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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 2390 Session of  
2012

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INTRODUCED BY MICCARELLI, BISHOP, TURZAI, PARKER, REED, ADOLPH, BARRAR, BOYD, K. BOYLE, CALTAGIRONE, CHRISTIANA, COX, CRUZ, DAY, DePASQUALE, DiGIROLAMO, DONATUCCI, D. EVANS, FARRY, GEIST, GILLEN, GODSHALL, HACKETT, HARRIS, HESS, W. KELLER, KILLION, KOTIK, MALONEY, MANN, MICOZZIE, MURT, M. O'BRIEN, PETRI, PYLE, QUIGLEY, QUINN, SABATINA, STEPHENS, TAYLOR, VEREB, WATERS AND GINGRICH, MAY 21, 2012

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AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 23, 2012

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AN ACT

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in taxicabs and limousines in cities of the first class, further providing for definitions, for contested complaints, for driver certification program, for power of authority to issue certificates of public convenience, for certificate and medallion required, for additional certificates and medallions, for wages and for civil penalties.

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

Section 1. The definitions of "limousine service" and "taxicab" in section 5701 of Title 53 of the Pennsylvania Consolidated Statutes are amended and the section is amended by

adding definitions to read:

§ 5701. Definitions.

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

\* \* \*

"Call or demand service" or "taxicab service." Local common carrier service for passengers, rendered on either an exclusive or nonexclusive basis, where 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. The term does not include limousine service.

\* \* \*

"Limousine service."

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

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

(ii) Common carrier service for passengers for compensation:

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

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

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

(i) Taxicab service.

(ii) Service that was otherwise exempt from the jurisdiction of the [commission] Pennsylvania Public Utilities Commission prior to the effective date of this subparagraph.

(iii) Other paratransit service.

(iv) Employee commuter van pooling.

(v) A vehicle with a seating capacity of 16 or more persons, including the driver.

\* \* \*

"Taxicab." A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call or demand service basis and used for the transportation of persons for compensation either on:

(1) a citywide basis as authorized by a certificate of public convenience and a corresponding medallion issued by the authority; or

(2) a non-citywide basis as authorized by a certificate of public convenience issued by the authority and without a corresponding medallion.

The term includes a wheelchair-accessible taxicab.

"Wheelchair-accessible taxicab." A taxicab authorized by the authority pursuant to this chapter:

(1) to provide call or demand service;

(2) that can accommodate at least one person in a wheelchair without the person having to transfer from the wheelchair to another seat; and

(3) meets requirements established pursuant to the

Americans With Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or requirements that are a functional equivalent and approved by the authority, or both.

~~Section 2. Section 5705 of Title 53 is amended by adding a subsection to read:~~

SECTION 2. SECTIONS 5705 AND 5706(C) OF TITLE 53 ARE AMENDED AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO READ:

§ 5705. Contested complaints.

\* \* \*

(d) Appeals generally.--A person aggrieved by an order of the authority entered pursuant to this chapter may appeal the order to the Court of Common Pleas of Philadelphia County. All such appeals shall be governed by 2 Pa.C.S. Ch. 7 (relating to judicial review) and Chapter 15 of the Pennsylvania Rules of Appellate Procedure.

~~Section 3. Section 5706(c) of Title 53 is amended and the section is amended by adding a subsection to read:~~

§ 5706. Driver certification program.

\* \* \*

(a.1) Wheelchair-accessible taxicab driver training.--

(1) In addition to the requirements of subsection (a), the authority shall provide for the establishment of a driver certification program and special certification for drivers of wheelchair-accessible taxicabs within cities of the first class.

(2) Upon issuance of a wheelchair-accessible taxicab driver certificate, the certificated driver shall be issued a one-time stipend in the amount of \$50 for each full day of

training attended or such other amount as the authority may in its discretion decide by order or regulation.

(3) The annual taxicab driver registration fee established by the authority pursuant to section 5707(b) shall be paid from the proceeds of the sale of medallions authorized by section 5711(c) (relating to power of authority to issue certificates of public convenience) for each certificated wheelchair-accessible taxicab driver.

(4) All costs associated with this subsection shall be paid from the proceeds of the sale of medallions authorized by section 5711(c).

\* \* \*

(c) Agreements delegating responsibilities.--The authority is hereby authorized to enter into agreements or contracts delegating the duties and responsibilities designated in [subsection (a)] subsections (a) and (a.1) to a different governmental entity or to another party.

~~Section 4. Sections 5711(a) and (c) and 5714(a), (b), (d) and (g)(1) of Title 53 are amended to read:~~

SECTION 3. SECTIONS 5711(A) AND (C), 5714(A), (B), (D) AND (G)(1), 5717, 5720(A) AND (B), 5725(A) AND 5745(A) OF TITLE 53 ARE AMENDED TO READ:

§ 5711. Power of authority to issue certificates of public convenience.

(a) General rule.--In addition to the powers conferred upon the authority by other provisions of this title, the authority is empowered to issue, suspend, cancel or revoke certificates of public convenience in accordance with this subchapter and orders

or regulations of the authority.

\* \* \*

(c) Procedure.--

(1) A certificate of public convenience to provide taxicab service within cities of the first class shall be granted by order of the authority without proof of the need for the service if the authority finds or determines that the applicant is capable of providing dependable taxicab service to the public according to the rules and regulations of the authority.

(2) The authority is authorized to issue [a maximum of 1,600 certificates of public convenience for taxicab service and no more than five certificates of public convenience for limited service in any city of the first class.] the following:

(i) Subject to the provisions of subparagraph (ii), a maximum of 1,600 certificates of public convenience corresponding medallions for citywide call or demand service and an additional 15 certificates of public convenience and corresponding medallions restricted to wheelchair-accessible taxicab service as provided in this chapter.

(ii) Beginning June 1, 2013, and each June 1 thereafter until there is a total of 1,750 certificates of public convenience and corresponding medallions, the maximum number of certificates of public convenience and corresponding medallions for citywide call or demand service shall be increased by 15. The authority, in its

discretion, may issue the certificates and medallions authorized by this subparagraph with special rights, privileges and limitations applicable to issuance and use as it determines necessary to advance the purposes of this chapter and may issue the certificates and medallions authorized by this subparagraph in stages.

(2.1) There may be no more than six certificates of public convenience for non-citywide call or demand service in any city of the first class, subject to the exclusive jurisdiction of the authority.

(3) It is hereby declared to be the policy of the General Assembly to regulate the provision of taxicab service within cities of the first class in such a manner that any certificate of public convenience hereinafter granted by order of the authority [shall] may, in addition to any other conditions imposed by the authority, require that at least 40% of such trips of such taxicab service shall be derived from such service provided to and from points within specific geographical areas to be determined by the authority as being in the public interest. The authority shall have the power to rescind or revoke any certificate of public convenience granted to any existing holder or any new recipient for the operation of taxicabs within a city of the first class whenever it is shown that the holder of the certificate is not operating the taxicabs on an average of 50% of the time over any consecutive three-month period.

(4) The authority shall have the authority to grant immediate temporary certificates of public convenience for

taxicab service within cities of the first class. Such temporary certificates are subject to further investigation before a permanent certificate shall be granted by the authority.

(5) The transfer of a certificate of public convenience, by any means or device, shall be subject to the prior approval of the authority which may, in its sole or peculiar discretion as it deems appropriate, attach such conditions, including the appropriate allocation of proceeds, as it may find to be necessary or proper.

(6) A certificate of public convenience to convey or transmit to and from taxicabs messages or communications within cities of the first class through the use of centralized dispatch systems shall be granted by order of the authority if the authority finds that the applicant is capable of providing dependable service according to the rules and regulations of the authority.

§ 5714. Certificate and medallion required.

(a) [Procedure] Vehicles generally.--

(1) A vehicle may not be operated as a taxicab with citywide call or demand rights in cities of the first class unless a certificate of public convenience is issued by [an] the authority authorizing the operation of the taxicab and a medallion is attached to the hood of the vehicle. Prior to the issuance of a medallion, the certificate holder shall have its vehicle inspected by the authority.

(2) The authority shall require, by order or regulation, that each [medallion holder] vehicle within its jurisdiction



pursuant to this chapter submit to [a periodic vehicle inspection of its taxicab] periodic inspections by authority personnel to ensure that the vehicle meets the requirements of this subchapter and authority regulations.

(3) Authority inspection requirements for vehicles within its jurisdiction pursuant to this chapter shall be in addition to the vehicle requirements set forth in Title 75 (relating to vehicles) and may include vehicle age and mileage limitations. Authority inspection and recording requirements shall be established by regulations.

(4) No vehicle which is more than eight years old shall continue in operation as a taxicab. Notwithstanding the foregoing, the authority may authorize the operation of antique vehicles in call or demand service in such circumstances as the authority may deem appropriate.

(5) Each [medallion] taxicab certificate holder's tariff rates shall be clearly and visibly displayed in each taxicab.

(6) A medallion shall not be removed from a vehicle without prior notification to and permission of the authority.

(7) A medallion authorizes operation of a vehicle as a taxicab only for the fiscal year for which the medallion is issued.

(b) [Protective barrier] Driver security devices.--Each [taxicab within cities of the first class] vehicle authorized to provide taxicab service shall be equipped with [a protective barrier for the protection of the driver, separating the front seat from the back seat. The authority may provide for

additional driver protection measures] such security devices as the authority may, in its discretion, require by order or regulation.

\* \* \*

(d) Other vehicles.--

(1) A vehicle which is not authorized by a certificate to provide call or demand service within cities of the first class but which is operated by the holder of a certificate of public convenience from the Pennsylvania Public Utility Commission authorizing call or demand service elsewhere in this Commonwealth may transport persons and property:

(i) to cities of the first class in accordance with the service authorized under its certificate of public convenience; and

(ii) from any point in a city of the first class to any point in this Commonwealth beyond that city of the first class if the request for service for such transportation is received by call to its radio dispatch service.

(2) Carriers [currently] authorized by the authority to provide taxicab service to designated areas within cities of the first class on a non-citywide basis pursuant to section ~~5711(e)(2)~~ 5711(C)(2.1) (relating to power of authority to issue certificates of public convenience) shall retain their authorization [through the authority] in those areas of a city of the first class subject to the exclusive jurisdiction of the authority and orders and regulations of the authority issued under this chapter. The authority shall not grant

additional rights to new or existing carriers to serve designated areas within cities of the first class on a non-citywide basis.

\* \* \*

(g) Confiscation and impoundment of vehicles.--

(1) [In addition to penalties provided for in subsection (f), the] The authority is empowered to confiscate and impound vehicles, medallions and equipment which are utilized to provide call or demand service in cities of the first class without a proper certificate of public convenience [in cities of the first class] issued by the authority or which are in violation of regulations of the authority. Upon satisfaction of all penalties imposed and all outstanding fines assessed against the owner or operator of the confiscated vehicle and payment of the costs of the authority associated with confiscation and impoundment, the vehicle, medallion and equipment shall be returned to its registered owner or registered lienholder.

\* \* \*

~~Section 5. Sections 5717, 5720(a) and (b), 5725(a) and 5745(a) of Title 53 are amended to read:~~

§ 5717. Additional certificates and medallions.

(a) Limitation on number.--Subject to the limits established in section 5711(c) (relating to power of authority to issue certificates of public convenience), the authority may increase the number of certificates and medallions [if it finds a need for additional taxicab service in cities of the first class by issuing certificates and corresponding medallions to applicants

on a first-come-first-served basis. Each applicant shall pay a fee in an amount equal to the reasonable market value of the medallions at the time of issuance as determined by the authority. The fee is payable prior to the time of issuance. In determining the reasonable market value of a medallion, the authority shall consider the purchase price in medallion transactions over the prior year as reflected in authority records. The authority in its discretion may hold hearings to determine the reasonable market value of a medallion]. In no case shall the number of citywide call or demand service taxicab certificates and medallions issued by the authority exceed [1,600 each] the maximum amount provided for in section 5711(c).

(b) Medallion issuance.--

(1) Medallions shall be sold to the highest bidder after due notice by advertisement for bids or for public auction in the Pennsylvania Bulletin. The advertisement shall be published once not less than 60 days before public auction, and the date for public auction shall be announced in the advertisement.

(2) The medallion sale price shall be payable prior to the time of issuance.

(3) In the event the authority determines that a successful bidder of a medallion is not qualified to own a medallion pursuant to this chapter and the orders and regulations of the authority, the medallion at issue shall be subject again to sale as provided in this section.

(4) The authority may establish, by order, rules related to a medallion bid or public auction.

(5) (i) The authority may, by order, limit the number of medallions that a person may purchase at any bid or public auction.

(ii) For purposes of this paragraph, "person" includes an individual or entity with a controlling interest in a bidder as the authority may define by order or regulation.

(c) Wheelchair-accessible taxicabs medallions.--

(1) In addition to other terms and conditions of use, the authority may restrict a medallion to wheelchair-accessible taxicabs use.

(2) wheelchair-accessible taxicab medallions issued pursuant to this section may only be attached to wheelchair-accessible taxicabs.

(3) A wheelchair-accessible taxicab may not be operated with citywide call or demand rights in cities of the first class unless a certificate of public convenience is issued by the authority and a medallion is attached to the hood of the vehicle.

(4) wheelchair-accessible taxicabs shall comply with the requirements of this chapter and the rules and regulations of the authority related to taxicab service.

(5) The authority may, by order or regulation, provide for special rules and regulations related to the operation of wheelchair-accessible taxicabs.

§ 5720. Wages.

(a) Minimum wage.--Each [medallion] certificate holder shall pay at least a prevailing minimum wage rate or, in the

alternative, charge at most a prevailing maximum lease amount to the drivers of its taxicab, as determined by the authority upon investigation. The minimum wage rate and the maximum lease amount, as established by the authority, may include employee benefits.

(b) Uniform rates.--All taxicabs [with citywide call and demand rights] authorized to provide call or demand service in cities of the first class shall charge a uniform rate to passengers, as determined by the authority upon investigation.

\* \* \*

§ 5725. Civil penalties.

(a) General rule.--If any person or corporation subject to this subchapter shall violate any of the provisions of this subchapter or shall do any matter or thing prohibited under this subchapter; or shall fail, omit, neglect or refuse to perform any duty enjoined upon it by this subchapter; or shall fail, omit, neglect or refuse to obey, observe and comply with any regulation or final direction, requirement, determination or order made by the authority or to comply with any final judgment, order or decree made by any court, the person or corporation for the violation, omission, failure, neglect or refusal shall forfeit and pay to the [Commonwealth] authority a sum not exceeding \$1,000 to be recovered by [an action of assumpsit instituted in the name of the Commonwealth] a complaint as provided in section 5705(b) (relating to contested complaints). In construing and enforcing the provisions of this section, the violation, omission, failure, neglect or refusal of any officer, agent or employee acting for or employed by the

person or corporation shall in every case be deemed to be the violation, omission, failure, neglect or refusal of the person or corporation.

\* \* \*

§ 5745. Civil penalties.

(a) General rule.--If any person or corporation subject to this subchapter shall violate any of the provisions of this subchapter or shall do any matter or thing prohibited under this subchapter; or shall fail, omit, neglect or refuse to perform any duty enjoined upon it by this subchapter; or shall fail, omit, neglect or refuse to obey, observe and comply with any regulation or final direction, requirement, determination or order made by the authority or to comply with any final judgment, order or decree made by any court, the person or corporation for the violation, omission, failure, neglect or refusal shall forfeit and pay to the [Commonwealth] the authority a sum not exceeding \$1,000 to be recovered by [an action of assumpsit instituted in the name of the Commonwealth] a complaint as provided in section 5705(b) (relating to contested complaints). In construing and enforcing the provisions of this section, the violation, omission, failure, neglect or refusal of any officer, agent or employee acting for or employed by the person or corporation shall in every case be deemed to be the violation, omission, failure, neglect or refusal of the person or corporation.

\* \* \*

Section 6 4. This act shall take effect immediately.