination of a witness by a party who does not disagree with the witness' position on an issue.

*General Counsel*—The chief legal counsel to the Authority.

*Individual*—A natural person.

*Informal complaint*—A document or communication to the Authority seeking action on a matter as provided in § 1003.41 (relating to form and content of informal complaints).

*Informal investigation*—A matter initiated by Authority staff that may result in a formal complaint, a settlement or other resolution of the matter or termination by letter.

*Limousine*—A vehicle authorized to by the Authority to provide limousine service.

*Limousine driver*—The individual to whom a current and valid limousine driver's certificate has been issued by the Authority under section 5706 of the act (relating to driver certification program).

*Limousine service*—The term as defined in section 5701 of the act (relating to definitions).

*Manager of Administration*—The individual appointed to manage the Administration Department of the TLD as provided in § 1003.72. The Manager of Administration may be contacted at TLD Headquarters or by email to TLDAdmin@philapark.org.

*Manager of Enforcement*—The individual appointed to manage the Enforcement Department of the TLD as provided in § 1003.74. The Manager of Enforcement may be contacted at TLD Headquarters or by email to TLDEnforcement@philapark.org.

*Nonadversarial proceeding*—A proceeding initiated by a person which is not contested or a proceeding initiated by the Authority or at the request of a person to develop regulations, policies, procedures, technical rules or interpretations of law.

*PUC*—The Pennsylvania Public Utility Commission.

*Party*—

(i) A person who appears in a proceeding before the Authority, including interveners, protestants, petitioners, respondents and certificate holders.

(ii) The term includes the interests of the Authority which may be represented by the Enforcement Department, the TLD, other Authority staff or trial counsel, or all of them.

*Person*—Except as otherwise provided in this part or in the act, a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions, or other form of legal business entity.

*Personal vehicle*—A vehicle used by a TNC driver to provide transportation network service in accordance with Chapter 57A of the act (relating to transportation network companies).

*Petitioners*—Persons seeking relief, not otherwise designated in this section.

*Pleading*—An application, complaint, petition, answer, motion, preliminary objection, protest, reply, new matter and reply to new matter or other similar document filed in a formal proceeding.

*Presiding officer*—

(i) A member or members of the Authority's Board, or other person designated by the Authority or this part to conduct proceedings.

(ii) A hearing officer as used in section 5705 of the act (relating to contested complaints).

(iii) This definition supersedes 1 Pa. Code § 31.3 (relating to definitions).



*Proof of service*—A certificate of service which complies with §§ 1001.55 and 1001.56 (relating to proof of service; and form of certificate of service).

*Protestants*—Persons objecting on the ground of private or public interest to the approval of an application or other matter which the Authority may have under consideration.

*Recommended decision*—An opinion and order submitted for the approval of the Authority by the presiding officer.

*Regulated person or regulated party*—A certificate holder, broker, taxicab driver or other person subject to the act.

*Respondents*—Persons subject to a statute or other delegated authority administered by the Authority who are required to respond to an order or notice issued by the Authority instituting a proceeding or investigation on its own initiative or otherwise.

*Rights*—A certificate of public convenience, driver's certificate, registration or waiver issued to a regulated party by the Authority under the act.

*Sale*—A change in ownership of a transferable right, including a change in ownership of securities in an entity that owns transferable rights.

*Securities*—The term as defined in section 102 of the Pennsylvania Securities Act of 1972 (70 P.S. § 1-102).

*Staff*—Employees or agents of the Authority assigned to implement the act, this part or an order of the Authority.

*State Police*—The Pennsylvania State Police.

*Submittal*—An application, amendment, exhibit or similar document involving matters filed in an adversarial or nonadversarial proceeding.

*TLD—Taxicab and Limousine Division*—The division of the Authority comprised of staff assigned to implement the purposes of the act, this part and the orders of the Authority.

*TLD Headquarters*—The office of the TLD identified on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld). Unless specifically provided otherwise, communications with any Authority staff member shall be directed to TLD Headquarters.

*TNC—Transportation network company*—A person or an entity that obtains a license to operate a transportation network service by the Authority and uses a digital network to facilitate prearranged rides under Chapter 57A of the act.

*TNC driver*—A person who uses a personal vehicle to offer or provide a prearranged ride to passengers upon connection through a digital network controlled by a TNC in return for compensation or payment of a fee under Chapter 57A of the act.

*Taxicab*—

(i) A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, as defined in section 5701 of the act and certified by the Authority under the act, this part or an order of the Authority.

(ii) The term includes partial-rights taxicabs, medallion taxicabs and other vehicles authorized by the Authority to provide call or demand service.

*Taxicab certificate*—

(i) A certificate issued by the Authority authorizing the holder to provide taxicab service under the act, this part or an order of the Authority.

(ii) The term includes medallion taxicab certificates and partial-rights taxicab certificates.

*Taxicab driver*—

(i) The individual to whom a current and valid taxicab driver's certificate has been issued by the Authority under section 5706 of the act.

(ii) The term includes a WAV taxicab driver as provided in § 1011.2.

*Taxicab driver's certificate*—The original photographic identification card issued by the Authority which confirms that an individual has complied with Chapter 1021 (relating to taxicab drivers) and is authorized to provide taxicab service under section 5706 of the act.

*Taxicab service*—

(i) The transportation of passengers or offering to transport passengers in a taxicab as a common carrier call or demand service in Philadelphia.

(ii) The term includes the stopping, standing or parking of a taxicab in a taxicab stand line or other location commonly used by the public to access taxicabs.

(iii) The term includes partial-rights taxicabs, medallion taxicabs and other vehicles authorized by the Authority to provide call or demand service.

*Transferable rights*—Rights issued by the Authority and identified as transferable in § 1027.2 (relating to transferable rights).

*Trial counsel*—An attorney admitted to practice law before the Supreme Court of Pennsylvania who is assigned to the Office of Trial Counsel to prosecute complaints on behalf of the Authority as provided in § 1003.75 (relating to Office of Trial Counsel).

*Verification*—When used in reference to a written statement of fact by the signer, the term means supported by one of the following:

(i) An oath or affirmation before an officer authorized by law to administer oaths, or before a particular officer or individual designated by law as one before whom it may be taken, and officially certified to in the case of an officer under seal of office.

(ii) An unsworn statement made subject to the penalties in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(b) Subsection (a) supersedes 1 Pa. Code § 31.3.

**Subchapter E. FEES**

**§ 1001.42. Mode of payment to the Authority.**

(a) The Authority will accept payment for fees, penalties, assessments or other costs required under the act, this part or an order of the Authority by money order or cashiers' check made payable to the "Philadelphia Parking Authority" at TLD Headquarters, in person, by mail or by an authorized credit card in person only.

(b) Subsection (a) supersedes 1 Pa. Code § 33.22 (relating to mode of payment of fees).

**Subchapter G. PENALTY****§ 1001.61. Penalties.**

(a) *Monetary penalty range.* If a penalty has not been otherwise assigned to a violation of any provision of the act, this part or an order of the Authority, the penalty applicable to the violation may not be less than \$25 and not greater than \$1,000.

(b) *Additional penalties.* The penalty requested in a formal complaint initiated as provided in Chapter 1005 (relating to formal proceedings) may include one or more of the following:

- (1) A monetary penalty payable to the Authority.
- (2) A suspension of rights.
- (3) A modification of rights.
- (4) A cancellation of rights.

(c) *Reduced penalties.*

(1) The Authority will create a schedule of penalties that encourages a regulated person to correct a violation of a provision of the act, this part or an order of the Authority within 48 hours of the issuance of a formal complaint for a reduction of the penalty being requested in the formal complaint. The schedule of reduced penalties will be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(2) To earn a reduced penalty, a regulated person shall do all of the following within 48 hours of the issuance of the formal complaint:

- (i) Correct the violation and provide proof of the correction to the Enforcement Department.
- (ii) Remit payment of the reduced penalty to the Clerk as provided in § 1001.42 (relating to mode of payment to the Authority).

**CHAPTER 1002. ADVISORY COMMITTEE**

Sec.

1002.1.	Purpose.
1002.2.	Definitions.
1002.3.	Function of the advisory committee.
1002.4.	Meetings.

**§ 1002.1. Purpose.**

This chapter establishes and prescribes certain procedures for the Philadelphia Taxicab and Limousine Advisory Committee.

**§ 1002.2. Definitions.**

The following word, when used in this chapter, has the following meaning, unless the context clearly indicates otherwise:

*Advisory Committee*—An advisory committee established under section 5702 of the act (relating to advisory committee).

**§ 1002.3. Function of the advisory committee.**

(a) The Advisory Committee may thoroughly consider questions and issues submitted by the Authority regarding the regulation, enforcement, compliance and operation of taxicabs and limousines in the City of Philadelphia and may prepare and transmit written responses to the Authority and the public.

(b) The Advisory Committee may submit suggestions and proposals to the Authority in writing on topics considered important by a majority of the Advisory Committee members.

(c) A majority of the members of the Advisory Committee plus one additional member constitute a quorum for purposes of subsection (b).

(d) The actions of the Advisory Committee will be considered strictly advisory and the Authority will give careful and due consideration to the comments and proposals of the Advisory Committee.

**§ 1002.4. Meetings.**

(a) The Director or other Authority designee will meet with the Advisory Committee on a monthly basis.

(b) The Advisory Committee chairperson will provide the date, time and location of each meeting under subsection (a) to the Director no later than 10 days prior to the scheduled meeting.

**CHAPTER 1003. SPECIAL PROVISIONS****Subchapter A. TEMPORARY EMERGENCY ORDERS****OUT OF SERVICE****§ 1003.31. Definitions.**

The following words and terms, when used in § 1003.32 (relating to out of service designation), have the following meanings, unless the context indicates otherwise:

*Out of service*—Temporary prohibition from the exercise of rights granted by the Authority under the act due to a public safety concern or a violation of the act, this part or an order of the Authority. An out of service designation will be narrowly tailored to create the most limited reduction of rights necessary to protect the public interest.

*Public safety concern*—Behavior of an individual or condition of a vehicle or equipment which have an immediate and direct adverse impact upon the orderly operation of taxicabs and limousines in Philadelphia or which present a direct threat to public safety. For example, a limousine with a damaged windshield, a taxicab with expired or suspended registration, or a taxicab driver subject to a police arrest warrant may each result in an immediate out of service designation because it is a public safety concern.

**§ 1003.32. Out of service designation.**

(a) *Vehicles.*

(1) Upon observation of a condition of a taxicab or limousine that creates a public safety concern, the Enforcement Department may immediately place the taxicab or limousine out of service. Public notice of a vehicle's out of service status will be conspicuously affixed to the vehicle and may only be removed by the Authority after inspection as provided in § 1017.36 (relating to reinspection) or by order as provided in subsection (h).

(2) Upon observation of a condition of a taxicab or limousine that violates the act, this part or an order of the Authority, and which does not constitute an immediate public safety concern, the Enforcement Department will provide notice of the violation to the certificate holder as provided § 1001.51 (relating to service by the Authority) and its intent to initiate an out of service designation against the taxicab or limousine. If the certificate holder does not provide proof to the Enforcement Department that the violation was corrected within 5 days of the notice, the Enforcement Department may place the taxicab or limousine out of service as provided in paragraph (1).

(b) *Drivers.* A driver's certificate issued by the Authority under section 5706 of the act (relating to driver certification program) may be placed out of service by the Enforcement Department upon determination that the driver's operation of a taxicab or limousine will create a public safety concern or if the driver fails to appear at TLD Headquarters upon direction of the Enforcement Department without just cause.

(c) *Certificates and other rights.* When a regulation or order of the Authority directs that a certificate or other right issued by the Authority be placed out of service, the Enforcement Department will provide notice of the violation to the certificate holder as provided in § 1001.51 and its intent to initiate an out of service designation against the certificate or other right issued by the Authority. If the certificate holder does not provide proof to the Enforcement Department that the violation was corrected within 5 days of the notice, the Enforcement Department may place the certificate or other right issued by the Authority out of service and the procedures of this section apply.

(d) *Notice to the Clerk.* The Enforcement Department will provide notice of an out of service designation to the Clerk. The notice will be provided by 4:30 p.m. on the next day during which the Authority maintains office hours as provided in § 1001.8 (relating to Authority office hours and address). The notice will include the date and time that the out of service designation was made, and the following information about the respondent, if available:

- (1) Name.
- (2) Address.
- (3) Email address.
- (4) Telephone number.
- (5) Authority number assigned to the out of service rights.

(e) *Hearing to be scheduled.* Upon notification of an out of service designation as provided in subsection (c), the Clerk will schedule a hearing before an Adjudication Department presiding officer within 3 days of the out of service designation.

(f) *Formal complaint.*

(1) The Enforcement Department will file a formal complaint with the Clerk against the out of service respondent for the violations forming the basis of the out of service designation within 2 days of the designation. The complaint will be served as set forth in § 1001.51. The Enforcement Department is not prohibited from issuing and filing a formal complaint at the time notice is issued of its intent to initiate an out of service designation as provided in this section.

(2) The out of service designation will be terminated and the Clerk will notify the respondent and the presiding officer of the cancellation of the scheduled hearing in the event a complaint is not filed as provided in paragraph (1).

(3) The out of service respondent shall file an answer to the Enforcement Department's complaint as provided in § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response). The answer shall be filed with the Clerk and served as provided in § 1001.52 (relating to service by a party). If the formal complaint is a form citation as provided in

§ 1005.13 (relating to citation complaints by the Authority), the out of service respondent shall respond to the citation under § 1005.13(b).

(g) *Scope of hearing.*

(1) The averments of the Enforcement Department's complaint filed as provided in subsection (f)(1) will be deemed denied by the respondent for purposes of the out of service hearing.

(2) At the out of service hearing, the Enforcement Department will bear the burden of proof by a preponderance of the evidence that the out of service designation remains appropriate under this section. The respondent may submit evidence, cross-examine Enforcement Department witnesses and otherwise participate in the hearing as provided by Chapter 1005 (relating to formal proceedings).

(h) *Order.* An order following an out of service hearing may rescind, modify or continue the out of service designation. When an order of the presiding officer modifies or continues an out of service designation, the order will include a prompt date for a hearing on the Enforcement Department's formal complaint.

(i) *Appeal.* The decision of the presiding officer will constitute a recommended decision and will be reviewed by the Authority as provided in §§ 1005.211—1005.215 (relating to exceptions to recommended decisions).

**Subchapter C. APPLICATIONS AND PROTESTS**

**§ 1003.51. Applications generally.**

(a) *Form.* Applications for authorization or permission filed with the Authority must conform to the requirements in this part.

(b) *Review.* Applications in nonadversarial proceedings will be reviewed by the Director. Applications in adversarial proceedings will be referred by the Director to a presiding officer with instructions to conduct hearings to develop an evidentiary record.

(c) *Approval.* In nonadversarial proceedings, the Director will make recommendations related to the approval of an application to the Authority. In adversarial proceedings, the presiding officer will issue a recommended decision related to the approval of an application to the Authority.

(d) *Denial.* The Director or the presiding officer may deny an application. The denial will be in writing and clearly detail the reasons the application was denied. Applications denied by the Director may be appealed as provided in § 1005.24 (relating to appeals from actions of the staff). Applications denied by the presiding officer shall be subject to exceptions as provided in § 1005.211 (relating to exceptions to recommended decisions).

(e) *Protest.* Applications subject to protest shall be deemed to be adversarial proceedings and shall proceed as provided in § 1003.54 (relating to protests).

(f) *Compliance; conditions for approval for certificate or registration.*

(1) When the Authority approves an application related to a certificate of public convenience for taxicab, limousine or dispatcher services or a broker registration, the applicant will be notified of the approval by email.

(2) The applicant shall file with the Authority within 30 days of receipt of the notice of approval or settlement, if applicable, a certificate of insurance or other security required by this part, relating to insurance and security for the protection of the public.



(3) The applicant shall file all required tariffs and lists of applicable rates and charges with the Director prior to exercising any rights granted by the Authority.

(4) The Authority will not issue a certificate or registration until the requirements in this subsection and in the Authority's approval notice have been met.

(5) Failure of an applicant to comply with this section within the 30-day period referenced in paragraph (2) along with any other time periods directed in the Authority's approval notice may result in the dismissal of the application and rescission of prior approval, unless the Authority has, upon written request demonstrating good cause, extended the time for compliance.

(6) This subsection is intended to supplement the application requirements related to each specific certificate or registration as provided in this part.

(g) *Supersession.* Subsections (a)—(f) supersede 1 Pa. Code § 35.1 (relating to applications generally).

## CHAPTER 1005. FORMAL PROCEEDINGS

### Subchapter B. HEARINGS

#### STIPULATIONS

#### § 1005.102. Restrictive amendments to applications for rights issued by the Authority.

(a) Parties to an application for Authority rights may stipulate as to restrictions or modifications to the proposed rights. Stipulations in the form of restrictive amendments or modifications must:

- (1) Be in writing.
- (2) Explain why the stipulation is in the public interest.
- (3) Be signed by each party to the stipulation.
- (4) Be submitted to the Director for insertion into the document folder.

(b) Restrictive amendments shall be binding on the parties but not on the Authority if it is determined they are not in the public interest. If a restrictive amendment is not accepted by the Authority, it may remand the matter for appropriate proceedings.

#### HEARINGS

#### § 1005.111. Order of procedure.

(a) In a proceeding, the party having the burden of proof shall open and close unless otherwise directed by the presiding officer. In a hearing on investigations and in proceedings which have been consolidated for hearing, the presiding officer may direct who will open and close. Oral rejoinder, if proposed by the party with the burden of proof, shall be completed before any cross-examination of the witness is conducted.

(b) The presiding officer will conduct a *de novo* review for proceedings held under § 1005.24 (relating to appeals from actions of the staff) and the burden of proof rests with the filing party.

(c) Except when the presiding officer determines that it is necessary to develop a comprehensive evidentiary record, the participation of a person granted the right to intervene in a proceeding will be limited to the presentation of evidence through the submission of testimony under § 1005.151 (relating to oral examination).

(d) In proceedings when the evidence is peculiarly within the knowledge or control of another party, the order of presentation in subsections (a) and (c) may be varied by the presiding officer.

(e) The presiding officer may direct the order of parties for purposes of cross-examination, subject to § 1005.112(f) (relating to presentation by parties).

(f) Subsections (a)—(e) supersede 1 Pa. Code § 35.125 (relating to order of procedure).

### Subchapter J. APPEALS TO COURT

#### § 1005.241. Notice of taking appeal.

When an appeal is taken from an order of the Authority to the Court of Common Pleas of Philadelphia County, the appellant shall immediately give notice of the appeal to all parties to the Authority proceeding, the Clerk and the General Counsel, as provided under § 1001.52 (relating to service by a party).

#### § 1005.243. Certification of interlocutory orders.

(a) When the Authority has made an order which is not a final order, a party may by motion request that the Authority find, and include the findings in the order by amendment, that the order involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal to Court of Common Pleas of Philadelphia County from the order may materially advance the ultimate termination of the matter. The motion shall be filed within 10 days after service of the order, and is procedurally governed under § 1005.71 (relating to motions). Unless the Authority acts within 30 days after the filing of the motion, the motion will be deemed denied.

(b) Neither the filing of a motion under subsection (a), nor the adoption of an amended order containing the requested finding, will stay a proceeding unless otherwise ordered by the Authority or Court of Common Pleas of Philadelphia County.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 35.225 (relating to interlocutory orders).

### Subpart B. TAXICABS

## CHAPTER 1011. GENERAL PROVISIONS

#### § 1011.2. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

#### *Controlling interest—*

(i) A controlling interest is an interest in a legal entity, applicant or certificate holder if a person's voting rights under state law or corporate articles or bylaws entitle the person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of 5% or more of the securities of the corporation, partnership, limited liability company or other form of legal entity, unless this presumption of control or ability to elect is rebutted by clear and convincing evidence. A member, partner, director or officer of a corporation, partnership, limited liability company or other form of legal entity is deemed to have a controlling interest.

(ii) A person who owns or beneficially holds less than 5% of the securities of a privately held domestic or foreign corporation, partnership, limited liability company or other form of privately held legal entity shall be deemed as having rebutted the presumption of control by clear and convincing evidence.

*Department of Transportation—*The Department of Transportation of the Commonwealth of Pennsylvania.

*Dispatcher's certificate*—A certificate issued by the Authority to a dispatcher.

*Driver history report*—A driver's license report issued by the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States containing details about a driver's history including accidents and violations issued by a jurisdiction within the United States.

*Driver's license*—A license or permit to operate a motor vehicle issued by the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States.

*Federal Tax Identification number*—The Social Security number of an individual or the Employer Identification number of a business entity, fiduciary or other person.

*Holding company*—A person, other than an individual, which, directly or indirectly, owns, has the power or right to control or to vote 20% or more of the outstanding voting securities of a corporation or other form of business organization. A holding company indirectly has, holds or owns the power, right or security if it does so through an interest in a subsidiary or successive subsidiaries.

*Inspector*—Enforcement Department uniformed or nonuniformed staff assigned to investigate and enforce the act, this part and orders of the Authority who will be identifiable by an Authority-issued badge number.

*Key employee*—An individual who is employed in a director or department head capacity and who is empowered to make discretionary decisions that affect the operations of an applicant or a regulated person.

*Limousine certificate*—A certificate granting the owner the right to operate a class of limousine service as provided in Subpart C (relating to limousines).

*Major violation*—A suspension or cancellation of a state-issued driver's license as a result of a moving violation.

*Medallion*—A piece of metal in a shape and with a color to be determined by the Authority which is to be affixed to a vehicle by Authority staff before that vehicle may provide citywide taxicab service.

*Medallion lienholder*—A person holding a recorded lien against a medallion as provided under section 5713 of the act (relating to property and licensing rights) and § 1013.21 (relating to notice of medallion lien).

*Medallion number*—The number assigned to and placed on a particular medallion by the Authority, under § 1017.14 (relating to taxicab numbering).

*Medallion taxicab*—A taxicab certified by the Authority to provide citywide taxicab service and affixed with a medallion by the Authority as provided in § 1013.2 (relating to attachment of a medallion) and section 5714(a) of the act (relating to certificate and medallion required).

*Medallion taxicab certificate*—A certificate granting the owner the right to operate one or more medallion taxicabs under this part.

*Moving violation*—A violation issued by the Commonwealth or any of its political subdivisions for a violation of 75 Pa.C.S. (relating to Vehicle Code), or a similar statute under any other jurisdiction, that upon conviction of the violation points are assessed against the driver's license.

*Parking violations*—Any debt owed to the City of Philadelphia related to a violation of the Philadelphia Traffic Code (12 Phila. Code §§ 100—3012) that is not under appeal.

*Partial-rights taxicab*—A taxicab authorized by the Authority to provide common carrier call or demand transportation of persons for compensation on a non-citywide basis, under Chapter 1015 (relating to partial-rights taxicabs), section 5711(c)(2.1) of the act (relating to power of authority to issue certificates of public convenience) and section 5714(d)(2) of the act.

*Partial-rights taxicab certificate*—A certificate granting the owner the right to operate one or more partial-rights taxicabs under this part.

*Proposed buyer*—The party seeking to acquire an ownership interest in a medallion or certificate, as the context provides.

*Seal*—A security or software encryption device used for the purpose of preventing unauthorized access, capture or manipulation of data in meter systems or safety cameras, including an encryption key or wire seal.

*Traffic violations*—A debt owed to the Commonwealth or one of its political subdivisions for violations of 75 Pa.C.S. that is not under appeal.

*Transfer fee*—The nonrefundable fee charged by the Authority to review an application to sell transferable rights.

*WAV medallion*—A medallion restricted to use on a wheelchair accessible vehicle (WAV) taxicab.

*WAV medallion taxicab*—A taxicab to which a WAV medallion is attached by the Authority as provided in this chapter.

*WAV taxicab*—A motor vehicle authorized by the Authority to provide taxicab service that meets the requirements of a "wheelchair accessible taxicab" as defined in section 5701 of the act (relating to definitions) and § 1017.8 (relating to wheelchair accessible vehicle taxicab specifications).

*WAV taxicab dispatcher*—A dispatcher approved by the Authority to dispatch WAV taxicabs as provided in § 1019.8(b) (relating to dispatcher requirements).

*WAV taxicab driver*—The individual to whom a current and valid WAV taxicab driver's certificate has been issued by the Authority under section 5706 of the act (relating to driver certification program) and § 1021.5a (relating to special wheelchair accessible vehicle taxicab driver's certificate and requirements).

*WAV taxicab driver's certificate*—The original photographic identification card issued by the Authority which confirms that an individual has complied with section 5706 of the act and § 1021.8 (relating to certain training subjects).

*Wheelchair*—A manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.

**§ 1011.3. Annual rights renewal process.**

(a) *Expiration of driver and broker rights.* All driver and broker rights will expire as follows:

(1) A taxicab driver's certificate will expire 1 year from its date of issuance or renewal unless a taxicab driver opts to pay no more than double the annual renewal fee as provided in § 1011.4 (relating to annual assessments



and renewal fees) to be issued a taxicab driver certificate to expire 2 years from the date of issuance or renewal.

(2) Except as provided in subsection (g), a broker registration will expire on June 30 of each year.

(b) *Expired rights.*

(1) Expired rights may be placed out of service by the Authority as provided in § 1003.32 (relating to out of service designation).

(2) Taxicab driver certificates that have been expired for 2 years or more will be deemed cancelled.

(3) Broker registrations that have been expired for 1 year or more will be deemed cancelled.

(c) *Renewal forms.*

(1) Rights in subsection (a) shall be renewed by completing and filing the required renewal form with the Manager of Administration. Renewal forms may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) or from TLD Headquarters.

(2) The renewal forms may require the submission of additional information or documents to confirm continuing eligibility under the act or this part.

(3) The renewal forms shall be verified as provided in § 1001.36 (relating to verification and affidavit) and filed as follows:

(i) For taxicab drivers' certificates, Form DR-3 "Driver Renewal" shall be filed between 60 and 90 days before the expiration date printed on the taxicab driver's certificate.

(ii) For broker registrations, Form BR-4 "Broker Renewal" shall be filed on or before February 15 of each year.

(d) *Renewal denial.* The Authority will deny renewal of rights in all of the following circumstances:

(1) If the owner of the rights subject to renewal fails to complete the renewal process.

(2) The renewal process reveals information about the renewing person that would have resulted in a denial of an initial application for the rights.

(3) The renewing person fails to comply with § 1011.4.

(e) *Incomplete renewals.* If the filing requirements of the renewal forms are incomplete for any reason, including compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties), the regulated party shall have 90 days from the filing date of the renewal form to complete the renewal process or the application will be rendered void.

(f) *Suspended driver and broker rights.* Rights subject to suspension for any reason must be renewed on the dates and in the manner provided by subsection (c)(3) regardless of the suspended status.

(g) *New certificates and registrations.* A certificate or broker registration will not be subject to the renewal or annual information filing requirements in this section during the calendar year in which it is first issued.

(h) *Taxicab and dispatcher information filing.*

(1) The owner of taxicab or dispatcher rights shall complete the annual information filing required under this subsection to ensure continued compliance with the act, this part and the orders of the Authority.

(2) The annual information filing required under this subsection shall be verified as provided in § 1001.36 and filed with the Manager of Administration as follows:

(i) For medallion taxicab certificates, Form TX-1 "Medallion Renewal" shall be filed on or before May 1 of each year.

(ii) For partial-rights taxicab certificates, Form PR-1 "Partial Rights Renewal" shall be filed on or before March 31 of each year.

(iii) For dispatcher certificates, Form DSP-6 "Dispatcher Renewal" shall be filed on or before March 31 of each year.

(3) The forms identified in paragraph (2) may require the submission of additional information or documents in furtherance of that review and may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) or from TLD Headquarters.

(4) The filing requirements of this subsection apply to rights subject to suspension for any reason.

(5) The failure to file any of the annual information filing forms required under this subsection will subject the applicable rights to an out of service designation as provided in § 1003.32(c).

(6) The TLD will not issue a TLD inspection sticker to a vehicle operated through a taxicab certificate if the review of the information required under this section reveals information about the certificate holder that would have resulted in a denial of an initial application for the rights. This paragraph does not relieve a certificate holder of any other penalty that may result from noncompliance, nor the obligation to appear at inspections as directed by the TLD.

(7) The annual information filings will be reviewed for all of the following:

(i) The filing does not reveal information about the certificate holder that would have resulted in a denial of an initial application for the rights.

(ii) The certificate holder is in compliance with § 1011.4.

(iii) The certificate holder is in compliance with § 1011.7.

(8) Failure to complete the annual information filing requirements of this subsection within 30 days of notice will subject the applicable rights to an out of service designation as provided in § 1003.32(c).

**§ 1011.4. Annual assessments and renewal fees.**

(a) *Assessments and renewal fees.* The owners of rights issued by the Authority shall pay an annual assessment or renewal fee as follows:

(1) *Taxicab drivers and brokers.* A taxicab driver or broker shall pay a renewal fee in an amount established each year as set forth in the Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(2) *Medallion taxicab certificate holders.* A medallion taxicab certificate holder shall pay an assessment amount that is 1% of the annual gross operating revenue of a medallion owner through fares collected excluding tips and tolls.

(3) *Dispatcher certificate holders.* A dispatcher certificate holder shall pay an assessment in an amount established each year under section 5707(c)(3) of the act (relating to budget and assessments).

(b) *Payment of assessments by certificate holders.*

(1) *Medallion taxicab certificate holders.* Assessment payments shall be made by each medallion taxicab certificate holder to the Authority on a quarterly basis of each fiscal year. The first quarter begins on July 1 and ends on September 30. The second quarter begins on October 1 and ends on December 31. The third quarter begins on January 1 and ends on March 31. The fourth quarter begins on April 1 and ends on June 30. The assessment payment is due within 30 days after service of the notice of assessment from the Authority as provided in § 1001.51 (relating to service by the Authority).

(2) *Dispatcher certificate holder.* A dispatcher certificate holder may pay the assessment in four equal installments with the first payment being due within 30 days after service of the notice of assessment as provided in section 5707.1(a) of the act (relating to assessment notice and hearings) and on September 15, December 15 and February 15 of each fiscal year.

(c) *Payment of renewal fees by taxicab drivers.* The annual renewal fee for taxicab drivers is due with the filing of the DR-3 as provided in § 1011.3(c)(3)(i) (relating to annual rights renewal process).

(d) *Payment of renewal fees by brokers.* The annual renewal fee for brokers is due with the filing of the BR-4 as provided in § 1011.3(c)(3)(ii).

(e) *Late assessment or renewal fee payments.* Rights issued by the Authority may be placed out of service at the time an assessment or renewal fee payment becomes late, as provided in § 1003.32(c) (relating to out of service designation).

(f) *Assessment hearings.*

(1) Within 15 days after service of notice of assessment, a medallion taxicab certificate holder or a dispatcher certificate holder may file a petition with the Authority which specifically avers the reason that the assessment is excessive, erroneous, unlawful or otherwise invalid.

(2) Petitions filed under this subsection shall be filed with the Clerk, served as provided in § 1001.52 (relating to service by a party), otherwise comply with § 1005.21 (relating to petitions generally) and will be assigned to a presiding officer for a recommended decision as provided in §§ 1005.201—1005.204 (relating to recommended decisions).

(3) The Authority shall fix the time and place for a hearing on a properly filed petition and will serve notice thereof upon parties in interest. After the conclusion of the hearing, the Authority will issue a decision and findings in sufficient detail to enable a court to determine, on appeal, the controverted question presented by the proceeding and whether proper weight was given to the evidence.

(4) The filing of a petition under this subsection does not relieve the owner of the obligation to pay the assessment within the specified time frame. If a refund due from the Authority to the objecting owner or an additional assessment payment due from the objecting owner to the authority is required, the payment shall be made within 10 days after notice of the findings of the Authority.

(5) A suit or proceeding may not be commenced or maintained in a court for the purpose of restraining or delaying the collection or payment of an assessment made under this section. A person aggrieved by an order

entered under this subsection is subject to § 1005.211 (relating to exceptions to recommended decisions).

**§ 1011.5. Ineligibility due to conviction or arrest.**

(a) A person is ineligible to own any interest in any right issued by the Authority if the person, or a person having a controlling interest in the person or a key employee, has been subject to a conviction as defined in § 1001.10 (relating to definitions).

(b) In the event a regulated party owning a transferable right becomes ineligible to hold rights issued by the Authority due to a conviction, the regulated party shall immediately cease use of the rights and initiate the sale of the rights to an eligible person as provided in Chapter 1027 (relating to sale of rights). If the regulated party is an individual medallion taxicab certificate holder or the sole owner of the securities of a medallion taxicab certificate holder, that person shall surrender to the Authority any medallion owned by the certificate holder and associated TLD inspection stickers to hold for safekeeping until the medallion is sold.

(c) A regulated party or applicant shall inform the Director within 72 hours of being subject to an arrest or conviction as defined under § 1001.10.

(d) In the event a criminal prosecution is initiated against a regulated party for a crime that may lead to a conviction as defined in § 1001.10, the Enforcement Department or trial counsel may place the subject rights out of service as provided in § 1003.32 (relating to out of service designation).

**§ 1011.7. Payment of outstanding fines, fees and penalties.**

(a) Regulated persons and applicants for any right issued by the Authority shall pay all assessments, fees, penalties and other payments due to the Authority under the act, this part or an order of the Authority on schedule, unless the matter related to the payment is under appeal.

(b) Regulated persons and applicants for any right issued by the Authority shall remain current on the payment of parking violations and traffic violations, unless the violation is under appeal.

(c) For purposes of this section, regulated persons and applicants include those with a controlling interest in the regulated person or applicant, or both.

**§ 1011.9. Taxicab service limitations.**

(a) *Providers.* Only the following individuals may provide taxicab service:

- (1) The owner, if the owner is a taxicab driver.
- (2) An employee of the certificate holder who is a taxicab driver.
- (3) A taxicab driver who leases the taxicab directly from the certificate holder.

(b) *Supervision.* A certificate holder shall continually supervise its taxicab to make certain that only those taxicab drivers authorized by this section provide taxicab service.

(1) A medallion taxicab certificate holder is required to ensure that a person holds a valid taxicab driver's certificate issued by the Authority before permitting the person to drive a taxicab.

(2) A medallion taxicab certificate holder is required to ensure that a person holds a valid WAV taxicab driver's certificate issued by the Authority before permitting the person to drive a WAV taxicab.

(c) *Criminal history and driver history reports.*

(1) A medallion taxicab certificate holder is required to conduct or have a third party conduct annual criminal history and driver history checks for taxicab drivers operating under the certificate holder's medallion.

(i) The criminal history report shall be conducted on a local and National background check, which must include a multistate or multijurisdictional criminal records locator or other similar commercial Nationwide database with primary source validation and a review of the United States Department of Justice's National Sex Offender Public Website.

(ii) The driver history report shall be obtained from the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States containing details about a driver's history including accidents and violations issued by a jurisdiction within the United States.

(2) A medallion taxicab certificate holder shall review the criminal history and driving history reports before a taxicab driver operates under its medallion, and on annual basis thereafter, to ensure the driver has not been subject to a conviction as defined under §§ 1001.10 and 1021.4 (relating to definitions; and ineligible persons for taxicab driver certificate), holds a current valid driver's license, and has not been subject to three moving violations or a major violation as defined under § 1011.2 (relating to definitions).

(3) A taxicab driver whose criminal history or driver history renders the driver ineligible to operate a taxicab under § 1011.5 (relating to ineligibility due to conviction or arrest) or § 1021.4 shall be immediately disqualified by the medallion taxicab certificate holder and the disqualification shall be reported by the medallion taxicab certificate holder to the Director within 48 hours.

(4) Records required to be maintained by a medallion taxicab certificate holder under this subsection are subject to audits by the Authority under § 1011.11(d) (relating to record retention).

(d) *Personal vehicle use prohibited.* A vehicle registered as a taxicab within this Commonwealth may not be operated as a personal vehicle by a driver affiliated with a TNC under Chapter 57A of the act (relating to transportation network companies).

**§ 1011.11. Record retention.**

(a) *Records to be maintained.* All of the following records shall be maintained in the English language for 2 years from the date of origin:

(1) *Taxicab certificate holders.*

(i) Each lease agreement for a taxicab or medallion, or both.

(ii) Records of payment by a driver under each lease agreement for a taxicab or medallion, or both.

(iii) Records related to accidents involving vehicles used as taxicabs, including repair records.

(iv) Trip sheets or service logs used by a certificate holder's drivers when the certificate holder is exempted from the standard meter requirements in this subpart under § 1017.24(f) (relating to meter activation and display). The trip logs may be maintained on digital or other electronic devices as approved by the Authority upon a detailed written request by the certificate holder.

(2) *Dispatchers.*

(i) Records of dues paid by taxicab certificate holders or drivers for dispatching services.

(ii) Prior lists of associated taxicabs.

(iii) Prior rule books or other terms of participation applicable to taxicab certificate holders or drivers that are associated with the dispatcher.

(3) *Brokers.* Brokers shall retain documents submitted to the Authority for review of each proposed sale of rights, including closing documents

(b) *Order.* Paper or electronic records, or both, shall be maintained in chronological order by date and time of day.

(c) *Review by Authority.* A regulated party shall produce records maintained under subsection (a) to the Authority upon written request or upon inspection as provided in § 1011.8 (relating to facility inspections). In the event the records require a special form of software to search or interpret, a regulated party shall make that software available to the Authority.

(d) *Audit of driver records.*

(1) *Maintenance period.* Medallion taxicab certificate holders shall maintain records in the English language for 2 years from the date of origin concerning taxicab drivers under § 1011.9(b) (relating to taxicab service limitations).

(2) *Compliance audit.* The Authority may conduct a compliance audit of the records required to be maintained by a medallion taxicab certificate holder under § 1011.9(b) to verify that the certificate holder has complied with the taxicab driver screening requirements and to confirm that the certificate holder's taxicab drivers are eligible to provide taxicab service under this part.

(3) *Audit designation.* Upon the random selection of a medallion taxicab being called for a compliance inspection under § 1017.31 (relating to vehicle inspections by the Authority), the medallion taxicab certificate holder will be notified by the Manager of Administration that it has also been designated for an audit under this section.

(i) Within 5 business days of receiving an audit designation, the medallion taxicab certificate holder shall make available for visual inspection to the Authority the records required to be maintained under § 1011.9(b) for each taxicab driver that has provided taxicab service in the immediately preceding 1 year using the medallion taxicab that was called for a compliance inspection.

(ii) The records shall be produced in person to the Manager of Administration or by email to TLDAdmin@philapark.org.

(iii) If an audit reveals that the medallion taxicab certificate holder authorized a taxicab driver to provide taxicab service when the criminal history report or driver history report revealed that the taxicab driver was ineligible under this part or the certificate holder did not conduct the annual records required under § 1011.9(b), the Authority may impose a penalty against the medallion taxicab certificate holder and taxicab driver under § 1001.61 (relating to penalties) and may subject the rights to an out of service designation under § 1003.32 (relating to out of service designation).

(iv) The medallion taxicab certificate holder shall immediately remove a noncompliant taxicab driver identi-



fied as provided in subparagraph (iii) from taxicab service upon the Authority's direction.

(v) The Authority may alert other medallion taxicab certificate holders of the ineligibility of the noncompliant taxicab driver to protect the public good.

(4) *Remedial audits.*

(i) In the event that an audit discrepancy is identified as specified in paragraph (3)(iii), the Authority may direct a medallion taxicab certificate holder to submit a follow-up report detailing its efforts to ensure compliance with § 1011.9(b).

(ii) In the event that that an egregious audit discrepancy is identified or multiple audit discrepancies are identified or the Authority makes a determination that a medallion taxicab certificate holder has failed to reasonably cooperate in the driver information audit process, the Authority may direct a medallion taxicab certificate holder to participate in remedial audits.

(iii) A determination under this section is subject to § 1005.24 (relating to appeals from actions of the staff).

(iv) A remedial audit will proceed as provided in paragraph (3) and may subject a review of all taxicab drivers providing service in any medallion taxicab owned by the certificate holder during the immediately preceding year regardless of whether the taxicab was called for a compliance inspection.

(v) The Authority may direct one remedial audit at any time each month for a 4-month period following discovery of a violation under this section.

(e) *Enforcement investigations.* This section may not be construed to limit the power of the Authority to conduct enforcement investigations related to this part or the obligation of certificate holders and taxicab drivers to cooperate with investigations and produce information demanded as required under this part.

**§ 1011.14. Voluntary suspension of certificate.**

(a) A certificate holder may apply to place a certificate or individual medallion in a voluntary state of suspension as provided in subsection (c) to avoid penalties for violation of § 1011.13 (relating to interruptions of service).

(b) The Authority will not grant an application for voluntary suspension if the approval will result in a reduction of 5% or more of the aggregate number of authorized medallion taxicabs in Philadelphia.

(c) To request approval from the Authority for the voluntary suspension of a certificate, the certificate holder shall file a completed CPC-1 "Voluntary Suspension Application" with the Director and pay the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The CPC-1 may be obtained at [www.philapark.org/tld](http://www.philapark.org/tld).

(d) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(e) A medallion may be removed from a vehicle by either the Authority or a certificate holder only upon the granting of voluntary suspension as provided by this section. If a medallion is removed by the medallion owner, the medallion shall be delivered to the Authority within 2 business days to be held by the Authority for safekeeping as provided under § 1013.3 (relating to removal of a medallion).

**§ 1011.15. Death or incapacitation of a certificate holder or certain persons with controlling interest.**

(a) *Definitions.* The following word, when used in this section, has the following meaning, unless the context indicates otherwise:

*Incapacitation*—A determination by a court that an individual is incapacitated as provided in 20 Pa.C.S. § 5511 (relating to petition and hearing; independent evaluation) or, for non-Pennsylvania residents, a substantially similar order from a court of competent jurisdiction.

(b) *Death or incapacitation of an individual certificate holder.*

(1) Except as provided in subsection (d), upon the death or incapacitation of an individual certificate holder, the operation or use of Authority rights conferred by the certificate may continue with the legal representative of the deceased or incapacitated certificate holder.

(2) The legal representative of the deceased or incapacitated certificate holder shall immediately notify the Authority in writing upon the death or incapacitation and provide to the Authority the legal representative's mailing address, telephone number and email address along with the applicable documentation proving legal authorization to act on the part of the certificate holder.

(3) The legal representative of the deceased or incapacitated certificate holder shall immediately begin the process of finding a qualified person to buy the transferable rights as provided in Chapter 1027 (relating to sale of rights), including the use of a broker or attorney. Nothing in this section prohibits the legal representative from applying to the Authority to obtain the transferrable rights.

(4) In the event an SA-1 for the transferable right is not correctly filed, as provided in Chapter 1027, within 90 days of the date the certificate holder died or was declared incapacitated, the certificate will be placed out of service as provided in § 1003.32 (relating to out of service designation) and may be cancelled upon determination of a formal complaint filed by the Enforcement Department or trial counsel.

(5) In the event an SA-1 for the transferable right is correctly filed within 90 days of the date the certificate holder died or was declared incapacitated, the rights conferred by the certificate shall continue with the legal representative of the deceased or incapacitated certificate holder for the duration of the SA-1 review period and through closing on the sale.

(6) Paragraphs (4) and (5) do not apply if the transferable right is a medallion.

(c) *Death, incapacitation or dissolution of certain persons with controlling interest in a certificate.*

(1) Except as provided in subsection (d), upon the death, incapacitation or dissolution of a person that owns 5% or more of the certificate holder's securities, the operation or use of the Authority rights conferred by the certificate may continue with either the certificate holder or with the legal representative of the deceased, incapacitated or dissolved person.

(2) The certificate holder or the legal representative of the deceased, incapacitated or dissolved person shall immediately notify the Authority in writing upon the death, incapacitation or dissolution of the person and provide to the Authority the legal representative's mailing address, telephone number and email address along with

the applicable documentation proving legal authorization to act on the part of the deceased, incapacitated or dissolved person.

(3) The certificate holder or the legal representative of the deceased, incapacitated or dissolved person shall immediately begin the process of finding a qualified person to buy the securities of the certificate holder referenced in paragraph (1) as provided in Chapter 1027, including the use of a broker or attorney. Nothing in this section prohibits the certificate holder from acquiring the securities of the person referenced in paragraph (1).

(4) In the event an SA-1 for the sale of the securities referenced in paragraph (1) is not correctly filed as provided in Chapter 1027 within 6 months of the date of the person's death, incapacitation or dissolution, the certificate will be placed out of service as provided in § 1003.32 and may be cancelled upon determination of a formal complaint filed by the Enforcement Department or trial counsel.

(5) In the event an SA-1 for the sale of the securities referenced in paragraph (1) is correctly filed, as provided in Chapter 1027, within 6 months of the date of the person's death, incapacitation or dissolution, the rights conferred by the certificate shall continue for the duration of the SA-1 review period and through closing on the sale.

(6) Paragraphs (4) and (5) do not apply if the transferable right is a medallion.

(d) *Ineligibility of successor or legal representative.* This section may not be interpreted to permit the operation or use of Authority rights by a person otherwise prohibited from the ability to receive Authority rights. For example, the executor of the estate on a deceased individual certificate holder who would be ineligible to possess Authority rights as provided in § 1011.5 (relating to ineligibility due to conviction or arrest) may not operate or supervise the operation of the rights conferred by the certificate.

## CHAPTER 1013. MEDALLION TAXICABS

### Subchapter A. GENERAL REQUIREMENTS

#### § 1013.3. Removal of a medallion.

(a) A medallion may only be removed from a vehicle by the Authority, upon advance written approval from the Authority, or by a certificate holder only upon the granting of voluntary suspension of the medallion taxicab certificate or individual medallion as provided in § 1011.14 (relating to voluntary suspension of certificate).

(b) Upon removal from a vehicle, the medallion will be held by the Authority for safe keeping until attachment of the medallion is scheduled with the Authority as provided in § 1013.2 (relating to attachment of a medallion). If removed by the medallion owner, the medallion shall be delivered to the Authority within 2 business days after removal.

### Subchapter C. MEDALLION SALES BY THE AUTHORITY

#### § 1013.37. Medallion bid approval process and closing on sale.

(a) The sale of a medallion to a successful bidder is prohibited if that bidder is not qualified to be a medallion certificate holder under the act and this part.

(b) For purposes of reviewing the potential sale of a medallion, the Authority will consider the successful bidder to be the proposed buyer as provided in this part.

(c) If the Director determines that the successful bidder is qualified as provided in the act, this part or an order of the Authority, a recommendation to approve the sale will be presented to the Board for approval at its next regularly scheduled meeting.

(d) Upon approval of the sale by the Authority, the Director will schedule the parties to meet at a time and location where an Authority staff member will witness the closing of the transaction.

(e) An Authority staff member will witness the execution of each document by the proposed buyer or his designated agent. A closing not witnessed by Authority staff is void as provided in sections 5711(c)(5) and 5718 of the act (relating to power of authority to issue certificates of public convenience; and restrictions).

(f) The Authority will issue a new medallion taxicab certificate to the new medallion owner after the closing process if requested by the proposed buyer as provided in § 1013.32(b) (relating to bidder qualifications).

(g) Except as provided in subsection (h), a medallion subject to a completed closing after sale by the Authority may not be transferred or sold for 1 year from the date of closing.

(h) Subsection (g) does not apply to the sale of a medallion in all of the following circumstances:

(1) When each person that owns securities of the corporation, partnership, limited liability company or other form of legal entity that owns a medallion sold under this subchapter has died or is declared incapacitated.

(2) When a person that owns securities of the corporation, partnership, limited liability company or other form of legal entity that owns a medallion sold under this subchapter has died or is declared incapacitated and that person's securities are transferred to the medallion owning entity or another owner of securities in the entity that owns the medallion.

## CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

### Subchapter A. GENERAL PROVISIONS

#### § 1017.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Antique vehicle*—A motor vehicle, but not a reproduction thereof, that is 25 years old or older as provided in § 1017.3(a) (relating to age and mileage computation), which has been maintained in or restored to a condition, which is substantially in conformance with manufacturer specifications.

*Commercial advertisement*—An advertisement for which a private individual or entity pays a fee to display that advertisement on the exterior or interior of a taxicab.

*Compliance inspection*—The inspection of a taxicab or taxicab equipment, or both, by the Authority to assure compliance with the act, this part and orders of the Authority. Anytime the inspection of a taxicab, a meter or other taxicab service-related equipment is required by the act, this part or an order of the Authority it will be a compliance inspection.

*Field inspection*—The unscheduled inspection of a taxicab by an inspector for compliance with the act, this part and orders of the Authority.

*State inspection*—The annual inspection required under 75 Pa.C.S. Chapter 47 (relating to inspection of vehicles).

*TLID inspection sticker*—A certificate of inspection issued and affixed by the Enforcement Department to a vehicle subject to this part upon confirmation of compliance with the act, this part or orders of the Authority after a compliance inspection.

**§ 1017.4. Age and mileage limitations.**

(a) *Retirement age and mileage.*

(1) Except as provided in subsection (b), a taxicab shall be removed from providing service upon reaching an age of 8 years old, as calculated under § 1017.3(a) (relating to age and mileage computations). For example, the last day on which a 2009 model year vehicle may be operated in taxicab service is December 31, 2017.

(2) Except as provided in subsection (b), a taxicab shall be removed from service upon reaching 350,000 cumulative miles on the vehicle's odometer.

(b) *Antique vehicles.* The Director may authorize the operation of antique vehicles as taxicabs upon review of a petition for waiver as provided in § 1005.23 (relating to petitions for issuance, amendment, repeal or waiver of Authority regulations).

**§ 1017.5. Basic vehicle standards.**

(a) *State vehicle standards.* In addition to standards required under the act, this part and orders of the Authority, a taxicab must continually satisfy the applicable Department of Transportation equipment inspection standards in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) when providing taxicab service.

(b) *Standard taxicab vehicle requirements.* Each taxicab is subject to all of the following requirements:

(1) A taxicab must have four functioning and properly aligned doors which comply with the standards provided in 67 Pa. Code Chapter 175. The doors must have the following properly installed and maintained components:

- (i) Functional exterior and interior door handles which are operable by passengers.
- (ii) Intact door seals (door gaskets and doorway padding).
- (iii) Functional windows which are operable by passengers.
- (iv) Doors that open without resistance and close securely.
- (v) Functional interior door locks which are operable by passengers.

(2) A medallion taxicab shall utilize the services of a dispatcher approved by the Authority under Chapter 1019 (relating to dispatchers) and dispatch-related equipment must function properly.

(3) A medallion taxicab must be equipped with operable technology that is approved by the Authority that facilitates two-way communication.

(4) Except as provided in paragraph (5), the taxicab must have a functioning dome light firmly affixed to its roof. The dome light must be lit when the vehicle is available for service. The dome light must comply with the approved design submitted by the taxicab's certified dispatcher under § 1019.7 (relating to name, colors and markings review).

(5) A rooftop-advertising panel with ends that illuminate to indicate when the taxicab is available for service may be used instead of the dome light, provided that the rooftop-advertising panel meets the requirements in subsection (e).

(6) A taxicab must display taxicab rates approved by the Authority as provided in section 5703 or 5720 of the act, or both (relating to rates; and wages).

(7) A taxicab must be equipped with operable seatbelts for every passenger and the driver.

(8) A taxicab must be equipped with a protective shield which separates the front seat from the back seat and bears the manufacturer's name, or a safety camera system that is approved by the Authority as provided in § 1017.71 (relating to taxicab safety cameras). If a medallion taxicab certificate holder opts to install a protective shield, it must meet the following minimum requirements:

(i) The upper portion of the shield must extend from the top of the front seat to a point not more than 3 inches from the ceiling of the vehicle and must be constructed of a clear, see-through, bullet-resistant material.

(ii) The shield must have either a sliding window controlled by the vehicle operator and capable of being locked by the driver, or a payment exchange cup or tray or similar device which allows the operator to receive payment from passengers in the back seat of the vehicle without unduly exposing the vehicle operator to danger.

(iii) The upper portion of the shield may not obstruct the vehicle operator's view of the road to the rear of the vehicle.

(iv) The lower portion of the shield must extend the full length of the front seat and be constructed of a bullet-resistant material.

(v) Both the upper and lower portions of the shield must 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.

(vi) The shield may not have an edge or projection protruding into the area where a passenger or driver will sit or move.

(vii) The shield must be installed in a manner which does not prevent voice communication between the vehicle operator and passengers in the vehicle.

(viii) The shield must be installed in a manner which allows heat and air conditioning to maintain the taxicab's temperature at levels required under paragraph (14).

(ix) The shield must be sufficiently transparent to allow a passenger to easily read the meter and the taxicab driver's certificate.

(9) A taxicab must be equipped with a meter approved for use as provided in § 1017.23 (relating to approved meters) and may not be equipped with a device that has the capability of allowing the meter to register a nonapproved rate.

(10) A taxicab may not be equipped with a push bumper.

(11) The interior, exterior and trunk compartment of a taxicab must be clean so as to present a positive appearance and to prevent possible transfer of dirt, dust, grease,



paint or other markings to a passenger's clothing or luggage. A taxicab must be free of objectionable odors. For example, a taxicab may not smell like urine, feces, animals, insects, decomposing organisms, poor human hygiene or garbage.

(12) Upholstery of a taxicab's passenger seats may not be torn in excess of 3 inches or have protruding springs or other material capable of tearing a passenger's skin or clothing. Passenger seat tears in excess of 3 inches shall be properly repaired and may not be mended with tape.

(13) A taxicab's interior must consist of matching features, including door panels.

(14) A functioning air conditioner capable of keeping the interior of the taxicab at a constant temperature between 60° and 78° Fahrenheit.

(15) A taxicab must contain a legible commercially-produced map of the City of Philadelphia for use by the taxicab driver.

(16) A taxicab's exterior paint must be in good repair and consistent with the colors and markings of the taxicab's dispatcher, and the exterior of the vehicle may not have dents larger than 12 inches and may not have loose body panels or bumpers.

(17) In addition to other postings required by this subpart, a taxicab must have posted in the passenger compartment in a place easily observed by passengers, all of the following information:

(i) A prohibition against smoking, eating and drinking while in the taxicab.

(ii) The availability of noncash payment options.

(iii) Information in both written English and Braille on how to submit a taxicab service-related complaint to the Authority.

(iv) The taxicab's dispatcher and the number assigned to the taxicab under § 1017.14 (relating to taxicab numbering).

(18) The Authority may require the installation of a separate heating and air conditioning system in a taxicab if necessary to comply with paragraph (14).

(19) A taxicab must have operational interior lights.

(20) A driver operating a taxicab and who transports a child anywhere in the taxicab shall comply with 75 Pa.C.S. § 4581 (relating to restraint systems).

(21) The taxicab must have a trunk or storage area large enough to accommodate a folded manual wheelchair.

(22) Properly affixed and matching hubcaps or wheel covers for all four tires.

(c) *Interstate travel.* No requirement of this subpart or any Authority regulation may be interpreted to disrupt or interfere with interstate commerce exclusively regulated by or pre-empted by the government of the United States.

(d) *Smoking prohibited.* Persons may not smoke in a taxicab.

(e) *Advertising.*

(1) The display of commercial advertisements on the exterior or interior of a taxicab is permitted only upon 72 hours advanced written notice by the medallion certificate holder to the Director and Manager of Enforcement prior to the display of the advertisement, which must include a color copy of the advertisement and a written description of the advertisement's placement on or within the taxicab.

The use of a rooftop-advertising panel as provided in subsection (b)(5) is excluded from the 72 hours advanced written notice requirement.

(2) Commercial advertisements, colors, markings and other displays required by this part must be securely fastened to the taxicab, may not obscure the driver's view in any direction and may not violate any provision of 75 Pa.C.S. (relating to Vehicle Code) or 67 Pa. Code (relating to transportation).

(3) A commercial advertisement will not be permitted if it violates any requirement in § 1017.12 (relating to required markings and information).

(4) A commercial advertisement for display on the exterior or interior of a taxicab will not be permitted as follows:

(i) Advertisements that do not relate primarily to the economic interests of the publisher or its audience, or that do not direct attention to a business, industry, profession, commodity, service, activity, institution, product or entertainment offered for sale.

(ii) Advertisements relating to the sale or use of alcohol, tobacco products or firearms.

(iii) Advertisements that relate to sexually-oriented businesses, products or services.

(iv) Advertisements that are obscene or pornographic.

(v) Advertisements relating to political campaigns or ballot measures.

(vi) Advertisements that are false, misleading, defamatory or infringe on any copyright, trade or service mark, title or slogan.

(f) *Inspection by medallion taxicab certificate holder.* A medallion taxicab certificate holder shall inspect each of its taxicabs on a daily basis to confirm that the taxicab complies with this subpart. A medallion taxicab certificate holder may select a person to conduct the inspections required under this subsection on the medallion taxicab certificate holder's behalf.

#### § 1017.6. Required documents.

A taxicab must contain the following documents for review by an inspector upon request:

(1) Proof of current and valid financial responsibility as required under Chapter 1025 (relating to insurance required) and section 5704 of the act (relating to power of authority to require insurance).

(2) Vehicle registration issued by the Department of Transportation and a copy of the vehicle or medallion lease, if applicable.

#### § 1017.8. Wheelchair accessible vehicle taxicab specifications.

(a) *Basic requirements.* WAV taxicabs must be in compliance with the requirements applicable to taxicabs, except when deviations are authorized or required by the act, this part or an order of the Authority.

(b) *Standard specifications for WAV taxicabs.* In addition to the requirements of subsection (a), a WAV taxicab is a vehicle that has been inspected and approved by the Enforcement Department as meeting all of the following requirements:

(1) *Mobility and accessibility.*

(i) The lift/ramp width must be 30 inches minimum.

(ii) The design load of the lift/ramp must be at least 600 pounds.

(iii) Controls for the lift/ramp must be interlocked with the vehicle to ensure that the vehicle cannot be moved while the lift/ramp is in operation.

(iv) Controls for the lift/ramp must be of the momentary contact type requiring continuous manual pressure to operate.

(v) The lift/ramp must be equipped with an emergency deployment method in the event of power or mechanical failure.

(vi) The installation of a lift/ramp must include provisions to prevent the lift/ramp from falling or folding any faster than 12 inches/second in the event of any failure of the load-carrying component.

(vii) The lift/ramp platform must be equipped with handrails on two sides, a minimum of 8 inches long and 30 inches above the platform, and move in tandem with the lift/ramp.

(viii) The lift/ramp platform must have barriers at least 2 inches or higher to prevent mobility aid wheels from slipping off.

(ix) Lift/platform surfaces must be continuous and slip resistant, and accommodate four-wheel and three-wheel mobility aids.

(x) The transition from roadway or sidewalk and the transition from vehicle floor to the ramp may be vertical without edge treatment up to 1/4 inch.

(xi) Ramps must have the least slope practical and may not exceed 1:4 when deployed to ground level.

(xii) The lift/ramp attachment must be firmly attached to the vehicle so that it is not subject to displacement when loading or unloading a heavy mobility aid and the gap between the vehicle and ramp may not exceed 5/8 inch.

(2) *Doors, steps and thresholds.*

(i) For vehicles 22 feet in length or less, the overhead clearance between the top of the door opening. The raised life platform or highest point of the ramp must be a minimum of 56 inches.

(ii) Vehicle doorways in which a lift/ramp is installed must have an outside light, which, when the door is open, provides at least 1 foot-candle of illumination on the street surface for a distance of 3 feet perpendicular to the lift/ramp. The light must be shielded to protect the eyes of entering and exiting passengers.

(3) *Interior compartment.*

(i) Floor areas where people walk and securement locations must have slip-resistant surfaces.

(ii) A minimum clear floor area of 30 inches by 48 inches must be provided for each wheelchair position.

(iii) Regarding seating configuration, vehicles 22 feet in length or less must provide forward/rear seating only.

(iv) Ramp stowage must be accomplished in a manner as not to pose a hazard to passengers or impinge on a passenger's mobility aid.

(v) Interior handrails and stanchions must permit sufficient turning and maneuvering space for mobility aids to reach securement location from lift/ramp.

(vi) Handrails and stanchions must be provided in the entrance to the vehicle in a configuration which allows people to grasp the assists from outside the vehicle while starting to board, and to continue using the assists throughout the boarding process.

(4) *Secure systems.*

(i) There must be four tie down straps for each wheelchair position.

(ii) For each mobility aid securement device, a passenger seat belt and shoulder harness must be provided for use by mobility aid users. These belts may not be used instead of a device which secures the mobility aid itself.

(iii) Securement systems must be stowed in a way as not to present a hazard to passengers when not in use.

(c) *Current vehicles.* Taxicabs authorized by the Authority on August 30, 2014, that are capable of providing taxicab service to a person in a wheelchair without the need for the person to exit the wheelchair are exempt from the requirements of subsection (b). The exemption provided in this subsection expires when the exempted vehicle is removed from taxicab service and does not run with the associated medallion or certificate of public convenience.

**Subchapter B. COLORS AND MARKINGS**

**§ 1017.11. Distinctive colors and markings.**

(a) *Taxicabs generally.*

(1) A taxicab must display the same colors and markings of its dispatcher that is on file with the Authority as provided in § 1019.7 (relating to name, colors and markings review).

(2) The doors and the rear quarter panels of the taxicab must be dedicated to information about the dispatcher, including its name and phone number.

(3) A taxicab may not use the services of more than one dispatcher.

(b) *Partial-rights taxicabs.* Taxicabs operated through a partial-rights certificate must have the same colors and markings.

(c) *Simulation of colors and markings.* A person may not mark, paint or design the exterior appearance of a taxicab to display inaccurate information, including an association with a dispatcher to which the vehicle is not associated.

**§ 1017.12. Required markings and information.**

(a) In addition to the name, colors and markings required under § 1019.7 (relating to name, colors and markings review), a taxicab must continually display all of the following markings and information:

(1) The identification number required under § 1017.14 (relating to taxicab numbering) must be posted on the front fenders of the taxicab and on the rear of the taxicab in print at least 3 inches in height and at least 1/2 inch in width.

(2) Current State certificates of inspection stickers affixed to the lower driver side windshield as provided in 75 Pa.C.S. § 4728 (relating to display of certificate of inspection).

(3) Current inspection stickers required under § 1017.32 (relating to TLD inspection sticker required) must be attached to the lower passenger side windshield.

(4) If the vehicle is a medallion taxicab, the current medallion must be attached to the hood of the vehicle.

(5) A taxicab must be registered with the Department of Transportation and obtain commercial registration plates identifying the vehicle as a taxicab bearing the letters "TX."

(6) If a taxicab is equipped with an approved safety camera system under § 1017.71 (relating to taxicab safety cameras), public notices must be affixed prominently to the exterior and interior of the taxicab as provided in § 1017.77 (relating to public notice).

(b) The Authority may produce the standardized postings required by this part for taxicabs and may permit certificate holders to produce substantially similar postings. The Authority will specify the location of each posting.

**§ 1017.14. Taxicab numbering.**

(a) *Medallion taxicabs.* The identification number of a medallion taxicab will be the number on the medallion attached to the taxicab.

(b) *Partial-rights taxicabs.*

(1) Each partial-rights certificate holder shall notify the Director by filing Form PRT-2 "Vehicle Numbering" of its intention to use a new identification number for a taxicab or to reassign an existing number to a different taxicab. The PRT-2 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(2) The Director may deny the requested partial-rights taxicab number assignment if it is determined that the requested number may lead to regulatory or public confusion.

(c) *Identification.* Partial-rights taxicabs must be identified by a unique sequential number, as follows:

(1) Taxicabs with rights through Certificate No. 1011748-02 shall be numbered "G-1" for the first vehicle, "G-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(2) Taxicabs with rights through Certificate No. 1011752-02 shall be numbered "B-1" for the first vehicle, "B-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(3) Taxicabs with rights through Certificate No. 1015925-05 shall be numbered "CC-1" for the first vehicle, "CC-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(4) Taxicabs with rights through Certificate No. 1011761-02 shall be numbered "D-1" for the first vehicle, "D-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

**Subchapter C. METERS**

**§ 1017.21. Taxicab meters.**

(a) *Generally.* Each taxicab must be equipped with one sealed meter that satisfies the requirements in this subchapter.

(b) *Inspection and seals.*

(1) A taxicab meter will be inspected by the Authority prior to use.

(2) The Authority will conduct meter accuracy testing to assure the meter is calibrated as provided in § 1017.22 (relating to meter calibration and testing).

(3) Each taxicab meter must be equipped with a tamper-resistant seal to ensure that it is incapable of unauthorized access or manipulation of the data contained therein or to charge a fare not authorized by the

Authority as provided in section 5703 or 5720 of the act, or both (relating to rates; and wages). Upon determining that a meter functions properly, the Enforcement Department will attach a numbered seal to the meter, if applicable.

(4) A meter may not be used in a taxicab unless it is sealed as provided in paragraph (3). If the seal becomes broken or damaged, the certificate holder shall remove the taxicab from service immediately and schedule a new meter inspection by the Enforcement Department.

(c) *Location of meter.* The meter shall be installed in the center of the driver portion of the taxicab in a position that permits the passenger to view the current fare.

**§ 1017.23. Approved meters.**

(a) The Authority will maintain a list of meters approved for use in taxicabs. The list of approved taxicab meters may be obtained from the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) A certificate holder may request to the Director in writing for the approval of the use of a new taxicab meter technology system. The request must include a detailed description of the technology, its technological specifications and functionality, which must meet the requirements of § 1017.24 (relating to meter activation and display).

**§ 1017.24. Meter activation and display.**

(a) A taxicab meter may not be in operation before the taxicab is engaged by a passenger. The taxicab meter must be in operation during the entire time the vehicle is engaged by a passenger.

(b) A taxicab passenger shall be required to pay only the amount recorded by the taxicab meter.

(c) The meter must continuously display the current rate charged for an active fare and the display must be visible to the passenger.

(d) The meters in every taxicab must have properly attached and approved receipt printers specified by the Authority in § 1017.23 (relating to approved meters), including all of the following:

(1) The ability to issue a receipt containing information required by the Authority, including all of the following:

(i) The mileage of the trip and amount paid, expressed in United States dollars.

(ii) The vehicle's taxicab number.

(iii) The taxicab's dispatcher.

(iv) The driver's certificate number.

(v) The Authority's phone number or email address to be used to report complaints.

(vi) The time and date of the fare.

(2) The ability to provide drivers with driving directions through a global positioning system.

(3) Global positioning system tracking to monitor the location of each taxicab and provide driving directions to the taxicab driver.

(4) The ability to pay fares through the use of credit card and debit card processing hardware mounted in the passenger compartment. A transaction, processing or other fees associated with the acceptance of a credit card or debit card fare payment and delivery of the fare payment to the taxicab driver may not exceed 5% of the total fare amount.



(5) A driver recognition function to permit only Authority certified drivers in possession of a taxicab driver's certificate to activate and then use the meter to provide taxicab service.

(6) The ability to be remotely disabled by the Authority.

(7) The ability to communicate voice and text messages between the driver, dispatcher and the Authority.

(e) A meter system may include a distress button that can be easily activated by a driver to silently communicate to the dispatcher the need for emergency assistance.

(f) Partial-rights certificate holders are not required to comply with subsection (d).

**§ 1017.25. One meter.**

A taxicab is prohibited from containing a taxicab meter other than the approved meter inspected by the Authority and sealed by the Authority, if applicable.

**Subchapter D. TAXICAB INSPECTIONS**

**§ 1017.31. Vehicle inspections by the Authority.**

(a) *Manner and frequency of inspection.* Twenty-five percent of medallion taxicabs operating in Philadelphia must submit to a scheduled compliance inspection by the Authority on an annual basis at a time and location designated by the Authority. Each inspection will be conducted to verify that the taxicab satisfies the mechanical inspection required under 75 Pa.C.S. Chapter 47 (relating to inspection of vehicles) and vehicle quality standards as provided in § 1017.5 (relating to basic vehicle standards).

(b) *Selection process.* The inspection selection process will be done using a computer software application utilized by the Authority to randomly select medallion taxicabs for inspection. At no time will the same medallion taxicab be required to submit to an annual inspection in the same calendar year.

(c) *Notice.* The Authority will issue notice of the scheduled inspection to the corresponding medallion taxicab certificate holder within 14 days prior to the scheduled inspection.

(d) *State inspections.* A medallion taxicab certificate holder may elect to have the Authority conduct a State inspection as defined in § 1017.1 (relating to definitions) upon request to the Authority, either at the time of the scheduled inspection under subsection (a) or at a time and place designated by the Authority. Upon a taxicab failing a State inspection conducted by the Authority under this subsection, the taxicab will be immediately placed out of service under § 1003.32 (relating to out of service designation) until the taxicab either passes a subsequent State inspection conducted by the Authority or is presented to the Enforcement Department with proof that it has passed a State inspection and current certificates of inspection are affixed to the vehicle as provided in 75 Pa.C.S. § 4728 (relating to display of certificate of inspection).

(e) *Fees.*

(1) *Authority compliance inspection.* Beginning November 4, 2016, the fee for an annual Authority compliance inspection conducted under subsection (a) is \$25 and payment shall be made at the time of the inspection under § 1001.42 (relating to mode of payment to the Authority). The compliance inspection fee will be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) as provided in § 1001.43 (relating to Authority fee schedule).

(2) *State inspection.* The fee for a State inspection conducted under subsection (d) is \$50 beginning February 25, 2017, and ending June 30, 2017, or when a new fee schedule is adopted under sections 5707 and 5710 of the act (relating to budget and assessments; and fees), whichever is later. Payment shall be made at the time of the inspection under § 1001.42. The current State inspection fee will be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) as provided in § 1001.43.

**§ 1017.32. TLD inspection sticker required.**

(a) The Authority will affix a TLD inspection sticker to the lower right hand side of the taxicab's windshield upon successful completion of the following inspections:

(1) Each taxicab compliance inspection as provided in § 1017.31 (relating to vehicle inspections by the Authority).

(2) A reinspection as provided in § 1017.36 (relating to reinspection).

(3) A compliance inspection as provided in § 1017.2 (relating to preservice inspection).

(b) A taxicab may not provide service unless a current TLD inspection sticker is properly affixed to the taxicab.

(c) Each TLD inspection sticker will be valid only until the taxicab is presented to the Authority for another inspection, except as provided in § 1017.34 (relating to field inspections).

**§ 1017.33. Failure to appear for scheduled inspection.**

If a taxicab fails to appear for an inspection as provided in § 1017.31 (relating to vehicle inspections by the Authority), the certificate holder may be subject to a penalty through issuance of a formal complaint and an out of service designation under § 1003.32 (relating to out of service designation).

**§ 1017.38. Change of vehicle.**

(a) *Medallion removal.* In addition to the requirements in §§ 1013.2 and 1013.3 (relating to attachment of a medallion; and removal of a medallion), a medallion may not be attached to a different vehicle unless the vehicle has completed a compliance inspection.

(b) *Temporary registration.*

(1) At the time a vehicle is presented to the TLD for a compliance inspection as provided in § 1017.2 (relating to preservice inspection), a medallion taxicab certificate holder may present a temporary State registration (pink slip) in a form permissible by the Department of Transportation such as Form MV-1 or MV-4ST which has been approved by the TLD under § 1017.42(c) (relating to prerequisites to inspection).

(2) The medallion taxicab certificate shall obtain a permanent registration card from the Department of Transportation and provide a copy of the permanent registration card to the Enforcement Department no later than 30 days from the date the vehicle was issued a TLD inspection sticker.

**§ 1017.42. Prerequisites to inspection.**

(a) The Authority will not initiate an inspection of a taxicab, except as provided in § 1017.34 (relating to field inspections), if the taxicab is out of compliance with the act, this part or an order of the Authority.

(b) The Authority will not initiate an inspection of a taxicab, except as provided in § 1017.34, if the certificate holder is out of compliance with the act, this part or an order of the Authority, including the following sections:

(1) Section 1011.3 (relating to annual rights renewal process).

(2) Section 1011.5 (relating to ineligibility due to conviction or arrest).

(3) Section 1011.7 (relating to payment of outstanding fines, fees and penalties).

(c) Prior to a vehicle first entering into taxicab service as provided in §§ 1017.2 and 1017.38 (relating to preservice inspection; and change of vehicle), a medallion taxicab certificate holder shall present to the Authority for approval the documents required by the Department of Transportation necessary to title and commercially register the vehicle as a taxicab in the certificate holder's name.

(1) Documentation required to be submitted to the Authority under this subsection must contain proof of insurance for the vehicle that is maintained by the certificate holder and as evidenced on the certificate of insurance on file with the Authority under Chapter 1025 (relating to insurance required).

(2) Documentation required to be submitted to the Authority under this subsection will be reviewed for compliance under §§ 1017.4, 1017.43 and 1017.44 (relating to age and mileage limitations; approved models and conditions; and reconstructed vehicles prohibited).

(d) A taxicab determined to be unfit for inspection due to a violation of this section will be placed out of service as provided in § 1003.32(c) (relating to out of service designation).

### **Subchapter G. SAFETY CAMERAS**

#### **§ 1017.71. Taxicab safety cameras.**

Beginning November 4, 2016, a taxicab must be equipped with a protective shield as provided in § 1017.5 (relating to basic vehicle standards) or one safety camera system approved by the Authority as provided in § 1017.73 (relating to approved safety camera system).

#### **§ 1017.72. Safety camera system testing.**

A safety camera system is subject to a field inspection by an inspector at any time and may be tested as part of each scheduled inspection.

#### **§ 1017.73. Approved safety camera system.**

(a) The Authority will maintain a list of safety camera systems approved for use in taxicabs. The list may be obtained from the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) A safety camera system may be added to the list maintained under this section upon request of a certificate holder and evidence of compliance with this subchapter.

(c) A taxicab safety camera system will be inspected by the Authority prior to being placed on the Authority's approved list as provided in subsection (a).

(d) The Authority will conduct safety camera system testing to ensure the system meets the requirements of this subchapter.

#### **§ 1017.74. Safety camera requirements.**

(a) The purpose of this section is to establish certain minimum safety camera system requirements.

(b) The safety camera system must be turned on and operational at all times when a taxicab's motor is running.

(c) The safety camera system may not make an audio recording.

(d) The safety camera system must be able to record data including all of the following:

(1) The full face of the driver and all occupants seated in passenger seats and facing forward.

(2) The date and time of the recording.

(3) The taxicab number.

(4) The safety camera serial number.

(e) The safety camera system must record and store images in one of the following ways:

(1) In a unit separate from any camera that is concealed from view and fastened securely to the vehicle.

(2) In the camera unit itself.

(3) In a digital cloud.

(f) Each safety camera system must be equipped with a tamper-resistant seal to ensure that it is incapable of unauthorized access or manipulation of the data contained. If the seal of a safety camera system becomes broken or damaged, the certificate holder shall remove the taxicab from service immediately and notify the Enforcement Department.

#### **§ 1017.76. Certificate holder responsible.**

(a) The certificate holder shall inspect each taxicab safety camera system prior to service each day to ensure it is in compliance with this subchapter and is in proper working order. A certificate holder may select a person to conduct the inspections required under this section on the certificate holder's behalf.

(b) In the event that a safety camera system is not fully operational, the taxicab shall be taken out of service and the Enforcement Department shall be notified immediately.

#### **§ 1017.77. Public notice.**

(a) The Authority will produce a standardized posting to be displayed on taxicabs to provide public notice of the presence of the safety camera system in each taxicab as provided in § 1017.12(b) (relating to required markings and information).

(b) The notice required under this section must be affixed prominently to the exterior and interior of every taxicab that employs the use of a safety camera system.

(c) A taxicab equipped with an approved safety camera shall be presented to the Enforcement Department for issuance of the posting required under this section prior to providing taxicab service.

#### **§ 1017.78. Accessing safety camera images.**

(a) *Purpose.* The purpose of a safety camera system is to discourage bad acts in taxicabs in furtherance of protecting the health and safety of taxicab drivers and the public.

(b) *Prohibitions.* Images from a safety camera's system shall be maintained by a medallion certificate holder or dispatcher in the strictest of confidentiality and may not be duplicated, released or disclosed except as provided in subsection (c).

(c) *Access.* The Authority will be permitted to access safety camera images upon its written request to a certificate holder when necessary for the purpose of investigating a formal complaint against a medallion owner or taxicab driver or to respond to a subpoena, court order or other legal obligation.

**§ 1017.79. Storage of safety camera images.**

Safety camera images shall be maintained and stored for no less than 30 days at the medallion or dispatcher certificate holder's place of business. Upon presentation of the taxicab safety camera system to the Authority under § 1017.77 (relating to public notice), the medallion certificate holder shall submit a written statement to the Enforcement Department verifying the place of business where the safety camera images will be stored and the address of the location pertaining to postings under § 1017.77.

**Subchapter H. STAND-BY VEHICLES**

Sec.

- 1017.81. Definitions.
- 1017.82. Use of stand-by vehicles.
- 1017.83. Procedure to place a stand-by vehicle into service.
- 1017.84. Procedure to remove a stand-by vehicle from service.
- 1017.85. Fleet owner requirements.

**§ 1017.81. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context indicates otherwise:

*Fleet*—A minimum of 25 taxicabs operated or owned by the same fleet owner.

*Fleet owner*—A sole proprietorship, corporation, partnership or limited liability company that owns or operates taxicabs and meets all of the following requirements:

- (i) Controls a minimum of 25 taxicabs.
- (ii) Has a single business location that is adequate for the storage, maintenance, repair and dispatch of the fleet taxicabs, and the storage and maintenance of record.
- (iii) Operates with a dispatcher who assigns drivers to fleet taxicabs.

*Stand-by vehicle*—A vehicle authorized by the TLD to provide temporary taxicab service and bearing a valid TLD issued inspection sticker in full compliance with TLD regulations. A stand-by vehicle is to be used only as a temporary replacement for a medallion taxicab that is temporarily out of service.

**§ 1017.82. Use of stand-by vehicles.**

(a) Only a fleet owner can maintain and use stand-by vehicles.

(b) A stand-by vehicle can be used in place of a current medallion taxicab, for no more than 30 days, only in the following circumstances:

- (1) The current medallion taxicab is out of service for repairs or for required inspection.
- (2) A medallion taxicab has been stolen or involved in a reportable accident.
- (c) A fleet owner can maintain stand-by vehicles equal to no more than 10% of the total number of current medallion taxicabs owned or operated by the fleet owner.

(d) When a stand-by vehicle is placed into service under § 1017.83 (relating to procedure to place a stand-by vehicle into service), the medallion of the disabled taxicab shall be transferred to the stand-by vehicle in a manner consistent with § 1013.3 (relating to removal of a medallion).

(e) Form SB-2 must be carried in the stand-by taxicab and shall be presented to an inspector, law enforcement or the PUC upon request.

**§ 1017.83. Procedure to place a stand-by vehicle into service.**

(a) A fleet owner shall first register the designated vehicle as a stand-by vehicle as follows:

(1) The vehicle shall be commercially registered with the Department of Transportation in the medallion certificate holder's name and insured under medallion certificate holder's current policy that is on file with the Authority.

(2) Complete and file Form SB-2 "Stand-By Vehicle Application" with the TLD Enforcement Department and remit payment of the Authority compliance inspection fee as provided § 1001.43 (relating to Authority fee schedule). Form SB-2 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) The fleet owner shall then present the vehicle to the TLD Enforcement Department for an Authority compliance inspection under § 1017.31(a) (relating to vehicle inspections by the Authority). Upon passing inspection, the vehicle will be assigned a unique number (that is, SBV-01, and the like).

(c) When a fleet owner elects to place a stand-by vehicle into taxicab service and prior to its entry into taxicab service, the fleet owner shall first notify the Manager of Enforcement by email and include the medallion number that is at issue, the stand-by vehicle number that will be in temporary service for that medallion, the date the disabled taxicab was being removed from service and the reason for the use of the stand-by vehicle. The Manager of Enforcement may authorize the medallion owner to remove the medallion consistent with § 1013.3 (relating to removal of a medallion).

**§ 1017.84. Procedure to remove a stand-by vehicle from service.**

A fleet owner who wishes to remove a stand-by vehicle from service shall contact the TLD Enforcement Department for an inspection appointment and the removal and transfer of the medallion under Subchapter D (relating to taxicab inspections).

**§ 1017.85. Fleet owner requirements.**

(a) *SB-1.* To qualify for the use of a stand-by vehicle, a fleet owner shall complete and file Form SB-1 "Stand-By Fleet Owner Application" with the Director along with the fee in the Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(b) *Fee.* The fee that shall accompany the filing of an SB-1 under this section is \$350 beginning February 25, 2017, and ending on June 30, 2017, or when a new fee schedule is adopted under sections 5707 and 5710 of the act (relating to budget and assessments; and fees), whichever is later. Payment shall be made under § 1001.42 (relating to mode of payment to the Authority). The current SB-1 filing fee will be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) as provided in § 1001.43.



## CHAPTER 1019. DISPATCHERS

## § 1019.3. Dispatcher application.

(a) *General.* To obtain a dispatcher's certificate a person shall complete and file Form SA-1 "Sale Application" in person with the Director along with the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The SA-1 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(1) The applicant for a dispatcher's certificate shall execute the SA-1 in the presence of the Director or a designee. If the applicant is not an individual, the application must include an original executed and notarized resolution from the applicant authorizing the execution and filing of the SA-1 application.

(2) The Director will refuse to accept an application which is incomplete for any reason.

(3) Upon acceptance, the Director will submit a copy of the application documents to the Clerk and an application docket number will be assigned.

(b) *SA-1 application.* The completed SA-1 shall be verified as provided in § 1001.36 (relating to verification and affidavit) and be filed with the Director in person by the owner of the applicant and include all of the information required by the Authority:

(1) The name of the applicant and contact information, including a mailing address, a business address of the exact location of dispatch operations, a telephone number, an email address and a facsimile number.

(2) An identification of the applicant as an individual or a person as provided in § 1001.10 (relating to definitions).

(3) If the applicant is not an individual, the following must be included:

(i) The articles of incorporation, operating agreement, formation documents or other applicable organizing documents for the applicant.

(ii) A certificate of good standing for the applicant from the Bureau of Corporations and Charitable Organizations.

(iii) A copy of the Department of State's entity page for the applicant.

(iv) The trade name, if any, of the applicant and a copy of the trade name registration certificate, if applicable.

(v) The name of a holding company as defined in § 1011.2 (relating to definitions) having an interest in the proposed buyer and a contemporaneous certificate of good standing for the holding company from the Bureau of Corporations and Charitable Organizations, or similarly authorized entity in another jurisdiction in the United States.

(4) The mailing address and physical address of the applicant, if different.

(5) A list of all Authority or PUC certificates or other rights in which the applicant or any person with a controlling influence in the applicant has any controlling interest, including taxicab medallions.

(6) The name, address, telephone number, facsimile number and email address of any attorney or broker, or both, assisting the applicant through the Authority's dispatcher certification process.

(7) A criminal history report issued within 30 days of the filing of the application from any jurisdiction in which all of the following individuals have lived during the last 5 years through the date of application:

(i) An individual applicant.

(ii) Any person with a controlling interest in the applicant.

(iii) Each key employee.

(8) A written statement verified as provided in § 1001.36, which provides that:

(i) The applicant, each person with a controlling interest in the applicant and each key employee have not been subject to a conviction as provided in § 1001.10.

(ii) The applicant, each person with a controlling interest in the applicant and each key employee are in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(iii) The applicant, each person with a controlling interest in the applicant and each key employee are current on all reports due in relation to other rights issued by the Authority.

(iv) The applicant can comply with the requirements in § 1019.8 (relating to dispatcher requirements).

(v) The proposed buyer has read and understands the prohibitions of ownership as provided in § 1011.5 (relating to ineligibility due to conviction or arrest).

(9) A copy of the applicant's business plan.

(10) A completed original of Form DSP-3 "Business Experience Questionnaire." A copy of the DSP-3 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(11) The Federal Tax Identification number of the applicant.

(12) A list including name, home address and telephone numbers for current corporate officers, directors, stockholders, key employees and persons with controlling interests as defined in § 1011.2, if applicable.

(c) *DSP-2 application.* At the time an SA-1 is filed, an applicant for a dispatcher's certificate shall also file a DSP-2 "Dispatcher Colors and Markings Change/Application" as provided in § 1019.7 (relating to name, colors and markings review).

(d) *Financial fitness generally.* The Authority will review the financial fitness of the applicant for a dispatcher's certificate, including all of the following:

(1) Bank statements of the applicant for a dispatcher's certificate or bank statements of the holder of stock or membership certificate evidencing ownership of a bank account not less than the greater of \$5,000 in unencumbered or available funds.

(2) The credit report of each of the persons identified in subsection (b)(12) evidencing a credit score of at least 600 for each person.

(3) The absence of any outstanding and unappealed civil judgments against each person identified in subsection (b)(12).

(4) The Authority may require the submission of additional financial information necessary to determine the financial fitness of an applicant for a dispatcher's certificate.

(e) *Broker.* Documents intended for submission to the Director as part of the sale process shall be prepared by a broker registered with the Authority as provided in Chapter 1029 (relating to brokers) or an attorney admitted to practice law by the Supreme Court of Pennsylvania.

**§ 1019.5. Facility inspection.**

(a) An applicant for a dispatcher’s certificate shall make its proposed operating locations available for inspection by the Enforcement Department as part of the application process and throughout the term of its status as a dispatcher. A facility inspection may be conducted without prior notice.

(b) Dispatchers shall provide all dispatching services from facilities located in this Commonwealth within 10 miles of Philadelphia.

**§ 1019.6. Review of dispatcher application.**

(a) An application for a dispatcher’s certificate will be denied by the Authority if the dispatcher is unable to meet the requirements in this chapter, including § 1019.8 (relating to dispatcher requirements).

(b) An application for a dispatcher’s certificate will be denied if the applicant has a record of regulatory violations with the Authority or the PUC which evidences a disregard for the public interest.

(c) The application for a dispatcher’s certificate will be denied if the applicant or a person with controlling interest or a key employee of the applicant has been subject to the suspension, revocation or cancellation of rights issued by the Authority or common carrier rights issued by the PUC during the 1-year period immediately preceding the date the SA-1 was filed with the Authority.

(d) If the Director determines that the applicant for a dispatcher’s certificate is qualified as provided in the act, this part or an order of the Authority, and the applicant is capable of providing dependable service, a recommendation to approve the application will be presented to the Authority for approval at its next regularly scheduled meeting.

(e) Upon compliance with all requirements of this chapter and the Authority’s notice of approval, the Authority will issue a new dispatcher certificate to the new dispatcher as part of the approval process.

**§ 1019.7. Name, colors and markings review.**

(a) To change or establish any fictitious operating name, colors or markings, a dispatcher shall file a DSP-2 “Dispatcher Colors and Markings Change/Application.” If the DSP-2 is being filed for purposes of a markings review and approval, the DSP-2 must be accompanied by the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The DSP-2 may be obtained on the Authority’s web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) The Authority will not approve a DSP-2 application if it determines that the requested fictitious operating name or markings are similar to those of an existing dispatcher.

(c) Upon approval of a DSP-2 application, the dispatcher shall have the exclusive right to use the approved fictitious operating name and markings, provided the certificate has not expired or been cancelled.

(d) Each dispatcher shall use only a single name and marking scheme that is approved by the Authority for all the medallion taxicabs it dispatches.

(e) Each dispatcher shall use only the color scheme that is on file with the Authority for all medallion taxicabs it dispatches.

(f) Each dispatcher shall use a distinctive name and marking scheme for partial-rights taxicabs it dispatches as provided in § 1017.11(b) (relating to distinctive colors and markings).

(g) A dispatcher may not change an approved fictitious operating name or markings scheme without advance approval of the Authority as provided in this section.

(h) A dispatcher may not change its colors without advance notice to the Authority as provided in subsection (a).

(i) Upon the approval of a fictitious operating name or markings scheme, the Director will notify the dispatcher of the applicable time period of when all taxicabs affiliated with the dispatcher must display the new name or markings scheme.

(j) The colors and markings of a dispatcher must be consistent with the requirements in Chapter 1017 (relating to vehicle and equipment requirements).

**§ 1019.8. Dispatcher requirements.**

(a) *General requirements.* A dispatcher shall continually maintain standards and equipment capable of providing prompt and adequate service to the public, including all of the following:

(1) Technology that is approved by the Authority that facilitates two-way communication, in real time verbal and data, between the dispatcher and driver of a taxicab. A written description including the specifications of the two-way communication technology shall be submitted to the Authority for approval and inspection before a dispatcher may use the technology, unless the two-way communication has already been approved for use in conjunction with an approved meter system as provided in § 1017.23 (relating to approved meters).

(2) Respond to customer calls 24 hours a day.

(3) Have taxicabs available for dispatch 24 hours a day, 7 days a week.

(4) Dispatch taxicabs with current Authority rights to provide the service requested.

(5) Obtain the Authority’s confirmation, which may be provided by the Authority through email, of a taxicab’s good standing before beginning to provide it with dispatching service.

(6) Have at least one display advertisement in a telephone book with citywide circulation in Philadelphia or a web site which displays all of the information necessary to order a taxicab through the dispatcher.

(7) Have a minimum of four coordinated telephone lines to receive incoming calls for service from the public.

(8) Operate and maintain a taxicab meter system approved by the Authority as provided in § 1017.23, including computer hardware and software, means of communication between the dispatcher and each taxicab meter and the Authority.

(9) Answer customer questions about rates and services provided within 12 hours.

(10) Answer customer questions or complaints about service in writing and within 5 days of receipt of the complaint.

(11) Maintain records as provided in § 1019.14 (relating to dispatcher records).

(12) A dispatcher may not discriminate against nor allow its affiliated drivers to discriminate against any member of the public and may not refuse service to any section of Philadelphia. Partial-rights taxicabs may only be dispatched to provide service consistent with the certificate holder's rights.

(13) A dispatcher shall be able to receive and respond to emergency or distress alerts received from taxicab drivers 24 hours a day, 7 days a week.

(14) In addition to the requirements in the act, this part or an order of the Authority, a dispatcher may institute rules of conduct for drivers and certificate holders associated with the dispatcher.

(15) A dispatcher shall report violations of the act, this part or an order of the Authority committed by a driver or certificate holder associated with the dispatcher to the Authority immediately.

(16) Upon receipt of a request for wheelchair accessible vehicle (WAV) taxicab service directly from a source, including a potential customer or as provided in § 1021.16(a) (relating to service issues regarding people with disabilities), a dispatcher not authorized to dispatch WAV taxicabs shall immediately forward the potential customer's contact information and location to a WAV taxicab dispatcher through a means of electronic communication approved by the Authority.

(b) *WAV taxicab dispatcher authorization and renewal.*

(1) A dispatcher or applicant for a dispatcher's certificate as provided in § 1019.3 (relating to dispatcher application) may request authorization to act as a WAV taxicab dispatcher by filing Form DSP-7 "WAV Dispatcher Authorization" with the Manager of Administration. Form DSP-7 is available on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(2) The authorization to dispatch WAV taxicabs is nontransferable.

(3) The authorization to dispatch WAV taxicabs will automatically expire on July 1 of each year. A dispatcher may reapply for WAV dispatcher authorization at the time it makes its annual filing as provided in § 1011.3 (relating to annual rights renewal process).

(4) The authorization to dispatch WAV taxicabs may be suspended, cancelled or revoked for a violation of the act, this part or an order of the Authority.

(5) Dispatchers engaged in dispatching of WAV taxicabs on August 30, 2014, may continue without the authorization required under paragraph (1) until July 1, 2015. This exemption does not apply to the dispatching of WAV medallion taxicabs.

(c) *WAV taxicab dispatcher requirements.*

(1) Only a WAV taxicab dispatcher may dispatch WAV taxicabs.

(2) A WAV taxicab dispatcher may not have less than 10% of the WAV taxicabs authorized by the Authority to provide citywide call or demand service in its association at all times. The Authority will maintain a current list of authorized WAV taxicabs on its web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(3) A WAV taxicab dispatcher shall maintain a means of immediate and simultaneous telephone, Internet or other electronic communication with every WAV taxicab dispatcher that is approved in advance by the Authority.

The Authority will post a list of approved communication methods on its web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(4) Dispatchers shall give preference to persons seated in a wheelchair when dispatching a WAV taxicab.

(5) Customers referred to a dispatcher as provided in subsection (a)(16) or § 1021.16(a) shall be serviced in all ways as if the request were made directly to the dispatcher.

(6) In the event that a WAV taxicab dispatcher cannot provide a WAV taxicab to a requesting customer within 20 minutes, the request for service shall be forwarded by the WAV taxicab dispatcher to every other WAV taxicab dispatcher through the system required under paragraph (3).

(7) The information provided by the forwarding WAV taxicab dispatcher as provided in paragraph (6) must include the information necessary to provide the requested service, including all of the following:

(i) The time the request was received by the forwarding WAV dispatcher.

(ii) The time that the service is requested to begin.

(iii) The location where the WAV taxicab is expected to appear to initiate service.

(iv) The telephone number and other contact information of the person requesting service, if available.

(v) The time that the forwarding WAV dispatcher would be able to initiate service, if at all.

(8) A WAV taxicab dispatcher shall immediately accept the request forwarded as provided in paragraph (6) if the dispatcher can provide a WAV taxicab as requested before the forwarding dispatcher and sooner than any other WAV dispatcher. If the request for service is not accepted, the forwarding WAV dispatcher shall provide the service as provided in paragraph (7)(v).

(9) Acceptance of the forwarded request shall be simultaneously communicated to all other WAV taxicab dispatchers through the system required under paragraph (3).

(10) The accepting dispatcher shall inform the person that has requested WAV taxicab service that it will dispatch a WAV taxicab to the requester immediately.

(11) A WAV dispatcher shall use a dispatching system that maintains all of the following data, in addition to the requirements in this section and § 1019.14:

(i) Each request to the dispatcher for a WAV taxicab and the dispatcher's response to that request.

(ii) Each occasion of WAV taxicab service to a person in a wheelchair by a taxicab in the dispatcher's association, including the date of service, the amount of the fare paid and the manner in which the taxicab service was initiated.

(iii) The name and WAV taxicab driver certificate number for each driver that has accepted or declined a dispatch for service to a person in a wheelchair.

(12) The WAV dispatcher's monthly filing of Form DSP-4 as provided in § 1019.9 (relating to list of affiliated taxicabs) must include the data maintained in its dispatch system as provided in paragraph (11).

(13) The Authority will maintain a list of WAV dispatchers on its web site at [www.philapark.org/tld](http://www.philapark.org/tld).



**§ 1019.9. List of affiliated taxicabs.**

A dispatcher shall file a complete Form DSP-4 “Dispatcher Affiliated Taxicabs” with the Authority on the first business day of each month noting the taxicab numbers and certificate holders associated with the dispatcher at that time. Form DSP-4 may be obtained at [www.philapark.org/tld](http://www.philapark.org/tld).

**CHAPTER 1021. TAXICAB DRIVERS**

**§ 1021.2. Certification required.**

(a) Only a taxicab driver as defined under § 1001.10 (relating to definitions) may provide taxicab service.

(b) A taxicab driver shall carry and display an original taxicab driver’s certificate on the protective shield of the taxicab on the driver’s side with the front of the certificate (picture) facing the rear seat at all times or in the center of the front compartment of the vehicle so long as it is plainly visible to all passengers in the vehicle.

(c) A taxicab driver may not drive a taxicab with a mutilated, damaged or illegible taxicab driver’s certificate.

(d) Only one taxicab driver’s certificate at a time may be displayed in a taxicab.

(e) A taxicab driver’s certificate is not transferable.

**§ 1021.4. Ineligible persons for taxicab driver certificate.**

In addition to other prohibitions provided in this part, an applicant for a taxicab driver’s certificate is automatically ineligible under all of the following circumstances:

(1) The applicant does not hold a current driver’s license.

(2) The applicant 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) The applicant has failed to satisfactorily complete taxicab driver training and testing as prescribed by this chapter.

(4) The applicant is unable to provide information required by this subpart.

(5) The applicant is 20 years of age or younger.

(6) Unless otherwise permitted by the Authority, the applicant does not have a driving history in the United States of at least 1 continuous year prior to the date of application.

(7) The applicant’s driver’s history reflects three moving violations or a major violation as defined in § 1011.2 (relating to definitions) in the 3-year period prior to the driving history check.

(8) The applicant has been convicted of driving under the influence of drugs or alcohol in the preceding 7 years from the filing date of DR-1 “Driver Application.”

(9) The applicant has been disqualified by the Authority from being a TNC driver under section 57A12(e) of the act (relating to transportation network company drivers) within the 5 years immediately preceding the filing date of DR-1 “Driver Application.”

**§ 1021.5. Standards for obtaining a taxicab driver’s certificate.**

(a) *General.* To obtain a taxicab driver’s certificate an individual shall complete and file with the Director Form

DR-1 “Driver Application,” along with the application fee which shall be paid as provided in § 1001.42 (relating to mode of payment to the Authority). The DR-1 may be obtained on the Authority’s web site at [www.philapark.org/tld](http://www.philapark.org/tld) and be completed in person before TLD staff. The fee for a taxicab driver’s certificate is \$25 beginning November 4, 2016, and ending January 1, 2018. Thereafter, any annual increase to the fee may not exceed the percentage annual change in the Gross Domestic Product Price Index, as calculated by the United States Department of Commerce. The current taxicab driver certificate fee will be posted on the Authority’s website at [www.philapark.org/tld](http://www.philapark.org/tld) under § 1001.43 (relating to Authority fee schedule). The taxicab driver certificate fee does not include the fees associated to attend taxicab driver training whether conducted by the Authority or an approved third party under § 1021.7 (relating to taxicab driver training).

(b) *DR-1 application.* The completed DR-1 must be verified as provided in § 1001.36 (relating to verification and affidavit) and include the information required by the Authority, including all of the following:

(1) The full and legal name of the individual applicant.

(2) The applicant’s residential address and telephone number. Applicants may submit an email address to become eligible for service of notice as provided in § 1001.51 (relating to service by the Authority).

(3) The applicant’s driver’s license.

(4) The applicant’s Social Security card or documents confirming a legal permanent resident status or an alien authorized to work status, if applicable.

(5) Authorization for release of the applicant’s criminal history report from the State Police to the Authority, if necessary, and authorization for the release of the applicant’s criminal history report from a certificate holder.

(6) Authorization for the release of the applicant’s driver history report from the Department of Transportation to the Authority, if necessary, and authorization for the release of the applicant’s driver history report from a certificate holder.

(7) Submit Form DR-2 “Driver Medical History,” which is available on the Authority’s web site at [www.philapark.org/tld](http://www.philapark.org/tld). The requirement to complete the DR-2 will be waived for an applicant who possesses a current physical exam card issued under the requirements of a commercial driver’s license in Pennsylvania. See 49 CFR 391.41—391.49 (relating to physical qualifications and examinations).

(8) A list of all Authority or PUC certificates in which the applicant has any controlling interest, including taxicab medallions.

(9) A written statement verified as provided in § 1001.36, which provides that:

(i) The applicant has not been subject to a conviction as provided in § 1001.10 (relating to definitions).

(ii) The applicant is in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(iii) The applicant can comply with the requirements in this chapter.

**§ 1021.5a. Special wheelchair accessible vehicle taxicab driver’s certificate and requirements.**

(a) *Purpose.* The WAV taxicab driver’s certificate is created to ensure that the needs of the disabled community are known and fully addressed by the drivers of

WAV taxicabs and to ensure that those in need of WAV taxicab transportation are efficiently and adequately provided with that transportation by the best qualified drivers available.

(b) *WAV taxicab drivers.*

(1) The Authority will issue a special driver's certificate for individuals to provide WAV taxicab service as provided in section 5706(a.1)(1) of the act (relating to driver certification program).

(2) A WAV taxicab driver's certificate will identify the driver as having been trained in the operation of a WAV taxicab and in the best practices of transporting a person in a wheelchair.

(3) To obtain a WAV taxicab driver's certificate, an individual, including a current taxicab driver, shall comply with the taxicab driver requirements of this chapter and submit a completed Form DR-4 "WAV Driver Application." Form DR-4 is available on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(4) An applicant may apply for a taxicab driver's certificate and a WAV taxicab driver's certificate at the same time. If an applicant discontinues the WAV taxicab driver certification process or is unable to successfully complete the training, the applicant may pursue taxicab driver's certification.

(5) Applications for a WAV taxicab driver certificate will be processed by the Director in the order accepted for filing.

(6) A WAV taxicab driver certificate includes the authorizations applicable to a taxicab driver's certificate.

(7) An applicant for a WAV taxicab driver's certificate shall maintain a record of compliance with the act, this part and orders of the Authority as follows:

(i) A WAV taxicab driver applicant shall have at least 1 year of Philadelphia taxicab driver experience as an Authority-certificated driver completed within the immediately preceding consecutive 24-month period prior to the date of application.

(ii) A WAV taxicab driver application will be denied if an order has been entered against the applicant by the Authority or the PUC related to the provision of unsafe or discourteous taxicab service.

(iii) A WAV taxicab driver application will be denied if the applicant's taxicab driver's certificate or limousine driver's certificate has ever been cancelled or revoked.

(iv) A WAV taxicab driver application will be denied if the applicant's taxicab driver's certificate has been suspended for any reason in the immediately preceding consecutive 36 months.

(8) Only a taxicab driver certificated by the Authority as provided in this section may provide taxicab service in a WAV taxicab.

(c) *WAV taxicab driver renewal.*

(1) A WAV taxicab driver's certificate may be renewed by filing the completed Form DR-4 with the Manager of Administration and adhering to standard renewal requirements as provided in § 1011.3 (relating to annual rights renewal process).

(2) The Authority will not renew a WAV taxicab driver's certificate if the driver has failed to provide taxicab service in a WAV taxicab for at least 800 hours in the immediately preceding consecutive 12-month period.

(3) The annual taxicab driver renewal fee charged by the Authority shall be paid from the proceeds of the sale

of WAV medallions authorized by section 5711(c) of the act (relating to power of authority to issue certificates of public convenience) for each successfully renewed WAV taxicab driver.

(4) When a WAV taxicab driver's certificate is denied as provided in paragraph (2) and not on another basis, the Authority will issue the renewing driver a standard taxicab driver's certificate.

(d) *Wheelchair service preference.*

(1) A person seated in a wheelchair who requests taxicab service shall be given preference by a WAV taxicab driver over a potential customer that is not in a wheelchair. For example, if a WAV taxicab is hailed by two people at the same time but only one of those people is seated in a wheelchair, service shall be provided to the person seated in the wheelchair first.

(2) A customer already seated in a taxicab may not be asked to exit the taxicab to accommodate a person seated in a wheelchair.

(3) When a WAV taxicab has been dispatched and is in route to provide taxicab service to a person not in a wheelchair and is hailed by a person seated in a wheelchair, the WAV taxicab driver shall stop and provide taxicab service to the person in a wheelchair. Prior to assisting the hailing customer into the WAV taxicab, the driver shall notify his dispatcher of the hail. The dispatcher shall arrange for an alternate taxicab to provide service to the original customer.

(4) A WAV taxicab driver shall notify his dispatcher each time taxicab service is provided to a person in a wheelchair. The notification required under this paragraph shall be made once the customer is secured in the taxicab.

**§ 1021.7. Taxicab driver training.**

(a) *Training required.* An applicant shall complete a training program.

(b) *Training options.* An applicant has the option to complete the taxicab driver training program conducted by the Authority under subsection (d) or conducted by a third party that has been approved by the Authority under subsection (e).

(c) *Eligibility.* Upon submission of a completed DR-1 application as provided in this chapter, the DR-1 will be reviewed to determine if the applicant is eligible to attend the required training program conducted by either the Authority or an approved third party as provided in subsection (d) or (e).

(1) An applicant will not be scheduled for training conducted by the Authority or receive clearance from the Authority to attend an approved third-party training program if the application documents present information that clearly renders the applicant ineligible to be a taxicab driver. For example, an applicant who does not possess a valid driver's license or is not in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties) will not be scheduled for training or receive clearance to attend training.

(2) If the applicant is eligible to attend training, the applicant may be issued a provisional taxicab driver certificate, for up to 90 days from the filing date of the DR-1, or until a certificate is issued by the Authority, whichever is earlier.

(d) *Training by the Authority.* Taxicab driver training conducted by the Authority will be held at TLD Headquarters and will consist of a minimum of 18 hours of

in-class instruction addressing the training subjects as provided in § 1021.8 (relating to certain training subjects).

(1) The fee to attend training conducted by the Authority is \$100 beginning February 25, 2017, and ending June 30, 2017, or when a new fee schedule is adopted under sections 5707 and 5710 of the act (relating to budget and assessments; and fees), whichever is later.

(2) The training fee shall be paid prior to attending training and as provided in § 1001.42 (relating to mode of payment to the Authority).

(e) *Training by an approved third party.* An Authority approved third-party taxicab driver training program will be conducted at a location, date and time determined by the third party and will address training subjects as provided in § 1021.8.

(f) *Approval of third-party training program.* A person may submit a written request to be an approved third-party trainer under this chapter by submitting all of the following to the Director:

(1) A proposed curriculum that includes the training subjects as outlined in § 1021.8.

(2) A detailed comprehensive plan identifying all of the following:

(i) The location of where the training program will be conducted.

(ii) The frequency of when the training program will be offered, including days and hours of the training program's operations.

(iii) The number of days and hours that a taxicab driver applicant will have to attend to complete the program.

(iv) The cost per taxicab driver applicant for attending the training program.

(v) Explanation as to how the training program will be advertised.

(vi) Nondiscrimination policy to offer the training program to any taxicab driver applicant regardless of which dispatcher or medallion taxicab owner the driver may associate with.

(vii) Rules governing the completion of the training program and procedure for issuing certificates of completion to taxicab driver applicants under § 1021.8(d).

(viii) Explanation as to how the training program will demonstrate and conduct tutorials of all Authority-approved medallion taxicab meter systems.

(3) Upon approval of the third-party training program, the Authority will issue a certificate of approval to be displayed at all times at the third-party training program location.

(4) The Authority will maintain a list of approved third-party training programs on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

**§ 1021.8. Certain training subjects.**

(a) *Continued training subjects.* The Authority will continually monitor issues related to taxicab drivers, including safety, wheelchair accessible vehicle (WAV) taxicab service and customer service, and maintain a current list of taxicab driver training subjects on its web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) *Basic training issues.* Taxicab driver training will be developed to address all areas of the act, this part and

orders of the Authority. The dress code applicable to taxicab drivers applies to applicants during training whether conducted by the Authority or an approved third party. Training will address issues provided for in subsection (a), including the following subjects:

(1) Authority regulations governing taxicab drivers, including differences between the services medallion taxicabs and partial-rights taxicabs provide.

(2) Authority regulations governing taxicab certificate holders.

(3) Authority regulations governing equipment.

(4) Penalties for violation of Authority regulations.

(5) An overview of the administrative process related to violations.

(6) The identification and address of the Authority offices responsible for administering the act.

(7) Customer service issues, including the following:

(i) Personal appearance of drivers.

(ii) Driver courtesy and hygiene.

(iii) Assistance to elderly and people with disabilities.

(8) Driving and customer safety issues, including the following:

(i) Defensive driving techniques.

(ii) Emergency aid.

(iii) Vehicle and equipment inspections.

(iv) Crime prevention.

(v) Accident reporting procedures.

(9) Issues related to the geography of Philadelphia, including the following:

(i) Map reading.

(ii) Overview of major street and traffic patterns.

(iii) Identification and location of popular landmarks and locations.

(c) *WAV taxicab driver training.*

(1) In addition to training required under this section, WAV taxicab driver training will consist of a minimum of 6 hours of in-class instruction and field training necessary to address current and evolving issues related to WAV taxicab service, including sensitivity training, safe and proper use of applicable equipment, and regulations regarding WAV taxicab service.

(2) WAV taxicab driver training will consist of training in all aspects of WAV taxicab service, including the operation of a WAV taxicab and the entry, exit and securing of a passenger in a wheelchair.

(3) A WAV taxicab driver must attend a minimum of 4 hours of continuing WAV taxicab service training every 2 years.

(d) *Testing.* The applicant will be scheduled for testing conducted by the Authority at TLD Headquarters under § 1021.9 (relating to taxicab driver test) upon completion of training conducted by the Authority or upon the applicant's submission of a certificate of completion to the Authority from an approved third-party training program.

**§ 1021.10. Expiration and renewal of certificate.**

An individual with a taxicab driver's certificate that has been expired for more than 2 years shall attend taxicab driver training and pass the taxicab driver test provided in this chapter before providing service.



**§ 1021.11. Driver requirements.**

(a) *Preservice inspection.* Prior to driving a taxicab before each shift, a taxicab driver shall perform a vehicle inspection to confirm that the taxicab complies with this subpart. The inspection must include all of the following:

(1) At least one full walk around the taxicab to assure the exterior of the vehicle is in compliance with this subpart, including all of the following:

(i) The exterior of the taxicab is not damaged, no sharp edges are present and no parts of the vehicle have been removed. For example, the hood and doors of the taxicab are present and in the proper location.

(ii) The appropriate name, colors and markings scheme are affixed to the taxicab.

(iii) The taxicab's tires are full size and the treads are not worn below the level permitted under 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection).

(2) The opening and closing of all doors, the hood and the trunk to assure proper functionality and the absence of any sharp edges that may injure a passenger or damage clothing, luggage or other property.

(3) An inspection of the interior of the taxicab to make certain that the vehicle is clean and otherwise in compliance with this subpart.

(4) Operation of the heater and air conditioner to confirm the taxicab's ability to maintain the air temperature required under § 1017.5(b)(14) (relating to basic vehicle standards).

(5) An inspection of the taxicab meter to assure it has been approved for use by the Authority, is sealed as provided in § 1017.21(b)(3) (relating to taxicab meters) and is in proper working order at all times. Unsealed or improperly sealed meters and malfunctioning meters shall be reported to the Enforcement Department immediately.

(b) *Presentation and appearance.* A taxicab driver is responsible for providing clean, safe and courteous taxicab service, including all of the following:

(1) Presenting a neat and clean appearance while providing taxicab service.

(2) Dressing in clean clothing which is composed of a shirt with collar, ankle-length trousers, slacks/dress, skirts (if gender appropriate), socks or stockings, and shoes or clean sneakers. For example, 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.

(3) Wearing open toed shoes, sandals or bare feet are prohibited while operating a taxicab.

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

(5) Being courteous toward passengers, the public, law enforcement officials and representatives of the Authority. A driver may not use obscene, vulgar or offensive language while providing taxicab service.

(6) Maintaining the volume of a radio at a low level and upon the request of a passenger, lowering the volume or switching off any music or electronic noise such as a radio, except that the communications radio required under § 1017.5(b)(3) must remain on and at a reasonable volume at all times.

(7) Ceasing use of a mobile telephone and remove ear phones or Bluetooth devices from ears when a passenger is in the vehicle.

(8) Making certain that the taxicab complies with the temperature requirements in § 1017.5(b)(14).

(9) Assisting the elderly or persons with disabilities in entering and exiting the taxicab.

(10) Maintaining cash capable of providing change for a \$20 bill.

(11) Immediately reporting any possessions of passengers left behind in a taxicab after service to the Manager of Enforcement and the taxicab's dispatcher and then deliver the possessions to TLD Headquarters.

(c) *Permitted fares.* A taxicab driver may not charge fares other than those approved by the Authority as provided in section 5703 or 5720 of the act, or both (relating to rates; and wages).

(d) *Gratuities or payment method.*

(1) A taxicab driver may not request the payment of a gratuity by a passenger.

(2) A taxicab driver may not insist upon or express a preference for fare payment method. For example, a taxicab driver may not demand payment in cash as opposed to credit card, nor may a taxicab driver suggest that the passenger be driven to a bank or automatic teller machine to secure cash to pay the fare as opposed to use of a credit card or other cashless payment option.

(3) A taxicab driver may not ask a potential customer for fare payment method information in advance of providing taxicab service.

(4) A taxicab driver shall accept payment by credit card, debit card and other cashless payment options identified by the Authority.

(5) A taxicab driver shall provide each fare-paying customer with a receipt for the taxicab service required under § 1017.24(d) or § 1017.63(a) (related to meter activation and display; and receipts), or both, unless the approved meter system is capable of providing a digital receipt.

(e) *Lease or employment documents.* A taxicab driver is responsible for maintaining a copy of the lease agreement, employment contract and employee identification card in the taxicab at all times.

(f) *Direct route.* Unless directed otherwise by a fare-paying customer, a taxicab 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.

(g) *Rules of the road.* A taxicab driver shall continually provide taxicab service in a manner consistent with 75 Pa.C.S. (relating to Vehicle Code) and the Philadelphia Traffic Code (12 Phila. Code §§ 100—3012).

(h) *Meter operation.* The meter must be in operation during the entire time the taxicab is engaged by a passenger, and the passenger shall be required to pay only the amount recorded by the meter, except that, when back-mileage or surcharge provisions of the tariff of the certificate holder apply, the back-mileage charge or surcharge shall be added to the amount recorded by the meter, or if there is a discounted rate under § 1030.2(b) (relating to taxicab rates and tariffs). Each meter charge shall be collected only once regardless of whether the taxicab is being used in exclusive service or in nonexclusive service.

(i) *Zero-tolerance policy.* A taxicab driver may not be under the influence of drugs or alcohol while providing taxicab service. The Authority will and certificate holders shall enforce a zero-tolerance policy on the use of drugs or alcohol by a taxicab driver while providing taxicab service.

(1) The driver's certificate of a taxicab driver who is the subject of a TLD investigation or a passenger complaint and whom the inspector or passenger reasonably suspects was under the influence of drugs or alcohol during the course of providing taxicab service shall be immediately placed out of service under § 1003.32 (relating to out of service designation).

(2) The Authority may conduct a drug and alcohol test upon written consent by the taxicab driver.

**§ 1021.12. Additional requirements.**

(a) Each taxicab driver shall know the rights and limitations of any taxicab used to provide taxicab service, including the geographical limitation of partial-rights taxicabs, if applicable.

(b) A taxicab driver may not provide taxicab service beyond the 14th consecutive hour after coming on duty. Time spent on any break from taxicab service does not extend the 14-hour period. A taxicab driver may operate for another 14-hour period only after 8 consecutive hours off duty.

(c) A taxicab driver may not provide taxicab service with an expired taxicab driver's certificate.

(d) A taxicab driver may not provide taxicab service without a valid driver's license.

(e) Whenever a taxicab is occupied by a fare-paying passenger or by members of a party of fare-paying passengers who have engaged the taxicab on an exclusive basis, the taxicab driver may not permit another person to occupy or ride in the taxicab.

(f) No requirement of this subpart, or any Authority regulation, may be interpreted to disrupt or interfere with interstate commerce exclusively regulated by or preempted by the government of the United States.

(g) If a taxicab is equipped with a meter system that utilizes a distress button under § 1017.24(e) (relating to meter activation and display), a taxicab driver may not activate the distress button except when the driver is in need of emergency assistance by law enforcement or other emergency responders.

**§ 1021.17. Partial-rights taxicab driver log.**

(a) A taxicab driver providing service in a partial-rights taxicab shall maintain a service log, whether maintained in paper or digital form, identifying all taxicab service provided during each shift.

(b) The partial-rights taxicab service log must identify all of the following information:

- (1) The date of service.
- (2) The taxicab driver's name and driver's certificate number.
- (3) The taxicab number, the certificate holder and the dispatcher.
- (4) The times and places of origin and destination of each trip including the odometer or meter mileage at the origin and destination of each passenger trip. Origin and destination places must contain a street name and address or, if unavailable, an identifiable landmark.

(5) A designation indicating whether a trip resulted from a hail or through the dispatcher.

(6) The fare paid for the trip.

(7) The amount of any gratuity paid to the taxicab driver.

(8) The number of passengers on each trip, indicating separately each fare collected from each passenger or party of passengers sharing the ride.

(9) Each trip on which packages were delivered and the charge for the trip.

(10) The signature of the driver attesting to the accuracy of the data recorded.

(c) A partial-rights taxicab driver shall completely enter the information required by the log immediately upon the conclusion of each taxicab service trip.

(d) The taxicab log required under this section shall be maintained in the taxicab until the driver's shift has ended and be presented to an inspector at any time upon demand.

(e) Upon the conclusion of a partial-rights taxicab driver's shift, the taxicab log shall be delivered to the certificate holder and maintained by the certificate holder as provided in § 1011.11 (relating to record retention).

**CHAPTER 1027. SALE OF RIGHTS**

**§ 1027.3. Authority approval of sale of rights.**

(a) *Sale of transferable rights.* The sale of transferable rights without advance approval of the Authority is void by operation of law.

(b) *Sale of securities in transferable rights.* The sale of securities in an entity that owns transferable rights will be considered a sale under this chapter in either of the following circumstances:

- (1) The securities to be transferred equal or exceed 5% of the issued securities in the entity that holds an ownership interest in a transferrable right.
- (2) Upon completion of the transfer the buyer will own 5% or more of the issued securities in the entity that holds an ownership interest in a transferrable right.

(c) *New certificate number.* The Authority may assign a new certificate number to the rights sold to an approved buyer.

**§ 1027.7. Required application information.**

(a) *SA-1 form.* The SA-1 is a multipurpose form intended for use in the sale of different transferable rights and shall be completed by the broker or attorney, or both, in a manner consistent with the intentions of the sale. For example, an SA-1 used only for the sale of a partial-rights certificate need not complete the portion of the application which seeks medallion numbers.

(b) *Required information.* Except as provided in subsection (a), the completed SA-1 must include the information required by the Authority, including all of the following:

- (1) The medallion numbers.
- (2) The certificate numbers.
- (3) The name of the proposed buyer and contact information, including a telephone number, an email address and a facsimile number.
- (4) If the proposed buyer is a nonindividual person and is not already a certificate holder:

(i) The articles of incorporation, operating agreement, formation documents or other applicable organizing documents for the applicant.

(ii) A certificate of good standing for the applicant from the Bureau of Corporations and Charitable Organizations.

(iii) A copy of the Department of State's entity page for the applicant.

(5) The name of any holding company as defined in § 1011.2 (relating to definitions) having an interest in the proposed buyer and a contemporaneous certificate of good standing for the holding company from the Bureau of Corporations and Charitable Organizations, or similarly authorized entity in another jurisdiction in the United States.

(6) The trade name, if any, of the proposed buyer and a copy of the trade name registration certificate, if applicable.

(7) The mailing address and physical address of the proposed buyer.

(8) A copy of the proposed buyer's business plan.

(9) A list including name, home address and telephone numbers for current corporate officers, directors, stockholders, key employees and persons with controlling interests as defined in § 1011.2, if applicable.

(10) A list of all Authority, PUC and Federal common carrier rights held by the proposed buyer and any of the persons listed in response to paragraph (9), including taxicab medallions.

(11) The name, address, telephone number, facsimile number and email address of any attorney assisting the proposed buyer with the application process, together with an acknowledgement that § 1029.3 (relating to use of attorney) has been reviewed by the proposed buyer.

(12) A criminal history report, issued within 30 days of the filing of the application, from any jurisdiction in which the following persons have lived in the preceding 5 years through the date of application:

- (i) An individual proposed buyer.
- (ii) An individual with a controlling interest in the proposed buyer.
- (iii) An individual with a controlling interest in the holding company of a proposed buyer.
- (iv) A key employee.

(13) A verified statement indicating that the persons identified in paragraph (12) have not been subject to a conviction as defined in § 1001.10 (relating to definitions) and that the proposed buyer has read and understands the prohibitions of ownership as provided in § 1011.5 (relating to ineligibility due to conviction or arrest).

(14) Verified statements from the owner and proposed buyer confirming that each are in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(15) The Federal Tax Identification number for the following persons:

- (i) The owner of the rights.
- (ii) The proposed buyer.
- (iii) Persons with a controlling interest in the owner or a proposed buyer.
- (iv) Key employees of an owner or proposed buyer.

(c) *Proof of ownership.* The Authority may require the owner to prove ownership of the right or rights subject to sale.

#### § 1027.9. Financial fitness generally.

The Authority will review the financial fitness of the proposed buyer, including a review of all of the following:

(1) For proposed buyers of medallions or partial-rights certificates, bank statements of the proposed buyer or the bank statements of the holder of the stock or membership certificate evidencing ownership of a bank account holding not less than the greater of \$5,000 or 2% of the sale price in unencumbered and available funds.

(2) For proposed buyers of dispatcher certificates, bank statements of the proposed buyer or the bank statements of the holder of the stock or membership certificate evidencing ownership of a bank account holding not less than the greater of \$5,000 or 2% of the sale price in unencumbered and available funds.

(3) If the sale does not include financing by a lender authorized to make commercial loans in this Commonwealth, the proposed buyer shall submit documentation for the Authority's review to insure all of the following requirements are met:

(i) The credit report of each persons identified in § 1027.7(b)(12) (relating to required application information) evidencing a credit score of at least 600 for each person.

(ii) The absence of any outstanding and unappealed civil judgments against each of the parties required to submit a criminal history report under § 1027.7(b)(12).

(4) The Authority may require the submission of additional financial information necessary to determine the financial fitness of a proposed buyer.

#### § 1027.12. Approval process and closing on sale.

(a) If the Director determines that a proposed buyer of rights is qualified as provided in the act, this part or an order of the Authority, a recommendation to approve the sale will be presented to the Authority for approval at its next regularly scheduled meeting. The Authority may require that proposals from the Director as provided in this section first be presented to a committee of the Board at a public meeting.

(b) Upon approval of the sale by the Authority, the Director will schedule the parties to meet at a time and location where an Authority staff member will witness the closing of the transaction.

(c) An Authority staff member will witness the execution of each document by the owner and proposed buyer, or their designated agents. Any closing not witnessed by Authority staff is void as provided in sections 5711(c)(5) and 5718 of the act (relating to power of authority to issue certificates of public convenience; and restrictions).

(d) If the subject of the sale is a medallion that is the only medallion issued to the owner's medallion taxicab certificate, that certificate will be cancelled upon completion of the closing on the sale of the medallion. For example, if the owner of only one medallion seeks to sell the medallion through the process provided in this chapter, the owner's medallion taxicab certificate will be cancelled upon closing on the sale of the medallion.

(e) The Authority will issue a new medallion taxicab certificate to the new medallion owner as part of the



closing process if requested by the proposed buyer as provided in § 1027.4(b) (relating to certificate required for medallion sales).

(f) A medallion subject to a completed closing may not be transferred or sold for 1 year from the date of closing.

(g) Subsection (f) does not apply to the sale of a medallion in the following circumstances:

(1) When each person that owns securities of the corporation, partnership, limited liability company or other form of legal entity that owns a medallion sold under this subchapter has died or is declared incapacitated.

(2) When a person that owns securities of the corporation, partnership, limited liability company or other form of legal entity that owns a medallion sold under this subchapter has died or is declared incapacitated and that person's securities are transferred to the medallion owning entity or another owner of securities in the entity that owns the medallion.

**§ 1027.15. Commencement of service.**

A regulated party shall, within 30 days from the date of settlement under § 1027.12(b) (relating to approval process and closing on sale), begin operating and furnishing service. If it has not commenced operating and furnishing the authorized service within 30 days, appropriate proceedings shall be initiated to terminate the certificate unless, upon advanced written permission as provided in § 1011.14 (relating to voluntary suspension of certificate), the time for commencement of service is extended.

**CHAPTER 1029. BROKERS**

**§ 1029.5. Broker registration.**

(a) *General.* To obtain a broker registration, an individual shall complete and file Form BR-1 "Broker Application," along with the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The BR-1 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) *BR-1 application.* The completed BR-1 shall be verified as provided in § 1001.36 (relating to verification and affidavit) and be filed with the Director in person and include the information required by the Authority, including all of the following:

(1) The name of the applicant and contact information, including a mailing address, a telephone number, an email address and a facsimile number.

(2) A list of all Authority rights, common carrier rights issued by the PUC and other transportation rights issued by any jurisdiction outside of this Commonwealth in which the applicant has any controlling interest.

(3) The name, address, telephone number, facsimile number and email address of any attorney or broker, or both, assisting the applicant through the Authority's broker registration process.

(4) A criminal history report, issued within 30 days of the filing of the application, from any jurisdiction in which the following individuals have lived during the last 5 years:

- (i) The applicant.
- (ii) Each key employee of the applicant.

(5) A written statement verified as provided in § 1001.36, which provides that:

(i) The applicant and each key employee have not been subject to a conviction as provided in § 1001.10 (relating to definitions).

(ii) The applicant and each key employee are in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(iii) The applicant and each key employee are current on all reports due in relation to other rights issued by the Authority.

(iv) The applicant can comply with the requirements in this chapter.

(6) A completed original of Form BR-5 "Business Experience Questionnaire." A copy of the BR-5 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(7) The applicant's Social Security number.

(8) A copy of the applicant's Social Security card or documents confirming a legal permanent resident status or an alien authorized to work status, if applicable.

(9) The applicant's driver's license or other government issued photographic identification.

(10) A resume detailing the applicant's work history for the 5 years preceding the filing of the BR-1 and qualifications to be a broker.

**CHAPTER 1030. TAXICAB RATES**

- Sec. 1030.1. Definitions.
- 1030.2. Taxicab rates and tariffs.

**§ 1030.1. Definition.**

The following word, when used in this chapter, has the following meaning, unless the context clearly indicates otherwise:

*Tariff*—A schedule of rates that is charged to a passenger upon being provided taxicab service within Philadelphia or within a certain designated territory in Philadelphia as outlined in the tariff.

**§ 1030.2. Taxicab rates and tariffs.**

(a) *Medallion taxicabs.* Medallion taxicabs shall charge a uniform rate as determined and approved by the Authority upon investigation as provided in section 5703 or 5720 of the act, or both (relating to rates; and wages).

(1) Changes to an existing and duly established rate shall be determined under section 5703 or 5720 of the act, or both, or otherwise ordered by the Authority.

(2) A certificate holder or certified driver may petition the Authority to reopen a rate investigation under section 5703 or 5720 of the act, or both, to allow for flexible rates or surcharges, including fuel or peak-hour surcharges. A request for a flexible pricing model must include a proposed framework for consumer protections that involve upfront disclosure of the fare in a way that is not contingent upon consumer request and the flexible pricing model will be computed to not violate the Price Gouging Act (73 P.S. §§ 232.1—232.5).

(3) An approved flexible pricing model or surcharge will be reviewed annually by the Authority.

(b) *Dispatchers.*

(1) Upon advanced written notice to the Authority, a dispatcher certificate holder may offer below-tariff pricing such as coupons, loyalty programs and corporate client discounts.

(2) Upon approval by the Authority from a written request by a dispatcher certificate holder, a dispatcher may establish procedures for assessing fees to passengers for any of the following:

(i) Cancellation of prearranged taxicab service within a certain time period of when the requested service was scheduled to begin.

(ii) Nonappearance of a passenger after requesting prearranged taxicab service.

(iii) Cleaning of a taxicab as a direct result of an act by a passenger.

### Subpart C. LIMOUSINES

#### CHAPTER 1051. GENERAL PROVISIONS

##### § 1051.2. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context indicates otherwise:

*Broker*—An individual authorized by the Authority as provided in § 1061.1 (relating to broker registration) to prepare application-related documents, appear at settlement and otherwise act on behalf of a party as to matters related to the sale or transfer of transferable rights.

*Controlling interest*—

(i) A controlling interest is an interest in a legal entity, applicant or certificate holder if a person's voting rights under state law or corporate articles or bylaws entitle the person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of 5% or more of the securities of the corporation, partnership, limited liability company or other form of legal entity, unless this presumption of control or ability to elect is rebutted by clear and convincing evidence. A member, partner, director or officer of a corporation, partnership, limited liability company or other form of legal entity is deemed to have a controlling interest.

(ii) A person who owns or beneficially holds less than 5% of the securities of a privately held domestic or foreign corporation, partnership, limited liability company or other form of privately held legal entity shall be deemed as having rebutted the presumption of control by clear and convincing evidence.

*Department of Transportation*—The Department of Transportation of the Commonwealth of Pennsylvania.

*Driver history report*—A driver's license report issued by the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States containing details about a driver's history including accidents and violations issued by a jurisdiction within the United States.

*Driver's license*—A license or permit to operate a motor vehicle issued by the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States.

*Federal Tax Identification number*—The Social Security number of an individual or the Employer Identification number of a business entity, fiduciary or other person.

*Holding company*—A person, other than an individual, which, directly or indirectly, owns, has the power or right to control or to vote 20% or more of the outstanding voting securities of a corporation or other form of business organization. A holding company indirectly has,

holds or owns any power, right or security if it does so through an interest in a subsidiary or successive subsidiaries.

*Inspector*—Enforcement Department uniformed or non-uniformed staff assigned to investigate and enforce the act, this part and orders of the Authority who will be identifiable by an Authority-issued badge number.

*Key employee*—An individual who is employed in a director or department head capacity and who is empowered to make discretionary decisions that affect the operations of an applicant or regulated person.

*Limousine certificate*—A certificate granting the owner the right to operate a class of limousine service under this subpart.

*Limousine driver's certificate*—The original photographic identification card issued by the Authority which confirms that an individual has complied with Chapter 1057 (relating to limousine drivers) and is authorized to provide limousine service under section 5706 of the act (relating to driver certification program).

*Major violation*—A suspension or cancellation of a state-issued driver's license as a result of a moving violation.

*Moving violation*—A violation issued by the Commonwealth or any of its political subdivisions for a violation of 75 Pa.C.S. (relating to Vehicle Code), or under a similar statute under any other jurisdiction, that upon conviction of the violation points are assessed against the driver's license.

*Parking violations*—Any debt owed to the City of Philadelphia related to a violation of the Philadelphia Traffic Code (12 Phila. Code §§ 100—3012) that is not under appeal.

*Proposed buyer*—The party seeking to acquire an ownership interest in a certificate.

*Traffic violations*—Any debt owed the Commonwealth or one of its political subdivisions for violations of 75 Pa.C.S. that is not under appeal.

*Transfer fee*—The nonrefundable fee charged by the Authority to review an application to sell transferable rights.

##### § 1051.3. Annual rights renewal process.

(a) *Expiration of driver's certificate.* A limousine driver's certificate will expire 1 year from its date of issuance or renewal unless a limousine driver opts to pay no more than double the annual fee as provided in § 1051.4 (relating to annual assessments and renewal fees) to be issued a limousine driver certificate to expire 2 years from its date of issuance or renewal.

(b) *Expired rights.*

(1) Expired rights may be placed out of service by the Authority as provided in § 1003.32 (relating to out of service designation).

(2) Limousine driver certificates that have been expired for 2 years or more will be deemed cancelled.

(c) *Renewal forms.*

(1) Limousine driver certificates shall be renewed by completing and filing Form DR-3 "Driver Renewal" with the Manager of Administration. Renewal forms may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) or from TLD Headquarters.

(2) Form DR-3 may require the submission of additional information or documents to confirm continuing eligibility and under the act, this part and orders of the Authority and shall be verified as provided in § 1001.36 (relating to verification and affidavit).

(3) Form DR-3 shall be filed between 60 and 90 days before the expiration date printed on the limousine driver's certificate.

(d) *Renewal denial.* The Authority will deny renewal of a limousine driver certificate in the following circumstances:

(1) If the owner of the rights subject to renewal fails to complete the renewal process.

(2) The renewal process reveals information about the renewing person that would result in a denial of an initial application for the rights.

(3) The renewing person fails to comply with § 1051.4.

(e) *Incomplete renewals.* If the filing requirements of the renewal form are incomplete for any reason, including compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties), the regulated party shall have 90 days from the filing date of the renewal form to complete the renewal process or the application will be rendered void.

(f) *Suspended driver rights.* Rights subject to suspension for any reason shall be renewed on the dates and in the manner provided by this section regardless of the suspended status.

(g) *New certificates.* A certificate will not be subject to the information filing requirements of subsection (h) during the calendar year in which it is first issued.

(h) *Limousine information filing.*

(1) The owner of limousine rights shall complete on an annual basis Form LM-1 "Limousine Renewal" to ensure continued compliance with the act, this part and the orders of the Authority.

(2) Form LM-1 shall be verified as provided in § 1001.36 and filed with the Manager of Administration on or before March 31 of each year.

(3) Form LM-1 may require the submission of additional information or documents. Form LM-1 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) or from TLD Headquarters.

(4) The filing requirements of this subsection apply to rights subject to suspension for any reason.

(5) The failure to file Form LM-1 will subject the applicable rights to an out of service designation as provided in § 1003.32(c).

(6) The TLD will not issue a limousine rights sticker to a vehicle operated through a limousine certificate if the review of the information required under this section reveals information about the certificate holder that would have resulted in a denial of an initial application for the rights. This paragraph does not relieve a certificate holder of any other penalty that may result from noncompliance, nor the obligation to appear at inspections as directed by the TLD.

(7) The LM-1 will be reviewed for all of the following:

(i) The filing does not reveal information about the certificate holder that would result in a denial of an initial application for the rights.

(ii) The certificate holder is in compliance with § 1051.4.

(iii) The certificate holder is in compliance with § 1051.6.

(8) Failure to complete the LM-1 filing requirements of this subsection within 30 days of notice will subject the applicable rights to an out of service designation as provided in § 1003.32(c).

**§ 1051.4. Annual assessments and renewal fees.**

(a) *Assessments and renewal fees.* The owners of rights issued by the Authority shall pay an annual assessment or renewal fee in an amount established each year under section 5707(a) and (c) of the act (relating to budget and assessments) and as set forth in the Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(b) *Payment of assessments by certificate holders.* The annual assessment for certificate holders is due within 30 days after service of the notice of assessment as provided in section 5707.1(a) of the act (relating to assessment notice and hearings). Upon request by a limousine certificate holder through the LM-1 filing as required under § 1051.3 (relating to annual rights renewal process), the Director may permit certificate holders to pay an assessment in two equal installments within 30 days after service of the notice of assessment as provided in section 5707.1(a) of the act and December 15 of each year.

(c) *Payment of renewal fees by limousine drivers.* The annual renewal fee for limousine drivers is due with the filing of the DR-3 as provided in § 1051.3(c)(3).

(d) *Late assessment or renewal fee payments.* Rights issued by the Authority may be placed out of service at the time an assessment or renewal fee payment becomes late as provided in § 1003.32(c) (relating to out of service designation).

**§ 1051.5. Ineligibility due to conviction or arrest.**

(a) A person is ineligible to own any interest in any right issued by the Authority if the person, or a person having a controlling interest over the person or a key employee, has been subject to a conviction as defined in § 1001.10 (relating to definitions).

(b) If a regulated party owning a transferable right becomes ineligible to hold rights issued by the Authority due to a conviction, the regulated party shall immediately cease use of the rights and initiate the sale of the rights to an eligible person as provided in Chapter 1059 (relating to applications and sale of rights). If the regulated party is an individual limousine certificate holder or the sole owner of the securities of a limousine certificate holder, that person shall surrender to the Authority any limousine rights stickers to hold for safekeeping until the rights are sold.

(c) A regulated party or applicant shall inform the Director within 72 hours of being subject to an arrest or conviction as defined under § 1001.10.

(d) If a criminal prosecution is initiated against a regulated party for a crime that may lead to a conviction as defined in § 1001.10, the Enforcement Department or trial counsel may place the subject rights out of service as provided in § 1003.32 (relating to out of service designation).

**§ 1051.6. Payment of outstanding fines, fees and penalties.**

(a) Regulated persons and applicants for any right issued by the Authority shall pay all assessments, fees,



penalties and other payments due to the Authority under the act, this part or an order of the Authority on schedule, unless the matter related to the payment is under appeal.

(b) Regulated persons and applicants for any right issued by the Authority shall remain current on the payment of parking violations and traffic violations, unless the violation is under appeal.

(c) For purposes of this section, regulated persons and applicants include those with a controlling interest in the regulated person or applicant, or both.

**§ 1051.8. Limousine service limitations.**

(a) *Providers.* Except as provided in subsection (d), only the following individuals may provide limousine service:

- (1) The owner, if the owner is a limousine driver.
- (2) An employee of the certificate holder who is a limousine driver.
- (3) A limousine driver who leases the limousine directly from the certificate holder.

(b) *Supervision.* A certificate holder shall continually supervise its limousine to make certain that only those limousine drivers authorized by this section provide limousine service. A limousine certificate holder is required to ensure that a person holds a valid limousine driver's certificate issued by the Authority before permitting the person to drive a limousine.

(c) *Criminal history and driver history reports.*

(1) A limousine certificate holder is required to conduct or have a third party conduct annual criminal history and driver history checks for all limousine drivers operating a limousine vehicle under the certificate holder.

(i) The criminal history report shall be conducted on a local and National background check, which must include a multistate or multijurisdictional criminal records locator or other similar commercial Nationwide database with primary source validation and a review of the United States Department of Justice's National Sex Offender Public Website.

(ii) The driver history report shall be obtained from the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States containing details about a driver's history including accidents and violations issued by a jurisdiction within the United States.

(2) A limousine certificate holder shall review the criminal history and driver history reports before a limousine driver operates a limousine vehicle, and on an annual basis thereafter, to ensure the driver has not been subject to a conviction as defined under §§ 1001.10 and 1057.4 (relating to definitions; and ineligible persons for limousine driver certificate), holds a current valid driver's license, and has not been subject to three moving violations or a major violation as defined under § 1051.2 (relating to definitions).

(3) A limousine driver whose criminal history or driver history renders the driver ineligible to operate a limousine vehicle under § 1051.5 (relating to ineligibility due to conviction or arrest) or § 1057.4 shall be immediately disqualified by the limousine certificate holder and the disqualification shall be reported to the Director within 48 hours.

(4) Records required to be maintained by a limousine certificate holder under this subsection are subject to audits by the Authority under § 1051.10(d) (relating to record retention).

(d) *Funeral homes.* This section does not apply to an individual hired by a funeral home to drive a limousine for funeral related services. The funeral service drivers may not be in violation of § 1051.5, shall submit to a criminal background check by the TLD and evidence possession of a valid State-issued driver's license.

(e) *Personal vehicle use prohibited.* A vehicle registered as a limousine within this Commonwealth may not be operated as a personal vehicle by a driver affiliated with a TNC under Chapter 57A of the act (relating to transportation network companies).

**§ 1051.10. Record retention.**

(a) *Records to be maintained.* All of the following records shall be maintained in the English language for 2 years from the date of origin:

(1) *Limousine certificate holders.*

(i) All Philadelphia limousine service trip logs, which may be maintained on digital or other electronic devices as approved by the Authority upon detailed written request by the certificate holder.

(ii) A list of limousine drivers and dates employed.

(iii) Each lease agreement for a limousine.

(iv) Records of payment by a driver under each lease agreement for a limousine.

(v) Records related to accidents involving vehicles used as limousines, including repair records.

(2) *Brokers.* Brokers shall retain all documents submitted to the Authority for review of each proposed sale of rights, including closing documents.

(b) *Order.* Paper or electronic records, or both, shall be maintained in chronological order by date and time of day.

(c) *Review by Authority.* A regulated party shall produce records maintained under subsection (a) to the Authority upon written request or upon inspection as provided in § 1051.7 (relating to facility inspections). If the records require a special form of software to search or interpret, a regulated party shall make that software available to the Authority.

(d) *Audit of driver records.*

(1) *Maintenance period.* Limousine certificate holders shall maintain records in the English language for 2 years from the date of origin concerning limousine drivers under § 1051.8(b) (relating to limousine service limitations).

(2) *Compliance audit.* The Authority may conduct a compliance audit of the records required to be maintained by a limousine certificate holder under § 1051.8(b) to verify that the certificate holder has complied with the limousine driver screening requirements and to confirm that the certificate holder's limousine drivers are eligible to provide limousine service under this part.

(3) *Audit designation.* Upon the random selection of a limousine vehicle being called for a compliance inspection under § 1055.11 (relating to scheduled compliance inspections), the limousine certificate holder will be notified by the Manager of Administration that it has also been designated for an audit under this section.

(i) Within 5 business days of receiving an audit designation, the limousine certificate holder shall make available for visual inspection to the Authority the records required to be maintained under § 1051.8(b) for each limousine driver that has provided limousine service

in the immediately preceding 1 year using the limousine vehicle that was called for a compliance inspection.

(ii) The records shall be produced in person to the Manager of Administration or by email to TLDAdmin@philapark.org.

(iii) If an audit reveals that the limousine certificate holder authorized a limousine driver to provide limousine service when the criminal history report or driver history report revealed that the limousine driver was ineligible under this part or the certificate holder did not conduct the annual records required under § 1051.8(b), the Authority may impose a penalty against the limousine certificate holder and limousine driver under § 1001.61 (relating to penalties) and may subject the rights to an out of service designation under § 1003.32 (relating to out of service designation).

(iv) The limousine certificate holder shall immediately remove a noncompliant limousine driver identified as provided in subparagraph (iii) from limousine service upon the Authority's direction.

(v) The Authority may alert other limousine certificate holders of the ineligibility of the noncompliant limousine driver to protect the public good.

(4) *Remedial audits.*

(i) In the event that an audit discrepancy is identified as specified in paragraph (3)(iii), the Authority may direct a limousine certificate holder to submit a follow-up report detailing its efforts to ensure compliance with § 1051.8(b).

(ii) In the event that that an egregious audit discrepancy is identified, multiple audit discrepancies are identified or the Authority makes a determination that a limousine certificate holder has failed to reasonably cooperate in the driver information audit process, the Authority may direct a limousine certificate holder to participate in remedial audits.

(iii) A determination under this section is subject to § 1005.24 (relating to appeals from actions of the staff).

(iv) A remedial audit shall proceed as provided in subparagraph (3) and may subject a review of all limousine drivers providing service in any limousine vehicle owned by the certificate holder during the immediately preceding year regardless of whether the associated limousine vehicle was called for a compliance inspection.

(v) The Authority may direct one remedial audit at any time each month for a 4-month period following discovery of a violation under this section.

(e) *Enforcement investigations.* This section may not be construed to limit the power of the Authority to conduct enforcement investigations related to this part or the obligation of certificate holders and limousine drivers to cooperate with the investigations and produce information demanded as required under this part.

**§ 1051.13. Voluntary suspension of certificate.**

(a) A certificate holder may apply to place a certificate in a voluntary state of suspension as provided in subsection (b) to avoid penalties for violation of § 1051.12 (relating to interruptions of service).

(b) To request approval from the Authority for the voluntary suspension of a certificate, the certificate holder shall file a completed CPC-1 "Voluntary Suspension Application" with the Director and pay the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of

payment to the Authority; and Authority fee schedule). The CPC-1 may be obtained at [www.philapark.org/tld](http://www.philapark.org/tld).

(c) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties).

(d) A period of voluntary suspension may begin only upon surrender to the Authority of the TLD limousine rights sticker for each vehicle subject to the voluntary suspension.

**§ 1051.14. Death or incapacitation of a certificate holder or certain persons with controlling interest.**

(a) *Definition.* The following word, when used in this section, has the following meaning, unless the context indicates otherwise:

*Incapacitation*—A determination by a court that an individual is incapacitated as provided in 20 Pa.C.S. § 5511 (relating to petition and hearing; independent evaluation), or for non-Pennsylvania residents, a substantially similar order from a court of competent jurisdiction.

(b) *Death or incapacitation of an individual certificate holder.*

(1) Except as provided in subsection (d), upon the death or incapacitation of an individual certificate holder, the operation or use of Authority rights conferred by the certificate may continue with the legal representative of the deceased or incapacitated certificate holder.

(2) The legal representative of the deceased or incapacitated certificate holder shall immediately notify the Authority in writing upon the death or incapacitation and provide to the Authority the legal representative's mailing address, telephone number and email address along with the applicable documentation proving legal authorization to act on the part of the certificate holder.

(3) The legal representative of the deceased or incapacitated certificate holder shall immediately begin the process of finding a qualified person to buy the certificate as provided in Chapter 1059 (relating to applications and sale of rights), including the use of a broker or attorney. Nothing in this section prohibits the legal representative from applying to the Authority to obtain the transferrable rights.

(4) If an SA-1 for the transferable right is not correctly filed, as provided in Chapter 1059 within 90 days of the date the certificate holder died or was declared incapacitated, the certificate will be placed out of service as provided in § 1003.32 (relating to out of service designation) and may be cancelled upon determination of a formal complaint filed by the Enforcement Department or trial counsel.

(5) If an SA-1 for the transferable right is correctly filed within 90 days of the date the certificate holder died or was declared incapacitated, the rights conferred by the certificate shall continue with the legal representative of the deceased or incapacitated certificate holder for the duration of the SA-1 review period and through closing on the sale.

(c) *Death, incapacitation or dissolution of certain persons with controlling interest in a certificate.*

(1) Except as provided in subsection (d), upon the death, incapacitation or dissolution of a person that owns 5% or more of the certificate holder's securities, the operation or use of the Authority rights conferred by the certificate may continue with either the certificate holder

or with the legal representative of the deceased, incapacitated or dissolved person.

(2) The certificate holder or legal representative of the deceased, incapacitated or dissolved person shall immediately notify the Authority in writing upon the death, incapacitation or dissolution of the person and provide to the Authority the legal representative's mailing address, telephone number and email address along with the applicable documentation proving legal authorization to act on the part of the deceased, incapacitated or dissolved person.

(3) The certificate holder or legal representative of the deceased, incapacitated or dissolved person shall immediately begin the process of finding a qualified person to buy the securities of the certificate holder referenced in paragraph (1) as provided in Chapter 1059 including the use of a broker or attorney. Nothing in this section prohibits the certificate holder from acquiring the securities of the person referenced in paragraph (1).

(4) If an SA-1 for the sale of the securities referenced in paragraph (1) is not correctly filed as provided in Chapter 1059 within 6 months of the date of that person's death, incapacitation or dissolution, the certificate will be placed out of service as provided in § 1003.32 and may be cancelled upon determination of a formal complaint filed by the Enforcement Department or trial counsel.

(5) If an SA-1 for the sale of the securities referenced in paragraph (1) is correctly filed, as provided in Chapter 1059, within 6 months of the date of the person's death, incapacitation or dissolution, the rights conferred by the certificate shall continue for the duration of the SA-1 review period and through closing on the sale.

(d) *Ineligibility of successor or legal representative.* This section may not be interpreted to permit the operation or use of Authority rights by a person otherwise prohibited from the ability to receive Authority rights. For example, the executor of the estate on a deceased individual certificate holder who would be ineligible to own Authority rights as provided in § 1051.5 (relating to ineligibility due to conviction or arrest) may not operate or supervise the operation of the rights conferred by the certificate.

## CHAPTER 1053. STANDARD CLASSIFICATIONS OF LIMOUSINE SERVICE

### Subchapter A. CLASSIFICATIONS

#### § 1053.1. Standard classifications of limousine service.

(a) The Authority will issue limousine certificates for the several standard classifications of service identified in this chapter. One limousine certificate will permit only one classification of limousine service.

(b) The following standard classification of types of limousine service is adopted, and the following are hereby recognized as standard classifications of limousine service:

(1) *Luxury limousine service.* The Authority will issue two separate certificates of public convenience for luxury limousine service, as follows:

(i) Local, nonscheduled common carrier by motor vehicle service for passengers rendered in luxury-type vehicles, as provided in § 1053.23 (relating to vehicle and equipment requirements), on an exclusive basis which is arranged for in advance. If the classification of limousine service does not strictly meet the classifications provided in paragraph (2) or (3), the service will be deemed luxury limousine service under this subparagraph.

(ii) Local, nonscheduled common carrier by motor vehicle service for passengers rendered in a vehicle capable of seating not less than 9 passengers, including the driver, and not more than 15 passengers, including the driver, on an exclusive basis which is arranged for in advance. The driver of a limousine providing service under this subparagraph shall maintain a trip sheet as provided in § 1057.16 (relating to trip sheet requirements).

(2) *Airport transfer service.* Common carrier service rendered on a nonexclusive, scheduled basis by the holder of a certificate of public convenience from the Authority which originates or terminates at an airport, railroad station or hotel located in whole or in part in Philadelphia.

(3) *Remote carrier.* A vehicle operated by the holder of a certificate of public convenience from the PUC that engages in limousine service, group and party service or airport transfer service from any airport, railroad station or hotel located in whole or in part in Philadelphia to a location outside Philadelphia.

### Subchapter D. REMOTE CARRIERS

#### § 1053.42. Remote carriers.

(a) A remote carrier is a person who is not authorized by a certificate issued by the Authority to provide limousine service in the City of Philadelphia but who is authorized by a certificate issued by the PUC authorizing limousine service elsewhere in this Commonwealth to transport persons and their baggage:

(1) To the City of Philadelphia upon advance reservation and in accordance with the service authorized under its certificate issued by the PUC.

(2) From any point in the City of Philadelphia to any point in this Commonwealth beyond the City of Philadelphia upon advance reservation in accordance with the service authorized under its certificate issued by the PUC, excluding service from any airport, railroad station or hotel located in whole or in part in the City of Philadelphia.

(b) A remote carrier shall adhere to the requirements in § 1053.43 (relating to certain limousine requirements).

(c) A remote carrier may not provide service to points within Philadelphia or otherwise beyond the scope of its PUC certificate without first obtaining an Authority certificate of public convenience as provided in Chapter 1059 (relating to applications and sale of rights).

#### § 1053.43. Certain limousine requirements.

(a) *Purpose.* This section is intended to address limousine service in Philadelphia that is within the jurisdiction of the Authority as provided by the act, but is not commonly considered either Philadelphia service or limousine service by the public or other regulating agencies as identified in subsection (b).

(b) *Certain limousines covered.* This section applies to remote carriers as provided in § 1053.42 (relating to remote carriers).

(c) *Regulation.*

(1) Limousines subject to this section will be subject to regulation and enforcement by the Authority for violations of Department of Transportation equipment inspection standards in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection). For example, a limousine registered as provided in this section that is determined by the Authority to be in the course of



providing service with a broken windshield will be subject to the standard enforcement procedures of this part.

(2) Limousines registered as provided in this section must comply with the instructions of an inspector and submit to field inspections as provided in § 1055.14 (relating to field inspections). Authority field inspections of limousines may include an investigation of compliance with PUC regulations and orders.

(3) Except as provided in this chapter, limousines subject to this section must adhere to the regulations and orders of the PUC and are not required to adhere to regulations of the Authority while providing limousine service in Philadelphia except for the requirements under § 1057.16 (relating to trip sheet requirements). The Authority may pursue enforcement of PUC regulations before the PUC, as appropriate.

(d) *Insurance.* A person that seeks registration of a limousine as provided in this section shall comply with § 1065.1 (relating to limousine insurance), except that the limits of insurance coverage need not exceed those required by the PUC.

**CHAPTER 1055. VEHICLES AND EQUIPMENT REQUIREMENTS**

**Subchapter A. GENERAL PROVISIONS**

**§ 1055.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Antique vehicle*—A motor vehicle, but not a reproduction thereof, that is 25 years old or older as provided in § 1055.3(a) (relating to limousine age and mileage parameters), which has been maintained in or restored to a condition, which is substantially in conformance with manufacturer specifications.

*Compliance inspection*—The inspection of a limousine and limousine equipment by the Authority to assure compliance with the act, this part and orders of the Authority. Anytime the inspection of a limousine or limousine service-related equipment is required by the act, this part or an order of the Authority it will be a compliance inspection.

*Field inspection*—The unscheduled inspection of a limousine by an inspector for compliance with the act, this part and orders of the Authority.

*Limousine rights sticker*—An adhesive certification issued annually for each limousine by the TLD to a certificate holder upon the sale or issuance of a certificate of public convenience as provided in Chapter 1059 (relating to applications and sale of rights) or upon annual renewal as provided in § 1051.3 (relating to annual rights renewal process) and attached to the lower passenger side interior portion of the limousine’s windshield.

*State inspection*—The annual inspection required under 75 Pa.C.S. Chapter 47 (relating to inspection of vehicles).

**§ 1055.3. Limousine age and mileage parameters.**

(a) *Method of age computation.* The age of a limousine will be determined by comparing its model year to the current model year.

(b) *Age.* A vehicle which is more than 10 years old may not continue in operation as a limousine, except that the Director may authorize the operation of antique vehicles as limousines upon review of a petition for waiver as provided in § 1005.23 (relating to petitions for issuance,

amendment, repeal or waiver of Authority regulations) and completion of a compliance inspection. For example, the last day on which a 2009 model year vehicle may be operated in limousine service is December 31, 2019.

(c) *Mileage.*

(1) Except as provided in paragraph (2), a vehicle shall be removed from limousine service prior to the date the cumulative mileage registered on the vehicle’s odometer reaches 350,000 miles.

(2) The owner of a vehicle with a model year of 5 or less that is otherwise precluded from continued Philadelphia limousine service under paragraph (1) may continue in service for 1 year upon the successful completion of a compliance inspection.

(d) *Imputed mileage.*

(1) A vehicle with an odometer reading that differs from the number of miles the vehicle has actually traveled or that has had a prior history involving the disconnection or malfunctioning of an odometer or which appears to the Authority to have an inaccurate odometer reading based on prior inspection records will be assigned an imputed mileage for each month from the last reliable odometer recording through the date of inspection, as provided in paragraph (2). A certificate holder may seek review of the determination to assign imputed mileage as provided in § 1005.24 (relating to appeals from actions of the staff).

(2) The imputed mileage will be calculated by adding the mileage of the vehicle recorded at the two most recent State inspections or two most recent compliance inspections, or a combination of any two, and dividing that sum by 24. The quotient is the imputed monthly mileage.

(3) Unless otherwise provided by the Authority, a vehicle may not be introduced for limousine service or continue in limousine service if a reliable baseline odometer reading cannot be ascertained.

(e) *Reporting of odometer malfunctions.* A certificate holder or limousine driver who knows or suspects that the odometer reading of a limousine differs from the number of miles the limousine has actually traveled shall disclose that status to the Enforcement Department immediately.

**§ 1055.4. Basic vehicle standards.**

(a) *State vehicle standards.* In addition to standards required under the act, this part and orders of the Authority, a limousine must continually satisfy the applicable Department of Transportation equipment inspection standards in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) when providing limousine service.

(b) *Standard limousine vehicle requirements.* Each limousine is subject to all of the following requirements:

(1) A limousine must be registered with the Department of Transportation, or similarly authorized government entity in another jurisdiction of the United States, and obtain commercial registration plates identifying the limousine’s class of service. Regular license plates cannot be used on vehicles operating under Authority jurisdiction.

(2) A limousine must be equipped with handgrips in the passenger compartment for use while entering or exiting the vehicle.

(3) A limousine must be equipped with working seatbelts for every passenger and the driver.

(4) A limousine must have at least four full-size tires which continuously meet or exceed the applicable standards of 67 Pa. Code § 175.80 (relating to inspection procedure) and otherwise comply with the Authority's tire requirements, which include the following:

(i) Snow tires or all-weather tires on the drive wheels between October 1 and April 1.

(ii) A full-size and usable spare tire that complies with the standards of this section properly stored in the limousine.

(iii) Properly affixed and matching hubcaps or wheel covers for all four tires.

(5) A limousine may not use retread tires.

(6) A limousine must have a trunk or storage area large enough to accommodate a folded manual wheelchair.

(7) A limousine may not be equipped with a push bumper.

(8) The interior, exterior and trunk compartment of a limousine must be clean so as to present a positive appearance and to prevent possible transfer of dirt, dust, grease, paint or other markings to a passenger's clothing or luggage.

(9) Spare tires in the trunk must be covered.

(10) A limousine's passenger seats may not be torn, have protruding springs or other material capable of tearing a passenger's skin or clothing. Passenger seat tears must be properly repaired and may not be mended with tape.

(11) A limousine's interior must consist of matching features, including door panels.

(12) Except upon a passenger's request to the contrary, the passenger area of a limousine must remain a constant temperature between 60° and 78° Fahrenheit.

(13) A limousine must be free of objectionable odors. For example, a limousine may not smell like urine, feces, animals, insects, decomposing organisms, poor human hygiene or garbage.

(14) A limousine's exterior paint must be in good repair and free of damage.

(15) Unless otherwise permitted by the Authority, in addition to other postings required by this subpart, a limousine must have posted in the passenger compartment in a place easily observed by passengers information in both written English and Braille on how to submit a limousine service-related complaint to the Authority.

(c) *Smoking prohibited.* Persons may not smoke in a limousine.

(d) *Advertising prohibited.* Unless otherwise permitted by the Authority, the display of advertisements on the exterior or interior of a limousine is prohibited.

(e) *Inspection by certificate holder.* A certificate holder shall inspect each of its limousines on a daily basis to confirm that the limousine complies with this subpart. A certificate holder may select a person to conduct the inspections required by this subsection on the certificate holder's behalf.

## Subchapter B. LIMOUSINE INSPECTIONS

### § 1055.11. Scheduled compliance inspections.

#### (a) *Compliance inspection.*

(1) In addition to any other inspections required or permitted under the act, this part or an order of the Authority, up to 20% of all limousines registered with the Authority shall be submitted to a scheduled compliance inspection on an annual basis and at a time and location designated by the Authority. The Enforcement Department will designate each limousine for compliance inspection as provided in this section.

(2) Beginning February 25, 2017, the fee for a compliance inspection conducted by the Authority under this subsection is \$25 and payment shall be made at the time of the inspection under § 1001.42 (relating to mode of payment to the Authority).

#### (b) *State inspection.*

(1) A certificate holder may elect to have the Authority conduct a State inspection as defined in § 1055.1 (relating to definitions) upon request to the Authority, either at the time of the scheduled inspection under subsection (9) or at a time and place designated by the Authority.

(2) The fee for a State inspection conducted under this subsection is \$50 beginning February 25, 2017, and ending June 30, 2017, or when a new fee schedule is adopted under sections 5707 and 5710 of the act (relating to budget and assessments; and fees), whichever is later. Payment shall be made at the time of the inspection under § 1001.42. The current State inspection fee will be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) as provided in § 1001.43 (relating to Authority fee schedule).

### § 1055.12. (Reserved).

### § 1055.17. Removal of vehicle and change of license plate.

(a) A certificate holder shall report the removal of a vehicle from Philadelphia limousine service to the Manager of Administration at [TLDAdmin@philapark.org](mailto:TLDAdmin@philapark.org) within 72 hours of removal.

(b) A certificate holder shall report the change of the Department of Transportation license plate, or the change of the license plate of a similarly authorized government entity in another jurisdiction of the United States, issued to a limousine to the Manager of Administration at [TLDAdmin@philapark.org](mailto:TLDAdmin@philapark.org) within 72 hours of the license plate change.

### § 1055.19. Prerequisites to inspection.

(a) The Authority will not initiate an inspection of a limousine, except as provided in § 1055.14 (relating to field inspections), if the limousine is out of compliance with the act, this part or an order of the Authority.

(b) The Authority will not initiate an inspection of a limousine, except as provided in § 1055.14, if the certificate holder is out of compliance with the act, this part or an order of the Authority, including the following sections:

(1) Section 1051.3 (relating to annual rights renewal process).

(2) Section 1051.5 (relating to ineligibility due to conviction or arrest).

(3) Section 1051.6 (relating to payment of outstanding fines, fees and penalties).

(c) A limousine determined to be unfit for inspection due to a violation of this section will be placed out of service as provided in § 1003.32(c) (relating to out of service designation).

**Subchapter C. IMPOUNDMENT OF VEHICLES AND EQUIPMENT**

**§ 1055.31. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Impoundable offense*—The occurrence of any of the following circumstances is an impoundable offense:

- (i) An unauthorized limousine operates as a limousine or offers to operate as a limousine in Philadelphia.
- (ii) The condition of a limousine creates an immediate threat to public safety if permitted to continue operation.
- (iii) The continued operation of a limousine by the driver creates an immediate threat to public safety, except when the certificate holder is able to promptly provide an alternate adult individual with a valid driver's license to assume control of the vehicle.

*Registered lienholder*—A person having a vehicle lien interest that is registered with the Department of Transportation, or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

*Registered owner*—The owner of the vehicle as registered with the Department of Transportation, or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

*Unauthorized limousine*—

- (i) A vehicle that is not a remote carrier as defined in § 1053.42 (relating to remote carriers) or without a current, valid and properly affixed limousine rights sticker issued by the Authority as provided in § 1055.2 (relating to limousine rights sticker).
- (ii) A limousine that has been placed out of service as provided in § 1003.32 (relating to out of service designation).
- (iii) A limousine that is operated under a certificate of public convenience that has been placed out of service as provided in § 1003.32.
- (iv) The term does not apply to a vehicle that provides common carrier service as provided in section 5741(a.3) of the act (relating to certificate of public convenience required) under current authorization from the PUC.

*Vehicle*—The vehicle and equipment used or capable of being used to provide limousine service.

**CHAPTER 1057. LIMOUSINE DRIVERS**

**§ 1057.2. Certification required.**

- (a) Only a limousine driver as defined under § 1001.10 (relating to definitions) may provide limousine service.
- (b) A limousine driver shall carry and display an original limousine driver's certificate on the sun visor of the limousine on the driver's side with the front of the certificate (picture) facing the rear seat at all times or in the center of the front compartment of the vehicle so long as it is plainly visible to all passengers in the vehicle.

(c) A limousine driver may not drive a limousine with a mutilated, damaged or illegible limousine driver's certificate.

(d) Only one limousine driver's certificate at a time may be displayed in a limousine.

(e) A limousine driver's certificate is not transferable.

**§ 1057.4. Ineligible persons for limousine driver certificate.**

In addition to other prohibitions provided in this part, an applicant for a limousine driver's certificate is automatically ineligible under the following circumstances:

- (1) The applicant does not hold a current driver's license.
- (2) The applicant 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) The applicant has failed to complete limousine driver testing as prescribed by this chapter.
- (4) The applicant is unable to provide information required under this subpart.
- (5) The applicant is 20 years of age or younger.
- (6) The applicant does not have a driving history in the United States of at least 1 continuous year prior to the date of application.
- (7) The applicant's driver's history reflects three moving violations or a major violation as defined in § 1051.2 (relating to definitions) in the 3-year period prior to the driving history check.
- (8) The applicant has been convicted of driving under the influence of drugs or alcohol in the preceding seven years from the filing date of the DR-1 "Driver Application."
- (9) The applicant has been disqualified by the Authority from being a TNC driver under section 57A12(e) of the act (relating to transportation network company drivers) within the 5 years immediately preceding the filing date of the DR-1 "Driver Application."

(8) The applicant has been convicted of driving under the influence of drugs or alcohol in the preceding seven years from the filing date of the DR-1 "Driver Application."

(9) The applicant has been disqualified by the Authority from being a TNC driver under section 57A12(e) of the act (relating to transportation network company drivers) within the 5 years immediately preceding the filing date of the DR-1 "Driver Application."

**§ 1057.5. Standards for obtaining a limousine driver's certificate.**

(a) *General.* Except as provided in § 1057.3 (relating to continuing certificates), to obtain a limousine driver's certificate an individual shall complete and file with the Director Form DR-1 "Driver Application," along with the application fee which shall be paid as provided in § 1001.42 (relating to mode of payment to the Authority). The DR-1 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld). Beginning February 25, 2017, and ending January 1, 2018, the fee for a limousine driver's certificate is \$25. Thereafter, any annual increase to the fee may not exceed the percentage annual change in the Gross Domestic Product Price Index, as calculated by the United States Department of Commerce. The current limousine driver certificate fee will be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) under § 1001.43 (relating to Authority fee schedule).

(b) *DR-1 application.* The completed DR-1 shall be verified as provided in § 1001.36 (relating to verification and affidavit) and include the information required by the Authority, including all of the following:

- (1) The full and legal name of the individual applicant.



(2) The applicant's residential address and telephone number. Applicants may submit an email address to become eligible for service of notice as provided in § 1001.51 (relating to service by the Authority).

(3) The applicant's driver's license.

(4) The applicant's Social Security card or documents confirming a legal permanent resident status or an alien authorized to work status, if applicable.

(5) An authorization to release the applicant's criminal history report from the State Police to the Authority, if necessary, and authorization for the release of the applicant's criminal history report from a certificate holder.

(6) An authorization to release the applicant's driver history report from the Department of Transportation to the Authority, if necessary, and authorization for the release of the applicant's driver history report from a certificate holder.

(7) Submit Form DR-2 "Driver Medical History," which is available on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld). The requirement to complete the DR-2 will be waived for an applicant who possesses a current physical exam card issued under the requirements of a commercial driver's license in Pennsylvania. See 49 CFR 391.41—391.49 (relating to physical qualifications and examinations).

(8) A list of all Authority or PUC certificates in which the applicant has any controlling interest.

(9) A written statement verified as provided in § 1001.36, which provides that:

(i) The applicant has not been subject to a conviction as provided in § 1001.10 (relating to definitions).

(ii) The applicant is in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties).

(iii) The applicant can comply with the requirements in this chapter.

#### § 1057.8. Certain training subjects.

(a) The Authority will continually monitor issues related to limousine drivers, including safety and customer service, and maintain a current list of limousine driver training subjects on its web site at [www.philapark.org/tld](http://www.philapark.org/tld), including the following subjects:

(1) Authority regulations governing limousine drivers.

(2) Authority regulations governing limousine certificate holders.

(3) Authority regulations governing equipment.

(4) Penalties for violation of Authority regulations.

(5) Overview of the administrative process related to violations.

(6) Identification and address of the Authority offices responsible for administering the act.

(7) Driving and customer safety issues, including the following:

(i) Defensive driving techniques.

(ii) Emergency aid.

(iii) Vehicle and equipment inspections.

(iv) Crime prevention.

(v) Accident reporting procedures.

(8) Issues related to the geography of Philadelphia, including the following:

(i) Map reading.

(ii) Overview of major street and traffic patterns.

(iii) Identification and location of popular landmarks and locations.

(b) Upon submission of a completed DR-1 application as provided in this chapter, the DR-1 will be reviewed to determine if the applicant is eligible to be scheduled for testing under § 1057.9 (relating to limousine driver test).

(1) An applicant will not be scheduled for testing if the application documents present information that clearly renders the applicant ineligible to be a limousine driver. For example, an applicant who does not possess a valid driver's license or is not in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties).

(2) If the applicant is eligible to be scheduled for testing, the applicant may be issued a provisional limousine driver certificate, for up to 90 days from the filing date of the DR-1, or until a certificate is issued by the Authority, whichever is earlier.

(3) Upon confirmation of a completed DR-1 filing, the applicant shall schedule a time and date for testing under § 1057.9 with the Manager of Administration.

#### § 1057.10. Driver requirements.

(a) *Preservice inspection.* Prior to driving a limousine before each shift, a limousine driver shall perform a vehicle inspection to confirm that the limousine complies with this subpart. The inspection must include all of the following:

(1) At least one full walk around the limousine to assure the exterior of the vehicle is in compliance with this subpart, including all of the following:

(i) The exterior of the limousine is not damaged and no parts of the vehicle have been removed. For example, the hood and doors of the limousine are present and in the proper location.

(ii) The limousine's tires are full size and the treads are not worn below the level permitted under § 1055.4(b)(4) (relating to basic vehicle standards).

(2) The opening and closing of all doors, the hood and the trunk to assure proper functionality, and the absence of any sharp edges that may injure a passenger or damage clothing, luggage or other property.

(3) An inspection of the interior of the limousine to make certain that the vehicle is clean and otherwise in compliance with this subpart.

(4) Use of the heater and air conditioner to confirm the limousine's ability to maintain the air temperature required under § 1055.4(b)(12).

(b) *Permitted fares.* A limousine driver may not charge fares or rates for service other than those provided in the certificate holder's tariff as provided in Chapter 1063 (relating to tariffs).

(c) *Rules of the road.* A limousine driver shall continually provide limousine service in a manner consistent with 75 Pa.C.S. (relating to Vehicle Code) and the Philadelphia Traffic Code (12 Phila. Code §§ 100—3012).

(d) *Presentation and appearance.* A limousine driver is responsible for providing clean, safe and courteous limousine service, including all of the following:

(1) Presenting a neat and clean appearance while providing limousine service.

(2) Dressing in clean clothing composed of a shirt with collar, ankle-length trousers, slacks/dress, skirts (if gender appropriate), socks or stockings, and shoes. For example, shorts, bathing trunks, bathing suits, undershirts, muscle shirts and tank-tops are prohibited unless concealed as undergarments beneath the attire described in this paragraph.

(3) Wearing open toed shoes, sandals or bare feet is prohibited while operating a limousine.

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

(5) Being courteous toward passengers, the public, law enforcement officials and representatives of the Authority. A driver may not use obscene, vulgar or offensive language while providing limousine service.

(6) Maintaining the volume of a radio at a low level and upon the request of a passenger lowering the volume or switching off music or electronic noise such as a radio.

(7) Ceasing use of a mobile telephone and removing ear phones or Bluetooth devices from ears when a passenger is in the vehicle.

(8) Making certain that the taxicab complies with the temperature requirements in § 1055.4(b)(12).

(9) Assisting the elderly or persons with disabilities in entering and exiting the limousine.

(10) Maintaining cash capable of providing change for a \$20 bill.

(11) Immediately reporting possessions of passengers left behind in a limousine after service to the Manager of Enforcement and the limousine certificate holder, then delivering the possessions to TLD Headquarters.

(e) *Zero-tolerance policy.* A limousine driver may not be under the influence of drugs or alcohol while providing limousine service. The Authority will and certificate holders shall enforce a zero-tolerance policy on the use of drugs or alcohol by a limousine driver while providing limousine service.

(1) The driver's certificate of a limousine driver who is the subject of a TLD investigation or a passenger complaint and whom the inspector or passenger reasonably suspects was under the influence of drugs or alcohol during the course of providing limousine service shall be immediately placed out of service under § 1003.32 (relating to out of service designation).

(2) The Authority may conduct a drug and alcohol test upon written consent by the limousine driver.

**§ 1057.16. Trip sheet requirements.**

(a) A driver of any classification of a limousine vehicle engaged in providing limousine service shall have a trip sheet in the vehicle, whether maintained in a paper form or digital form, evidencing that the vehicle is in service. The trip sheet must contain all of the following information:

(1) The limousine driver's name, the limousine number, the certificate holder and the dispatcher.

(2) The starting location and time of each trip.

(3) The ending location and time of each trip.

(4) A designation indicating whether a trip resulted through the dispatcher or direct call from the passenger.

(5) The fare paid for the trip.

(6) The amount of any gratuity paid to the limousine driver.

(b) At the conclusion of the trip, the driver shall record the ending time on the trip sheet.

(c) The trip sheet shall be retained by the certificate holder as provided in § 1051.10 (relating to record retention).

**§ 1057.17. Expiration and renewal of certificate.**

An individual with a limousine driver's certificate that has been expired for more than 2 years shall pass the limousine driver test as provided in this chapter before providing service.

**CHAPTER 1059. APPLICATIONS AND SALE OF RIGHTS**

**§ 1059.2. Applications for limousine rights.**

(a) To obtain a certificate to operate a class of limousine service as provided in Chapter 1053 (relating to standard classifications of limousine service), a person shall complete and file with the Director Form SA-1 "Sale Application," along with the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The SA-1 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) The filing requirements and standards of review applicable to SA-1 applications will be the same as those applicable to a proposed buyer of rights as provided in this chapter.

**§ 1059.3. Authority approval of sale of rights.**

(a) *Sale of transferable rights.* The sale of transferable rights without advance approval of the Authority is void by operation of law.

(b) *Sale of securities in transferable rights.* The sale of securities in an entity that owns transferable rights will be considered a sale under this chapter in either of the following circumstances:

(1) The securities to be transferred equal or exceed 5% of the issued securities in the entity that holds an ownership interest in a transferrable right.

(2) Upon completion of the transfer the buyer will own 5% or more of the issued securities in the entity that holds an ownership interest in a transferrable right.

**§ 1059.6. Required application information.**

(a) *SA-1 form.* The SA-1 is a multipurpose form intended for use in the sale of different transferable rights and shall be completed by the broker or attorneys, or both, in a manner consistent with the intentions of the sale.

(b) *Required information.* The completed SA-1 must include all of the information required by the Authority:

(1) The certificate numbers.

(2) The name of the proposed buyer and contact information, including a telephone number, an email address and a facsimile number.

(3) If the proposed buyer is a nonindividual person and is not already a certificate holder:

(i) The articles of incorporation, operating agreement, formation documents or other applicable organizing documents for the applicant.

(ii) A certificate of good standing for the applicant from the Bureau of Corporations and Charitable Organizations.

(iii) A copy of the Department of State's entity page for the applicant.

(4) The name of any holding company as defined in § 1051.2 (relating to definitions) having an interest in the proposed buyer and a contemporaneous certificate of good standing for the holding company from the Bureau of Corporations and Charitable Organizations, or similarly authorized entity in another jurisdiction in the United States.

(5) The trade name, if any, of the proposed buyer and a copy of the trade name registration certificate, if applicable.

(6) The mailing address and physical address of the proposed buyer.

(7) A copy of the proposed buyer's business plan.

(8) A list of current corporate officers, directors, stockholders, key employees and persons with controlling interests as defined in § 1051.2, if applicable with an indication of each individual's title.

(9) A list of all Authority, PUC and Federal common carrier rights held by the proposed buyer and any of the persons listed in response to paragraph (8), including taxicab medallions.

(10) The name, address, telephone number, facsimile number and email address of any attorney assisting the proposed buyer with the application process, together with an acknowledgement that § 1061.1(b) (relating to broker registration) has been reviewed by the proposed buyer.

(11) A criminal history report, issued within 30 days of the filing of the application, from any jurisdiction in which the following persons have lived in the preceding 5 years through the date of application:

(i) An individual proposed buyer.

(ii) Any individual with a controlling interest in the proposed buyer.

(iii) Any individual with a controlling interest in the holding company of a proposed buyer.

(iv) A key employee.

(12) A verified statement indicating that the persons identified in paragraph (11) have not been subject to a conviction as defined in § 1001.10 (relating to definitions) and that the proposed buyer has read and understands the prohibitions of ownership as provided in § 1051.5 (relating to ineligibility due to conviction or arrest).

(13) Verified statements from the owner and proposed buyer confirming that each are in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties).

(14) The Federal Tax Identification number for the owner and proposed buyer.

#### § 1059.8. Financial fitness generally.

The Authority will review the financial fitness of the proposed buyer, including a review of the following:

(1) Bank statements of the proposed buyer evidencing ownership of a bank account holding not less than the greater of \$5,000 or 2% of the sale price of the transferable rights in unencumbered and available funds. The funds under review must have been in the bank account for at least 3 months.

(2) If the sale does not include financing by a lender authorized to make commercial loans in this Commonwealth, the proposed buyer shall submit documentation for the Authority's review to insure the following requirements are met:

(i) The credit report of each persons identified in § 1059.6(b)(8) (relating to required application information) evidencing a credit score of at least 600 for each person.

(ii) The absence of any outstanding and unappealed civil judgments against each of the parties required to submit a criminal history report under § 1059.6(b)(8).

(3) The Authority may require the submission of additional financial information necessary to determine the financial fitness of a proposed buyer.

#### § 1059.11. Approval process and closing on sale.

(a) If the Director determines that an applicant for a limousine certificate or a proposed buyer of rights is qualified as provided in the act, this part or an order of the Authority, a recommendation to approve the application or sale will be presented to the Authority for approval at its next regularly scheduled meeting. The Authority may require that proposals from the Director as provided in this section first be presented to a committee of the Board at a public meeting.

(b) Upon approval of the sale by the Authority, the Director will schedule the parties to meet at a time and location where an Authority staff member will witness the closing of the transaction except for an applicant that is obtaining a new limousine certificate under § 1059.2 (relating to applications for limousine rights).

(c) An Authority staff member will witness the execution of each document by the owner and proposed buyer, or their designated agents. Any closing not witnessed by Authority staff is void.

#### § 1059.13. Commencement of service.

A regulated party shall, within 30 days from the date of receipt of a certificate or from the date of settlement under § 1059.11(b) (relating to approval process and closing on sale), whichever is applicable, begin operating and furnishing service. If it has not commenced operating and furnishing the authorized service within 30 days, appropriate proceedings shall be initiated to terminate the certificate unless, upon specific permission as provided in § 1051.13 (relating to voluntary suspension of certificate), the time for commencement of service is extended.

### CHAPTER 1063. TARIFFS

#### § 1063.2. Limousine rates and tariffs.

(a) Certificate holders shall comply with section 5703 of the act (relating to rates) and this chapter as to rates and tariffs.



(b) Except when inconsistent with the act, this part or an order of the Authority, limousine certificate holders shall charge rates and maintain and file tariffs with the Director in a manner consistent with relevant portions of Chapter 23 (relating to tariffs for common carriers).

(c) Nonflexible rate tariffs for limousines must be based on time, mileage or a combination of both. Nonflexible rates shall be filed with the Director and may be effective no earlier than 72 hours' notice to the Director. Supporting financial justification for tariff changes utilizing nonflexible rates is not required. The use of meters is prohibited.

(d) Upon the Director's approval and conditions as may be appropriate, limousine certificate holders may adopt a tariff utilizing a flexible pricing model that allows rates to change in real time in response to the supply of available limousines and the demand for service. Tariffs utilizing flexible rates shall be filed with the Director and may be effective no earlier than 60 days' notice to the Director. Supporting financial justification for tariff changes utilizing flexible rates is not required. The use of meters is prohibited. Tariffs utilizing flexible rates must include a notification procedure that discloses the estimated fare to customers prior to the beginning of the trip. Tariffs must comply with the Price Gouging Act (73 P.S. §§ 232.1—232.5).

(e) A limousine certificate holder may offer below-tariff pricing such as promotions, coupons, loyalty programs and corporate client discounts upon 24 hours advanced written notice to the Authority.

[Pa.B. Doc. No. 17-758. Filed for public inspection May 5, 2017, 9:00 a.m.]

## Title 58—RECREATION

### GAME COMMISSION

#### [ 58 PA. CODE CH. 135 ]

#### Lands and Buildings; Pymatuning Wildlife Management Area

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 135.106 (relating to Pymatuning Wildlife Management Area) to establish new parameters for establishing and managing the Pymatuning Wildlife Management Area (PWMA) controlled deer hunt.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1475 (March 11, 2017).

##### 1. Purpose and Authority

Controlled deer hunts have been held at the PWMA (State Game Lands 214) since at least the 1970s. Over the years various formats have been used to manage the controlled deer hunts, including hunts during the regular firearms deer season, flintlock/archery hunts during the after-Christmas season and flintlock/archery hunts outside the regular seasons. Season lengths have also varied over the years ranging from hunts lasting 1 day to others lasting 5 days. The Commission has observed that

the very limited time frame and extent of this hunting pressure within the PWMA coupled with the higher hunting pressure on surrounding areas outside of the PWMA has resulted in dramatic increases in deer populations during the fall. This increase in population, albeit temporary, has had a significant negative impact on the PWMA's existing habitat.

The PWMA controlled deer hunts have proven quite popular with hunters, with over 1,000 applications received every year. The prehunt influx and retention of higher deer populations is expected to be the cause of this popularity as hunters have regularly described abundant deer sightings. The Commission has observed that typical hunts in the PWMA result in low harvest, but high wounding loss, likely the result of the high hunting pressure in the area during the controlled deer hunt.

The Commission amends § 135.106 to establish new parameters for establishing and managing the PWMA controlled deer hunt. The goal of these amendments is to provide a higher quality hunt for the participants of this limited program primarily by spreading the same number of hunters across a few weeks of the regularly established fall deer seasons rather than a few days. Hunting opportunities within the PWMA will be managed by a lottery process that is intended to more predictably and logically distribute hunting access to participants.

Section 721(a) of the code (relating to control of property) provides “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.106 are adopted under this authority.

##### 2. Regulatory Requirements

This final-form rulemaking amends § 135.106 to establish new parameters for establishing and managing the PWMA controlled deer hunt.

##### 3. Persons Affected

Persons wishing to participate in the PWMA controlled deer hunt will be affected by this final-form rulemaking.

##### 4. Comment and Response Summary

The Commission received one official comment in support of this final-form rulemaking.

##### 5. Cost and Paperwork Requirements

This final-form rulemaking should not result in additional cost or paperwork.

##### 6. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

##### 7. Contact Person

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

##### Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968

(P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### *Order*

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.106 to read as set forth at 47 Pa.B. 1475.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1475 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-411 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-759. Filed for public inspection May 5, 2017, 9:00 a.m.]

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## GAME COMMISSION

### [ 58 PA. CODE CH. 135 ]

#### Lands and Buildings; State Game Lands

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 135.41 (relating to State game lands) to prohibit a person from engaging in dog training activities from the Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season on lands designated as State game lands.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1479 (March 11, 2017).

#### *1. Purpose and Authority*

The Commission traditionally conducts the majority of its annual pheasant stocking operations on State game lands to provide adequate pheasant hunting opportunities across this Commonwealth. Pheasant hunting opportunities in this Commonwealth are directly linked to and limited by the existence and availability of pheasants stocked by the Commission each year. The Commission has become increasingly aware that dog training activities occurring on State game lands during the periods just prior to and concurrent with the youth pheasant season and prior to the opening of the regular pheasant season are consistently causing pheasants recently stocked by the Commission to scatter and disperse far away from designated release sites where they are intended to temporarily remain for the duration of the pheasant seasons. The Commission amends § 135.41 to prohibit a person from engaging in dog training activities from the

Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season on lands designated as State game lands. These amendments will not limit dog training activities on private lands.

Section 721(a) of the code (relating to control of property) provides “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations. . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.41 are adopted under this authority.

#### *2. Regulatory Requirements*

This final-form rulemaking amends § 135.41 to prohibit a person from engaging in dog training activities from the Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season on lands designated as State game lands.

#### *3. Persons Affected*

Persons wishing to engage in dog training activities on State game lands may be affected by this final-form rulemaking.

#### *4. Comment and Response Summary*

The Commission received a total of four official comments opposing to this final-form rulemaking.

#### *5. Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

#### *6. Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### *7. Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### *Order*

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.41 to read as set forth at 47 Pa.B. 1479.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1479 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-414 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-760. Filed for public inspection May 5, 2017, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 137 ]**

**Wildlife; Chronic Wasting Disease Restrictions**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, added § 137.35 (relating to Chronic Wasting Disease restrictions) to give more permanent status and structure to the Chronic Wasting Disease (CWD) requirements and restrictions previously established and maintained by executive order during the past decade.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1493 (March 11, 2017).

1. *Purpose and Authority*

CWD is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk, moose and other susceptible species, collectively called cervids). CWD is caused by prions (abnormal infectious protein particles) that are known to be concentrated in the nervous system and lymphoid tissues of infected cervids. There are no known treatments for CWD infection, no vaccines to protect against CWD infection and no approved tests that can detect the presence of CWD in live cervids. CWD is designated as a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases). CWD is known to be transmissible from infected to uninfected cervids by contact with or ingestion of CWD-infected or contaminated cervid parts or materials. CWD is of particular concern to the Commonwealth because it has potential to have a catastrophic detrimental impact on both wild and captive cervid populations in this Commonwealth. The Department of Agriculture has detected CWD in captive deer in Adams, Franklin, Jefferson and York Counties. The Commission has also detected CWD in free-ranging deer in Bedford, Blair, Cambria and Fulton Counties. The Maryland Department of Natural Resources has detected CWD in free-ranging deer in Allegany County within 10 miles of the Pennsylvania border. The Commission adds § 137.35 to give more permanent status and structure to the CWD requirements and restrictions previously established and maintained by executive order during the past decade.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the

protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” Section 137.35 is adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking adds § 137.35 to give more permanent status and structure to the CWD requirements and restrictions previously established and maintained by executive order during the past decade.

3. *Persons Affected*

Persons wishing to import high-risk parts or materials from cervids harvested, taken or killed within a CWD-endemic state or Canadian province or persons wishing to remove or export high-risk parts or materials from cervids harvested, taken or killed within a Disease Management Area within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 137, are amended by adding § 137.35 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,  
*Executive Director*



**Fiscal Note:** Fiscal Note 48-412 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 137. WILDLIFE**

**§ 137.35. Chronic Wasting Disease restrictions.**

(a) *Importation.*

(1) It is unlawful to import any high-risk parts or materials from cervids harvested, taken or killed within any CWD-endemic state or Canadian province into this Commonwealth.

(2) This subsection may not be construed to limit the importation of non-high-risk parts or materials from cervids harvested, taken or killed within any CWD-endemic state or Canadian province into this Commonwealth.

(b) *Exportation.*

(1) It is unlawful to remove or export any high-risk parts or materials from cervids harvested, taken or killed, including by vehicular accident, within any Disease Management Area established within this Commonwealth.

(2) This subsection may not be construed to limit the removal or exportation of non-high-risk parts or materials from cervids harvested, taken or killed within any Disease Management Area established within this Commonwealth.

(3) This subsection may not be construed to limit the removal or exportation of high-risk parts or materials from cervids harvested, taken or killed in any Disease Management Area established within this Commonwealth if the parts or materials are transported directly to any location or facility designated and approved in advance by the Commission to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes. Locations or facilities designated and approved to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes will be made known through public announcement, web site and other means reasonably intended to reach the widest audience.

(4) All cervids harvested, taken or killed within any Disease Management Area established within this Commonwealth are subject to disease testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations under conditions in a forthcoming notice. The submission process, if any, will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. The cost of testing, sampling and analysis will be borne by the Commission.

(5) It is unlawful to rehabilitate wild, free-ranging cervids within any Disease Management Area established within this Commonwealth.

(6) It is unlawful to use or possess cervid urine-based attractants in any outdoor setting within any Disease Management Area established within this Commonwealth.

(7) It is unlawful to directly or indirectly feed wild, free-ranging cervids within any Disease Management Area established within this Commonwealth. This prohibition may not be construed to apply to normal or accepted agricultural, habitat management, oil and gas

drilling, mining, forest management, or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the Commission may provide written notice prohibiting this activity. Failure to discontinue this activity is a violation of this section.

(8) The Commission will not issue any new permit to possess or transport live cervids within any Disease Management Area established within this Commonwealth.

(c) *Nonapplicability.*

(1) Nothing in this section shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 23 (relating to Domestic Animal Law) or the requirements of a lawful quarantine order issued by the Department of Agriculture.

(2) Nothing in this section shall be construed to limit the Commission's authority to establish or enforce additional importation, exportation, possession, transportation, or testing requirements or restrictions on cervid parts or materials under the authority of § 137.34 (relating to Chronic Wasting Disease and emergency authority of Director).

(d) *Authority to designate.* The Executive Director has the authority to designate and publish a list of current CWD-endemic states and Canadian provinces and Disease Management Areas established within this Commonwealth. The Executive Director will publish this list and any updates in the *Pennsylvania Bulletin*.

(e) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*CWD—Chronic Wasting Disease*—The transmissible spongiform encephalopathy of cervids.

*CWD-endemic state or Canadian province*—States or Canadian provinces where CWD has been detected in wild or captive cervid populations.

*Cervid*—Any member of the family Cervidae (deer), specifically including, but not limited to, the following species: black-tailed deer; caribou; elk; fallow deer; moose; mule deer; red deer; sika deer; white-tailed deer; and any hybrids thereof.

*Disease Management Area*—Any geographic area of this Commonwealth influenced by a positive case of CWD and targeted by the Commission for CWD management activities.

*Feeding*—The act of placing any artificial or natural substance for the use or consumption of wild, free-ranging cervids on an annual, seasonal or emergency basis.

*High-risk parts or materials*—Any parts or materials, derived from cervids, which are known to accumulate abnormal prions. This includes any of the following: head (including brain, tonsils, eyes and lymph nodes); spinal cord/backbone (vertebra); spleen; skull plate with attached antlers, if visible brain or spinal cord material is present; cape, if visible brain or spinal cord material is present; upper canine teeth, if root structure or other soft material is present; any object or article containing visible brain or spinal cord material; and brain-tanned hide.

*Non-high-risk parts or materials*—Any parts or materials, derived from cervids, which are not known to accumulate abnormal prions. This includes any of the following: meat, without the backbone; skull plate with attached antlers, if no visible brain or spinal cord material is present; tanned hide or rawhide with no visible

brain or spinal cord material present; cape, if no visible brain or spinal cord material is present; upper canine teeth, if no root structure or other soft material is present; and taxidermy mounts, if no visible brain or spinal cord material is present.

(f) *Violations.* A person violating a requirement or restriction in this section may be prosecuted under section 2102 or 2307 of the act (relating to regulations; and unlawful taking or possession of game or wildlife) and, upon conviction, be sentenced to pay the fine prescribed in the act.

[Pa.B. Doc. No. 17-761. Filed for public inspection May 5, 2017, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 139 ]**  
**Seasons and Bag Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2017-2018 hunting/trapping license year.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1480 (March 11, 2017).

1. *Purpose and Authority*

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission amends § 139.4 to provide updated seasons and bag limits for the 2017-2018 license year. The 2017-2018 seasons and bag limits are amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

Amendments to small game seasons include: eliminating the post-Christmas segment of the ruffed grouse season in an effort to improve adult survival in light of significant recent population declines; opening the Central Susquehanna Wild Pheasant Recovery Area to a youth-only pheasant hunting season; and opening wildlife management unit (WMU) 5A to put-and-take bobwhite quail hunting given the lack of wild quail in this area and the low likelihood of reintroduction efforts in this WMU in the near future—closures can be enacted at this WMU or smaller scales as needed if and when restoration activities occur.

Amendments to wild turkey seasons include opening a conservative, midweek fall season in WMU 5B while reducing fall season length in three WMUs that have exhibited declining trends in turkey population indices. Specifically, seasons would decrease from 2 weeks + 3 days to 1 week + 3 days in WMUs 4A and 4B, and from 3 weeks + 3 days to 2 weeks + 3 days in WMU 4E.

Amendments to white-tailed deer seasons include adjusting WMUs 5A and 5B from a concurrent antlered/antlerless white-tailed deer season to a split antlered/antlerless white-tailed deer season. While not a seasons and bag limits issue per se, it should be noted that the use of large Deer Management Assistance Program areas surrounding locations of Chronic Wasting Disease-positive deer is being recommended instead of Disease Management Area permits to provide a simpler mechanism for hunters to reduce deer populations around known disease hotspots.

Amendments to black bear seasons include an earlier and 1-day longer Statewide archery season, concurrent with the Monday through Saturday of the next to last week of the Statewide archery deer season. This amendment addresses requests from staff and constituents and would likely provide for a moderate increase in overall bear harvest.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking. . . .” The amendments to § 139.4 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 139.4 to provide updated seasons and bag limits for the 2017-2018 hunting/trapping license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2017-2018 hunting/trapping license year will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 68 official comments concerning the final-form rulemaking. The comments received concerned the following subtopics:

*Deer seasons.* A total of 42 comments were received concerning this subtopic: 7 supported and 2 opposed split antlered/antlerless seasons generally; 2 supported split antlered/antlerless seasons in special regulation areas; 1 supported split antlered/antlerless seasons in WMU 5B; 6 opposed split antlered/antlerless seasons in WMUs 5A and 5B; 4 supported concurrent antlered/antlerless seasons generally; 1 supported concurrent antlered/antlerless seasons in WMU 2F; 1 supported concurrent antlered/antlerless seasons in WMU 3D; 3 supported concurrent antlered/antlerless seasons in WMU 5A; 3 supported a 3-day antlerless only season; 3 supported closing antlerless deer seasons on State game lands with few deer; 1 supported closing antlerless deer seasons on in the northern portion of this Commonwealth; 1 supported extending archery deer season until the Statewide regular firearms deer season begins; 2 supported continuing archery deer season though the rut; 1 supported a longer archery deer season that starts sooner; 1 supported extending late archery deer season and flintlock muzzleloading deer season through the Martin Luther King, Jr. holiday; 1 supported moving the early muzzleloading deer season up 2 weeks; and 2 supported the early muzzleloading deer season generally.

*Bear seasons.* A total of 13 comments were received concerning this subtopic: 4 supported proposed archery

bear season generally; 1 supported concurrent archery bear and archery deer seasons; 1 supported an archery bear season during the last 2 weeks of archery deer season; 1 supported an archery bear season during the last week of archery deer season; 1 opposed concurrent archery bear and archery deer seasons; 1 supported extending the regular firearms bear season in WMU 4E to include the Monday and Tuesday of the regular firearms deer season; 2 supported a longer regular firearms bear season; 1 opposed the overlap of archery bear season and fall turkey season; and 1 supported extending the regular firearms bear season in WMU 3A.

*Turkey seasons.* A total of 11 comments were received concerning this subtopic: 3 supported the fall turkey season in WMU 5B; 1 supported a 2-week fall turkey season in WMU 2A; 1 opposed the absence of changes to WMU 2G; 2 opposed a reduction in the length of fall turkey season in WMU 4A; 1 supported a 1-week fall turkey season in WMU 4B; 1 supported advancing fall turkey season up 2 weeks; and 1 supported continuing fall turkey season 1 week past the closure of archery deer season.

*Small game seasons.* A total of two comments were received concerning this subtopic and both supported opening squirrel season on September 1st.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective July 1, 2017, to June 30, 2018.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order will be effective July 1, 2017, to June 30, 2018.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-405 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.4. Seasons and bag limits for the license year.**

**2017-2018 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT  
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrel—(Combined species) Eligible Junior Hunters only, with or without the required junior license	Sept. 30	Oct. 14	6	18
Squirrel—(Combined species)	Oct. 14	Nov. 25	6	18
	and			
	Dec. 11	Dec. 23		
	and			
	Dec. 26	Feb. 28, 2018		
Ruffed Grouse	Oct. 14	Nov. 25	2	6
	and			
	Dec. 11	Dec. 23		



RULES AND REGULATIONS

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<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Rabbit, Cottontail—Eligible Junior Hunters only, with or without the required junior license	Sept. 30	Oct. 14	4	12
Rabbit, Cottontail	Oct. 14	Nov. 25	4	12
		and		
	Dec. 11	Dec. 23		
		and		
	Dec. 26	Feb. 28, 2018		
Ring-necked Pheasant—There is no open season for the taking of pheasants in the Somerset, Hegins-Gratz or Franklin County Wild Pheasant Recovery Areas.				
Ring-necked Pheasant Eligible Junior Hunters only, with or without the required junior license	Oct. 7	Oct. 14	2	6
WMUs 2A, 2C, 4C, 4E, 5A and 5B—Male only				
WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D—Male or female				
Central Susquehanna Wild Pheasant Recovery Area—Male only	As authorized by the Executive Order.			
Ring-necked Pheasant	Oct. 21	Nov. 25	2	6
		and		
WMUs 2A, 2C, 4C, 4E, 5A and 5B—Male only	Dec. 11	Dec. 23		
		and		
	Dec. 26	Feb. 28, 2018		
WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D—Male or female				
Bobwhite Quail	Oct. 14	Feb. 28	8	24
Hare (Snowshoe Rabbits) or Varying Hare	Dec. 26	Jan. 1, 2018	1	3
Woodchuck (Groundhog)	No closed season except during the regular firearms deer season(s). Hunting on Sundays is prohibited.		Unlimited	
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey, Fall—Male or Female			1	1
WMU 2B (Shotgun, Bow and Arrow only)	Oct. 28	Nov. 17		
		and		
	Nov. 23	Nov. 25		
WMU 1B	Oct. 28	Nov. 4		
WMUs 1A, 2A, 4A and 4B	Oct. 28	Nov. 4		
		and		
	Nov. 23	Nov. 25		
WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Oct. 28	Nov. 11		
		and		
	Nov. 23	Nov. 25		
WMU 2C	Oct. 28	Nov. 17		
		and		
	Nov. 23	Nov. 25		

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
WMU 5A	Nov. 2	Nov. 4		
WMU 5B	Oct. 31	Nov. 2		
WMUs 5C and 5D	Closed to fall turkey hunting.			
Turkey, Spring <sup>1</sup> Bearded Bird only, Eligible Junior Hunters only with the required junior license	Apr. 21, 2018	Apr. 21, 2018	1	1
Turkey, Spring <sup>1</sup> Bearded Bird only			1	2
	Apr. 28, 2018	May 12, 2018	May be hunted 1/2 hour before sunrise to 12 noon	
	and			
	May 14, 2018	May 31, 2018	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	

**MIGRATORY GAME BIRDS**

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about February 28 of each year.

Exceptions:

(a) Hunting hours in § 141.4 (relating to hunting hours).

(b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crow (Hunting permitted on Friday, Saturday and Sunday only)	July 1	Apr. 8, 2018	Unlimited	
Starling and English Sparrow	No closed season except during the regular firearms deer seasons.		Unlimited	

**FALCONRY**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrel—(Combined species)	Sept. 1	Mar. 31, 2018	6	18
Quail	Sept. 1	Mar. 31, 2018	4	12
Ruffed Grouse	Sept. 1	Mar. 31, 2018	2	6
Cottontail Rabbits	Sept. 1	Mar. 31, 2018	4	12
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2018	1	3
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2018	2	6

Migratory Game Bird—Seasons and bag limits shall be in accordance with Federal regulations.

**WHITE-TAILED DEER**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) <sup>2</sup> With the required archery license	Sept. 16	Nov. 25	One antlered deer, and an antlerless deer with each required antlerless license.
WMUs 2B, 5C and 5D	Dec. 26	Jan. 27, 2018	

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) <sup>2</sup> With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Sept. 30  Dec. 26	and  Nov. 11  Jan. 13, 2018	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) With the required muzzleloading license	Oct. 14	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind) and Residents serving on active duty in the United States Armed Forces or United States Coast Guard	Oct. 19	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Nov. 27	Dec. 9	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) <sup>2</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Nov. 27	Dec. 1	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 2	Dec. 9	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26	Jan. 13, 2018	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26	Jan. 27, 2018	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26	Jan. 27, 2018	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County, and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

**BLACK BEAR**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Bear, Archery <sup>4</sup> WMUs 2B, 5C and 5D	Sept. 16	Nov. 25	1
Bear, Archery <sup>4</sup> WMU 5B	Sept. 30	Nov. 11	1
Bear, Archery <sup>4</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 30	Nov. 4	1



<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Bear, Muzzleloader <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Oct. 14	Oct. 21	1
Bear, Special firearms <sup>4</sup> Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind) and Residents serving on active duty in the United States Armed Forces or in the United States Coast Guard, with required bear license WMUs 2B, 5B, 5C and 5D	Oct. 19	Oct. 21	1
Bear, Regular Firearms <sup>4</sup> (Statewide)	Nov. 18	Nov. 22	1
Bear, Extended firearms <sup>4</sup> WMUs 3B, 3C and 3D	Nov. 27	Dec. 2	1
Bear, Extended firearms <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Nov. 27	Dec. 9	1
Bear, Extended firearms <sup>4</sup> WMUs 1B, 2C, 3A, 4B, 4C, 4D and 4E	Nov. 29	Dec. 2	1

**ELK**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Elk, Special Conservation Tag <sup>5</sup> and Special-License Tag <sup>5</sup> (Antlered and Antlerless)	Sept. 1	Nov. 4	1
Elk, Regular <sup>5</sup> (Antlered and Antlerless)	Oct. 30	Nov. 4	1
Elk, Extended <sup>5</sup> (Antlered and Antlerless)	Nov. 6	Nov. 11	1

**FUR TAKING—TRAPPING**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Mink and Muskrat	Nov. 18	Jan. 7, 2018	Unlimited	
Beaver	Dec. 26	Mar. 31, 2018		
WMUs 1A, 1B and 3C (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)			20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)			5	5
Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel	Oct. 22	Feb. 18, 2018	Unlimited	
Coyote and Fox Use of cable restraint devices authorized with required certification	Dec. 26	Feb. 18, 2018	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 16	Jan. 7, 2018	1	1
Fisher, with required fisher permit WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4D and 4E	Dec. 16	Dec. 27	1	1
River Otter, with required otter permit WMUs 3C and 3D	Feb. 17, 2018	Feb. 24, 2018	1	1

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyote—(Outside of any big game season)	May be taken with a hunting license or a furtaker’s license.		Unlimited	
Coyote—(During any big game season)	May be taken while lawfully hunting big game or with a furtaker’s license.		Unlimited	
Opossum, Striped Skunk, Weasel	No closed season.			
Raccoon and Fox	Oct. 21	Feb. 17, 2018	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 13, 2018	Feb. 7, 2018	1	1
Porcupine	Sept. 1	Mar. 31, 2018	3	10
No open seasons on other wild birds or wild mammals.				

<sup>1</sup> Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of two spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

<sup>2</sup> Only one antlered deer (buck) may be taken during the hunting license year.

<sup>3</sup> Includes residents and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>4</sup> Only one bear may be taken during the hunting license year with the required bear license.

<sup>5</sup> Only one elk may be taken during the hunting license year with the required elk license.

[Pa.B. Doc. No. 17-762. Filed for public inspection May 5, 2017, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 139 ]**

**Seasons and Bag Limits; Field Possession and Transportation Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 139.6 (relating to field possession and transportation limits) to increase the daily possession limit from double to triple the daily limit.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1486 (March 11, 2017).

1. *Purpose and Authority*

The Commission first established triple possession limits in § 139.4 (relating to seasons and bag limits for the license year) for the 2014-2015 license year. Unfortunately, the Commission did not contemporaneously amend § 139.6 with these same amendments. The Commission amends § 139.6 to increase the daily possession limit from double to triple the daily limit.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to

seasons and bag limits for hunting or furtaking. . . .” The amendments to § 139.6 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 139.6 to increase the daily possession limit from double to triple the daily limit.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968

(P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.6 to read as set forth at 47 Pa.B. 1486.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1486 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-415 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-763. Filed for public inspection May 5, 2017, 9:00 a.m.]

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**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**  
**Hunting and Trapping; Hunting Hours**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended Chapter 141, Appendix G (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2017-2018 hunting/trapping license year.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1472 (March 11, 2017).

#### 1. Purpose and Authority

The Commission amends Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2017-2018 hunting/trapping license year.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or

may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to Appendix G are adopted under this authority.

#### 2. Regulatory Requirements

This final-form rulemaking amends Appendix G by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2017-2018 hunting/trapping license year.

#### 3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2017-2018 hunting/trapping license year will be affected by this final-form rulemaking.

#### 4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

#### 5. Cost and Paperwork Requirements

This final-form rulemaking should not result in additional cost or paperwork.

#### 6. Effective Date

This final-form rulemaking will be effective July 1, 2017, to June 30, 2018.

#### 7. Contact Person

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending Appendix G to read as set forth at 47 Pa.B. 1472.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1472 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order will be effective July 1, 2017, to June 30, 2018.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-407 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-764. Filed for public inspection May 5, 2017, 9:00 a.m.]



**GAME COMMISSION**  
**[ 58 PA. CODE CH. 147 ]**  
**Special Permits; Deer Control**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended §§ 147.552 and 147.553 (relating to application; and permit) to replace the dawn to dusk terminology with a reference to legal hunting hours as set forth in § 141.4 and Chapter 141, Appendix G (relating to hunting hours) and to delete the requirement that an applicant be enrolled in one of the Commission's public access programs for 2 years to be eligible for the Red Tag permit.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1490 (March 11, 2017).

*1. Purpose and Authority*

Former regulations limited subpermittees exercising the privileges of a Red Tag permit to hunting and taking white-tailed deer from "dawn to dusk." Most participants in this program understand this ambiguous time frame to coincide with legal hunting hours, but this link was not clear in the established regulations. The Commission amends § 147.553 to replace the dawn to dusk terminology with a reference to legal hunting hours in § 141.4 and Chapter 141, Appendix G. These amendments will more effectively guide and instruct subpermittees on the lawful periods during which they may exercise the privileges of this program. The Commission also amends § 147.552 to delete the requirement that an applicant be enrolled in one of the Commission's public access programs for 2 years to be eligible for the Red Tag permit. This amendment will alleviate constraints on farmers wishing to participate in the Red Tag program who cannot wait the 2-year public access program enrollment period due to current deer damage problems.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to §§ 147.552 and 147.553 are adopted under this authority.

*2. Regulatory Requirements*

This final-form rulemaking amends §§ 147.552 and 147.553 to replace the dawn to dusk terminology with a reference to legal hunting hours as set forth in § 141.4 and Chapter 141, Appendix G and to delete the requirement that an applicant be enrolled in one of the Commission's public access programs for 2 years to be eligible for the Red Tag permit.

*3. Persons Affected*

Persons wishing to make application and participate in the Red Tag deer control program may be affected by this final-form rulemaking.

*4. Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

*5. Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

*6. Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*7. Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.552 and 147.553 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-409 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 147. SPECIAL PERMITS**  
**Subchapter R. DEER CONTROL**  
**AGRICULTURE**

**§ 147.552. Application.**

(a) Application for the deer control permit shall be made through the district wildlife conservation officer on a form provided by the Commission.

(b) Except in wildlife management units 5C and 5D, applications will only be accepted from persons who are currently enrolled in one of the Commission public access programs (Farm Game Project or Safety Zone—P.1-2-3).

(c) A copy of a deed or lease showing the applicant to be the owner or have control, or both, of the hunting rights of the land to be permitted must accompany the application.

(d) Applicants from the southeast special regulations areas only may be eligible to obtain approval to engage in limited baiting activities to enhance deer control activities

on their properties. Approval will be based solely upon an applicant's demonstrable need for a baiting authorization as evidenced by written justifications or other evidence submitted on or in addition to the application at the time of application or renewal.

§ 147.553. **Permit.**

The deer control permit authorizes the permittee to enlist the aid of a limited number of subpermits. The maximum number of subpermits issued will be no more than one for every 5 acres of land that is under cultivation unless the wildlife conservation officer recommends an increase in the number due to warranted circumstances.

(1) *Validity.* The permit is valid from February 1 to September 28 each calendar year, excluding Sundays, during legal hunting hours as set forth in § 141.4 and Chapter 141, Appendix G (relating to hunting hours).

(2) *Exceptions.* The permit is not valid from May 16 to June 30 during peak fawning season.

(3) *Posting.* Except in wildlife management units 5C and 5D, deer control permit signs provided by the Commission shall be conspicuously posted on the boundary of and along all public roadways traversing the property by the landowner/cooperator on all contiguous acres of the farm under agreement. Posting shall be completed prior to February 1.

(4) *Fee for permit.* There is no fee for the issuance of the deer control permit.

[Pa.B. Doc. No. 17-765. Filed for public inspection May 5, 2017, 9:00 a.m.]

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**GAME COMMISSION**  
**[ 58 PA. CODE CH. 147 ]**

**Special Permits; Deer Management Assistance Program Permits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 147.673 (relating to eligibility and application for DMAP) to allow the Commission to accept Deer Management Assistance Program (DMAP) applications from political subdivisions and government agencies to enable them to manage deer harvest within a conglomeration of distinct, privately-owned and publically-owned lands under their jurisdiction.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1490 (March 11, 2017).

1. *Purpose and Authority*

The Commission is statutorily charged with managing white-tailed deer herds in this Commonwealth on behalf of citizens. To accomplish this responsibility, the Commission allocates antlerless deer licenses across this Commonwealth among its various wildlife management units to utilize hunter harvest as the primary management tool of white-tailed deer. These allocations are adjusted each year to allow the deer herd to grow, stabilize or decrease, and are based on the best available science and in

consideration of the broad and disparate interests of the various stakeholders in this Commonwealth. This system addresses deer management Statewide.

In 2003, DMAP was established to provide both public and private landowners with an additional tool for the management of local white-tailed deer herds on lands where excessive deer numbers have compromised the landowners' land uses and other interests. Some communities in more urbanized areas have documented evidence that requiring individual landowners to individually submit DMAP applications has not been an effective method towards resolving localized deer management concerns. Subsequently, the Commission has recognized the need to increase deer harvests in local areas in response to growing concerns related to disease outbreaks.

The Commission amends § 147.673 to allow the Commission to accept DMAP applications from political subdivisions and government agencies to enable them to manage deer harvest within a conglomeration of distinct, privately-owned and publically-owned lands under their jurisdiction. By expanding political subdivisions' and government agencies' ability to apply for permits on behalf of property owners, the Commission hopes to improve efforts to control deer populations using regulated DMAP hunting. Political subdivisions and government agencies making application in this manner will be required to submit a management plan. The Commission will allocate DMAP harvest permits based on current conditions relative to goals and objectives outlined in the Commission-approved management plan.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to § 147.673 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 147.673 to allow the Commission to accept DMAP applications from political subdivisions and government agencies to enable them to manage deer harvest within a conglomeration of distinct, privately-owned and publically-owned lands under their jurisdiction.

3. *Persons Affected*

Political subdivisions and government agencies wishing to make application for participation in DMAP on behalf of a conglomeration of distinct, privately-owned and publically-owned lands may be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.673 to read as set forth at 47 Pa.B. 1490.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1490 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-406 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-766. Filed for public inspection May 5, 2017, 9:00 a.m.]