

TITLE 52. PUBLIC UTILITIES
PART II. PHILADELPHIA PARKING AUTHORITY
Subpart A. General Provisions
CHAPTER 1001. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

§ 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 [and] 57, 57A and 57B (relating to parking authorities; [and] taxicabs and limousines in first class cities; transportation network companies; and regulation of taxicabs and limousines in cities of the first class).

Conviction—

(i) 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:

(A) [A felony.] A crime for any of the following within the preceding seven years:

(1) A felony conviction involving theft.

(2) A felony conviction for fraud.

(3) A felony conviction for a violation of the Act of April 14, 1972 (P.L. 233, No. 64), known as the controlled substance, drug, device and cosmetic act.

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

(B) [A crime involving moral turpitude.] A crime for any of the following within the preceding ten years:

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

(2) Burglary or robbery.

(C) [A crime requiring registration with the State Police as provided in 42 Pa.C.S. § 9795.1 (relating to registration) or similar statute in another jurisdiction.] A crime for any of the following at any time:

(1) 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 this Commonwealth.

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

(3) An act of terror.

[(D) A crime subject to prosecution under 18 Pa.C.S. Chapter 25 (relating to criminal homicide) or similar statute in another jurisdiction.

(E) A crime subject to prosecution under 18 Pa.C.S. Chapter 27 (relating to assault) or similar statute in another jurisdiction.

(F) A crime subject to prosecution under 18 Pa.C.S. Chapter 29 (relating to kidnapping) or similar statute in another jurisdiction.

(G) A crime subject to prosecution under 18 Pa.C.S. Chapter 31 (relating to sexual offenses) or similar statute in another jurisdiction.

(ii) A crime resulting in an order of Accelerated Rehabilitative Disposition, prior to successful completion of the terms of the order.

(iii) Except as provided in subparagraphs (i) and (ii), the term does not include a misdemeanor or summary conviction or a conviction that has been expunged or overturned or for which an individual has been pardoned.

Crime involving moral turpitude—A crime determined by the Authority to be consistent with 22 Pa. Code § 237.9 (relating to crimes involving moral turpitude).]

Criminal history report—The report issued by the State Police, [or] similar government entity in a jurisdiction outside this Commonwealth, or a third-party report which will identify any convictions associated with an individual.

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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.* The Authority shall create a schedule of penalties that encourages a regulated person to correct a violation of any 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 shall be posted on the Authority’s website at www.philapark.org/tld.

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

(i) Correct the violation and provide proof of such correction to the TLD Enforcement Department; and

(ii) Remit payment of the reduced penalty to the Clerk as provided in § 1001.42 (mode of payment to the Authority).

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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—[Immediate and t]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 violate the act, this part or an order of the Authority and] 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, [broken windshield, a taxicab with inaccurate colors and markings] or a taxicab driver subject to a police arrest warrant may each result in an out of service designation.

§ 1003.32. Out of service designation.

(a) *Vehicles.* [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 (g).]

(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 (g).

(2) Upon observation of a condition of a taxicab or limousine that violates the act, this part or an order of the Authority, the Enforcement Department shall provide notice of such 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 shall provide notice of such 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 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 shall apply. [the condition necessary for that determination shall be deemed to involve a threat to public safety and the procedures of this section shall 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 (relating to service by the Authority). The Enforcement Department shall not be 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). However, if the formal complaint is a form citation as provided in § 1005.13 (relating to citation complaints by the Authority), then the out of service respondent shall respond to the citation pursuant to § 1005.13 (b) (relating to answers to citations).

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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 [Commonwealth Court], 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 [Commonwealth Court] 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 [Commonwealth Court].

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

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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:

* * * * *

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

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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.

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

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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 such violation, points are assessed against the driver’s license.

[*Moving*] Traffic violations—Any debt owed to the Commonwealth or one of its political subdivisions for violations of 75 Pa.C.S. (relating to Vehicle Code) that is not under appeal.

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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 but not limited to, an encryption key or wire seal.

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[*Wheelchair*—

(i) A mobility aid belonging to any class of three-wheeled or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered.

(ii) A common wheelchair is a device which does not exceed 32 inches in width and 48 inches in length measured 2 inches above the ground and does not weigh more than 600 pounds when occupied.

(iii) The term as further defined by 49 CFR 37.3 (relating to definitions) or its successor regulation.]

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.

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§ 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: [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).]

(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 one percent (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. [Assessment payments shall be made by each certificate holder 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).]

(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 shall be 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. Assessment payments shall be made by each dispatcher certificate holder 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).

[(c) Installment payments. Upon request by a taxicab certificate holder through the annual renewal form required under § 1011.3(g) (relating to annual rights renewal process), the Director may permit certificate holders to pay the 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, as limited under subsections (d) and (e).

(d) Assessment payment by appointment.

(1) In person appointments to make installment payments for annual assessments may be scheduled by the Director any time after the renewal form is filed. The Director may reschedule appointment times to accommodate the availability of the certificate holder. Notice of appointment times will be provided at least 10 days in advance and as provided in § 1001.51 (relating to service by the Authority).

(2) The scheduled appointment will become the new due date for the installment assessment payment.

(3) The Authority will provide notice of assessment payment appointments as provided in § 1001.51.

(e) *Eligibility.* A certificate will be ineligible for assessment installment payments if the certificate holder or any person having a controlling interest in the certificate holder has done any of the following in the previous 2 years:

(1) Failed to pay an assessment to the Authority on schedule.

(2) Failed to begin and complete the annual rights renewal process on schedule.

(3) Been subject to suspension or cancellation of any rights issued by the Authority under the act, this part or an order of the Authority.]

(c) [(f) *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).

(d) [(g) *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) [(h) *Late assessment or renewal fee payments.*

[(1) An installment assessment payment will be considered late if not paid at the appointed time and date for payment.]

[(2)] (1) 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 (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 pursuant to this subsection must 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 shall serve notice thereof upon parties in interest. After the conclusion of the hearing, the authority shall 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 must be made within ten days after notice of the findings of the Authority.

(5) Appeals. 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 pursuant to this subsection is subject to § 1005.211 (relating to exceptions to recommended decisions).

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§ 1011.5. Ineligibility due to conviction or arrest.

(a) Except as provided in subsection (e), 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), [in the past 5 years and for 6 months from the date the convicted person completes the sentence imposed, including incarceration, probation, parole and other forms of supervised release.]

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[(e) A person subject to an order of Accelerated Rehabilitative Disposition shall be ineligible to own any interest in any right issued by the Authority until the terms of the order have been completed.

(f) Upon consideration of a petition seeking a waiver related to this section, as provided in § 1005.23 (relating to petitions for issuance, amendment, repeal or waiver of Authority regulations), the Authority will also consider:

- (1) The nature of the petitioner's duties subject to the act.
- (2) The nature and seriousness of the offense or conduct.
- (3) The circumstances under which the offense or conduct occurred.
- (4) The age of the petitioner when the offense or conduct was committed.
- (5) Whether the offense or conduct was an isolated or a repeated incident.
- (6) Evidence of rehabilitation, including good conduct in the community.

(7) Counseling or psychiatric treatment received and the recommendation of persons who have substantial contact with the petitioner.]

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

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

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§ 1011.9. Taxicab service limitations.

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(b) A certificate holder shall 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 shall be required to conduct or have a third-party conduct annual criminal background and driving history checks for all taxicab drivers operating under the certificate holder's medallion.

(3) A medallion taxicab certificate holder shall review the criminal background and driving records as provided in paragraph (2) before a taxicab driver operates under its medallion to ensure the driver has not been subject to a conviction as defined under §§ 1001.10 (relating to definitions) and 1021.4 (relating to 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).

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

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§ 1011.11. Record retention.

(a) 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(e) (relating to meter activation and display).]

(iv) Records concerning taxicab drivers under § 1011.9 (relating to taxicab service limitations).

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§ 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) A partial-rights taxicab certificate or dispatcher certificate may not be placed in voluntary suspended status for more than 1 year.

(c) A medallion taxicab certificate or individual medallion may not be placed in a voluntarily suspended status for more than 6 months.]

(b) [(d)] 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) [(e)] 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.

(d) [(f)] 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) [and pay the entire Authority assessment that will come due during the proposed period of voluntary suspension].

(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).

[(g) A period of voluntary suspension may begin only upon surrender to the Authority of each medallion or TLD inspection sticker, or both, for each vehicle subject to the voluntary suspension.]

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§ 1013.3. Removal of a medallion.

(a) A medallion may only be removed from a vehicle by the Authority, [or] upon advance written approval from the Authority, [by the medallion owner] 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).

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CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

1017.1. Definitions.

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

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.

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§ 1017.4. Age and mileage limitations.

(a) *Retirement age and mileage.*

(1) Except as provided in subsection (b) [(c)], a taxicab must be removed from providing service [will not be eligible for inspection as provided in § 1017.31 (relating to biannual inspections by Authority)] 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 [2006] 2009 model year vehicle may be operated in taxicab service is [the day before the taxicab's first scheduled biannual inspection after] December 31, [2014] 2017.

(2) Except as provided in subsection (b) [(c)], a taxicab must be removed from service [will not be eligible for inspection as provided in § 1017.31] upon reaching [250,000] 350,000 cumulative miles on the vehicle's odometer.

[(b) *Entry mileage*. Except as provided in subsection (c), a vehicle will not be eligible for inspection as provided in § 1017.2 (relating to preservice inspection) if it has 135,000 or more cumulative miles on the vehicle's odometer.]

(b) [(c)] *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).

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§ 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 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.[.] Those doors shall [which must] have the following properly [aligned,] installed and maintained components:

(i) [Hinges.] Functional exterior and interior door handles which are operable by passengers.

(ii) Intact door seals (Door gaskets and doorway padding).

(iii) [Latches.] 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 [the] 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) [Unless otherwise permitted by the Authority, a] A medallion taxicab must be equipped with [an] operable technology that is approved by the Authority that facilitates two-way communication. [two-way radio connected to a dispatch system approved by the Authority. Unless otherwise permitted by the Authority, a partial-rights taxicab that is not affiliated with a dispatcher must be equipped with an operable two-way radio capable of communication with the certificate holder or an agent of the certificate holder.]

(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 in lieu 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 handgrips in the passenger compartment for use while entering or exiting the vehicle.]

~~(7)~~ [(8)] A taxicab must be equipped with [working] operable seatbelts for every passenger and the driver.

[(9) A taxicab must have four full sized 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 sized and usable spare tire that complies with the standards of this section is properly stored in the taxicab.

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

(10) A taxicab may not use retread tires.

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

~~(8)~~ [(12)] 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 [The protective shield] 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 lower portion of the shield must be installed in a manner which complies with the legroom requirements in paragraph (2).

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

(ix) 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 [(19)] (14).

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

(9) [(13)] 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) [(15)] 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.

[(16) Spare tires in the trunk must be covered.]

(12) [(17) A] 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 must be properly repaired and may not be mended with tape.

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

(14) [(19)] A functioning air conditioner capable of keeping the interior of the taxicab at [Except upon a passenger's request to the contrary, the passenger area of a taxicab must remain] a constant temperature between 60° and 78° Fahrenheit. [While in a taxi-stand line, a taxicab is exempt from this temperature requirement until it reaches the position of first, second or third vehicle from the front of the line.

(20) 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.

(21) A taxicab's passenger compartment must contain at least two seats with space that measures 28 inches or more from the back of the passenger's seats to any barrier in front of it.]

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

(16) [(23)] 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 shall have no dents larger than 12 inches and have no loose body panels or bumpers. [be free of damage.]

17 [(24)] 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, the following information:

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

(ii) The availability of noncash payment options.

[(iii) The list of Passengers' Rights and Driver's Rights issued by the Authority.]

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

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

18 [(25)] 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)].

[(26) A taxicab must be equipped with a safety camera system approved for use as provided in § 1017.71 (relating to taxicab safety cameras).]

(19) A taxicab must have operational interior lights.

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

(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 preempted by the government of the United States.

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

(e) *Advertising [prohibited].*

(1) [Unless otherwise permitted by the Authority and as provided in subsection (b)(5), t] 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 shall include a color copy of such advertisement and a written description of the advertisement's placement on or within the taxicab.[prohibited, except for the colors and markings and postings required by the act, this part or an order of the Authority].

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

(3) A commercial advertisement will not be permitted if it violates any requirement as provided 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 nor 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.*

* * * * *

§ 1017.8. Wheelchair accessible vehicle taxicab specifications.

(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 to meeting the following requirements:

[(1) The vehicle complies with the specifications in the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles codified in 49 CFR 38.23, 38.25 and 38.31 (relating to mobility aid accessibility; doors, steps and thresholds; and lighting) and higher standards set by the act, this part or an order of the Authority. For example, if the Authority required vehicle lift platforms to have provisions to prevent deployment, falling or folding any faster than 10 inches per second, that requirement would supersede the 12 inches per second requirement of 49 CFR 38.23(b).

(2) The vehicle must be capable of transporting at least one passenger seated in a common wheelchair secured to the vehicle by a system approved by the Authority as provided in paragraph (11) with access and entry to the passenger compartment either from the right side of the vehicle to and from the curb or through rear entry.

(3) If modified to become a WAV taxicab, the modification of the vehicle shall be completed under the vehicle manufacturer's standards. The Authority will publish a list of approved vehicle modification entities on its web site at www.philapark.org/tld.

(4) The owner of a vehicle modified to be a WAV taxicab shall, upon presentation for a preservice inspection as provided in § 1017.2 (relating to preservice inspection), provide the certification of an engineer with at least a bachelor's degree in either mechanical engineering or electrical engineering with at least 3 years of experience in automotive manufacturing that the vehicle has been modified using the design tested to meet or exceed impact protection requirements as provided in 49 CFR Part 571 (relating to Federal motor vehicle safety standards) and the specifications of the vehicle's manufacturer.

- (5) When loaded to gross vehicle weight rating, the distance between the ground and the vehicle's frame must be 5 inches or more.
- (6) The vehicle's passenger compartment length from the back of the passenger's seats to any barrier in front of it must be 56 inches or more.
- (7) The floor of a WAV taxicab may be lowered only from the base of the firewall to the area immediately in front of the rear axle.
- (8) The floor of a WAV taxicab with a lowered floor assembly must be stainless steel (16 gauge minimum). A vapor-insulating barrier of 1/2-inch marine grade plywood must be applied over the lowered metal floor and thoroughly secured.
- (9) The vehicle's wheelchair ramp may not block any part of the door or glass while in the stowed position.
- (10) The entry point of the vehicle must measure 56 inches from the ramp to the top of the entry point.
- (11) The Authority will maintain a list of wheelchair restraint systems to be used to securely hold one or more wheelchairs in place in the vehicle while in operation. The list of approved wheelchair restraint systems may be obtained from the Authority's web site at www.philapark.org/tld.
- (12) Anchor points may not project more than 1/8 inch above the vehicle's finished floor.
- (13) If the vehicle has a middle fold-up passenger seat, it must have a folding mechanism and base plate and meet the requirements of 49 CFR 571.207 (relating to standard No. 207; seating systems).
- (14) Modifications to the rear air conditioning must be completed in a manner consistent with the guidelines of the vehicle's manufacturer.
- (15) Electrical wiring installed while modifying the vehicle to meet the requirements of this section must be PVC or better, insulated and color-coded for positive identification.
- (16) The vehicle must have an electrically operated back-up alarm device that produces an intermittent audible signal when the vehicle's transmission is shifted into reverse.
- (17) The vehicle must display the universal logo for wheelchairs as a marking of at least 6 inches high and 6 inches wide on the rear of the vehicle and on each side of the vehicle.]

(1) *Mobility and Accessibility.*

(i) *Lift /Ramp Width: 30 inches Minimum.*

(ii) Load Bearing: The design load of the lift/ramp shall be at least 600lbs.

(iii) Controls for the lift/ramp: Shall be interlocked with the vehicle's to ensure that the vehicle cannot be moved while the ft/ramp is in Operation.

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

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

(vi) The installation of a lift/ramp: Shall 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) Lift/ramp platform: Shall be equipped with handrails on 2 sides and these rails should be a minimum of 8" long and 30" above the platform and shall move in tandem with the lift/ramp.

(viii) Lift/ramp platform: Shall have barriers at least 2 inches or higher to prevent mobility aid wheels from slipping off.

(ix) Lift/Platform Surfaces: Shall be continuous and slip resistant; shall accommodate both four-wheel and three-wheel mobility aids.

(x) Transitions: The transition from roadway or sidewalk and the transition from vehicle floor to the ramp may be vertical without edge treatment up to ¼ inch.

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

(xii) The life/ramp attachment: The lift/ramp attachment shall be firmly attached to the vehicle so that it is not subject to displacement when loading or unloading a heavy mobility aid and that no gap between vehicle and ramp exceeds 5/8 inch.

(2) Doors, Steps and Thresholds

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

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

(3) Interior Compartment.

(i) Floor Areas: All floor areas where people walk and securement locations shall have slip-resistant surfaces.

(ii) Minimum Floor Clearance: A minimum Clear Floor Area of 30 inches X 48 inches shall be provided for each wheelchair position.

(iii) Seating Configuration: Vehicles 22 feet in length or less shall provide feet in length or less shall provide Forward/Rear Seating Only.

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

(v) Interior Handrails and Stanchions: Shall permit sufficient turning and maneuvering space for mobility aids to reach securement location from lift/ramp.

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

(4) Secure Systems.

(i) Tie Down Straps: 4 Tie Down Straps for each Wheelchair Position.

(ii) Seat Belts: For each mobility aid securement device, a passenger seat belt and shoulder harness shall also be provided for use by mobility aid users. These belts shall not be used in lieu of a device, which secures the mobility aid itself.

(iii) Stowage: When not in use securement systems must be stowed in such a way as not to present a hazard to passengers.

(5) Additional Requirements

(i) Body Fluid/Spill Kit.

(ii) Reflector Triangle Kit (3 Triangles).

(iii) First Aid Kit.

(iv) Fire Extinguisher.

(v) Vehicles with sliding passenger compartment doors must be equipped with an exit warning system approved by the TLD Enforcement Department. Should the TLD Enforcement Department change the design of the exit warning system in the future, installations of such a device will be required.

[(c) Age and mileage limitation.

(1) When a vehicle is proposed for WAV medallion taxicab service, it must be one of the manufacturer's two latest vehicle model years with an odometer reading of less than 500 miles to qualify for inspection as provided in § 1017.2.

(2) A WAV medallion taxicab will not be eligible for inspection as provided in § 1017.31 (relating to biannual inspections by Authority) upon reaching 5 years of age.]

(c) [(d)] *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.

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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 [as approved by] 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.*

(1) Taxicabs operated through a partial-rights certificate must have the same colors and markings.

(2) Taxicabs operated through a partial-rights certificate must have colors and markings that are different and distinguishable from every other partial-rights taxicab and each medallion taxicab.]

(b) [(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 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) Beginning January 1, 2012, a vehicle will not be eligible for inspection as provided in § 1017.2 or § 1017.31 (relating to preservice inspection; and biannual inspections by Authority) unless the name of the certificate holder appears on the front fenders of the taxicab in print at least 2 inches in height and at least 1/2 inch in width.]

(2) Current State certificates of insurance 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 pursuant to § 1017.71 (relating to taxicab safety cameras), public notices shall be affixed prominently to the exterior and interior of the taxicab as provided in § 1017.77 (relating to public notice).

(b) The Authority may [will] 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. [A list of the required postings and the locations of the posting will be made available at www.philapark.org/tld.]

* * * * *

§ 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) **[Reserved]**. [*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.

(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. 1016120-05 shall be numbered “CL-1” for the first vehicle, “CL-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. 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.

(5) 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.

(6) Taxicabs with rights through Certificate No. 1015570-05 shall be numbered “MCT-1” for the first vehicle, “MCT-2” for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.]

* * * * *

§ 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.

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

* * * * *

[§ 1017.31. Biannual inspections by Authority.

In addition to other inspections required or permitted by the act, this part or an order of the Authority, every taxicab must submit to at least two scheduled inspections by the Authority on an annual basis at a time and location designated by the Authority. Each scheduled inspection will consist of one of the following:

- (1) A compliance inspection.
- (2) A compliance inspection combined with a full State inspection.]

§ 1017.31. Vehicle Inspections by the Authority.

(a) Manner and frequency of inspection. Twenty-five percent (25%) of all 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 Chapter 47 of 75 Pa.C.S. (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 shall issue notice of the scheduled inspection to the corresponding medallion taxicab certificate holder within fourteen (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 pursuant to subsection (a) or at a time and place designated by the Authority.

(1) Failed State Inspections. Upon a taxicab failing a State inspection conducted by the Authority pursuant to subsection (d), the taxicab will be immediately placed out of service pursuant to § 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 TLD 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. A medallion taxicab certificate holder shall pay a fee for a vehicle inspection conducted under subsection (a) as set forth in the Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(2) State inspection. A medallion taxicab certificate holder shall pay a fee for a State inspection conducted under subsection (d) as set forth in the Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

* * * * *

§ 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 [biannual] taxicab compliance inspection as provided in § 1017.31 (relating to [biannual] vehicle inspections by Authority).

(2) A reinspection as provided in § 1017.36 (relating to reinspection), [but only if the existing TLD inspection sticker has already expired or will expire before the next biannual inspection as provided in § 1017.31.]

(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 [expire 6 months from the date it is affixed to the taxicab.] be valid only until the taxicab is presented to the Authority for an inspection, except as provided in 1017.34 (relating to field inspections).

[(d) Only the Authority may conduct State inspections of taxicabs and affix certificates of inspection as provided in 75 Pa.C.S. § 4728 (relating to display of certificate of inspection).]

* * * * *

§ 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 [biannual] inspections by Authority), the certificate holder may be subject to a penalty through issuance of a formal complaint and an out of service designation pursuant to 1003.32 (relating to out of service designation).

* * * * *

§ 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) Department of Transportation Documentation. Prior to a vehicle first entering into taxicab service as provided in §§ 1017.2 and 1017.38 (relating to preservice inspection; 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 subsection (c) must contain the current insurance policy that is maintained by the certificate holder as evidenced on the certificate of insurance on file with the Authority pursuant to Chapter 1025 (relating to insurance required).

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

Subchapter G. SAFETY CAMERAS

§ 1017.71. Taxicab safety cameras.

(a) *Generally.* Beginning on [February 23, 2015] November 4, 2016, [a taxicab must be equipped with one safety camera system that satisfies the requirements in this subchapter.] 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.

[(b) *Inspection and approval.*

- (1) A taxicab safety camera system must be inspected by the Authority prior to use.
- (2) The Authority will conduct safety camera system testing to ensure the system meets the requirements of this subchapter.
- (3) Upon determining that a safety camera system functions properly, the Enforcement Department will:
 - (i) Download and retain a view captured by each camera lens.
 - (ii) Seal the data extraction port.
 - (iii) Post notice of the safety camera system on the taxicab as provided in § 1017.77(b) (relating to public notice).
- (4) A safety camera system may not be used in a taxicab unless it is sealed as provided in paragraph (3). When the seal is broken or damaged, the certificate holder shall remove the taxicab from service immediately and schedule a new safety camera system inspection by the Enforcement Department.
- (5) 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.]

§ 1017.72. Safety camera system testing.

- [(a) Safety camera system testing may include the road operation of the taxicab with an inspector while the camera system is engaged.
- (b)] 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.
- (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 must 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) A taxicab safety camera system must work in conjunction with the approved meter system used in the taxicab.
- (c) The safety camera system must be turned on and operational at all times that a taxicab's motor is running. [The safety camera system must be in operation during the entire time the vehicle's engine is running and for not less than 1 hour after the engine is turned off.]
- (d) The safety camera system may not make an audio recording.
- (e) The safety camera system must record images at designated intervals, including the following:
 - [1] Vehicle door openings and closings.]
 - (1) [(2)] Meter [engagement] activation and trip termination.
 - (2) [(3)] Distress button activation.
- (f) The safety camera system must be able to record data including:
 - (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.
- (g) The safety camera system must record and store images in a unit separate from any camera. The recording and storage unit must be concealed from view and fastened securely to the vehicle.

* * * * *

§ 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 shall 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. [Use of captured images.]

The Authority shall 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.

[(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 cameras system shall be maintained in the strictest of confidentiality and may not be duplicated, released or disclosed except as provided in subsections (e) and (f).

(c) *Local storage device.*

(1) Data storage devices secured in a taxicab as provided in § 1017.74(g) (relating to safety camera requirements) must be configured to overwrite recorded images at intervals not to exceed 60 days. Only the Enforcement Department may access images stored on the data storage devices.

(2) The Authority will access images on the data storage devices secured in a taxicab only in the following circumstances:

(i) Upon direction of a court of law.

(ii) Upon direction of a law enforcement agency.

(iii) In furtherance of an existing administrative investigation when authorized in writing by the manager of enforcement or trial counsel.

(d) *Maintenance of captured images.* Images from a safety camera system in the possession of the Authority will be maintained and secured by the Enforcement Department in password protected files.

(e) *Deletion of captured images.*

(1) The Enforcement Department will delete safety camera system images on the 31st day after receipt, unless one or more of the following applies:

(i) The image contains evidence of criminal activity.

(ii) The image contains evidence related to a regulatory investigation or complaint.

(iii) A law enforcement agency has requested, in writing, that the image be retained.

(2) The Enforcement Department will maintain a log of the images excluded from deletion as provided in paragraph (1), including reference to matters necessitating retention and the date each image is ultimately deleted.

(3) Except as provided in paragraph (4), the images excluded from deletion as provided in paragraph (1) will be deleted within 1 year of the final disposition of the related administrative or criminal proceeding.

(4) Images retained by the Authority for use as evidence in a proceeding that results in a criminal conviction or finding of administrative liability will be deleted within 5 years of the final disposition of the related proceeding. The Enforcement Department may petition a presiding officer in the Adjudication Department for authorization to extend this retention period, for an identified period, upon good cause shown and notice to the person convicted or found liable in an administrative proceeding.

(f) *Release of captured images.* The Authority will release safety camera system images to a law enforcement agency upon written request.

(g) *System testing.* This section may not be interpreted to preclude the recovery and storage of images by the Authority as provided in § 1017.71(b) (relating to taxicab safety cameras).]

§ 1017.79. Storage of Safety Camera Images

Safety camera images must 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 pursuant to § 1017.77 (relating to public notice), the medallion certificate holder shall submit a written statement to the TLD Enforcement Department verifying

the place of business where the safety camera images will be stored and the address of such location pertaining to postings under §1017.77 (relating to public notice).

* * * * *

Subchapter H. STAND-BY VEHICLES

§ 1017.81. Definitions.

The following words and terms, when used in this subpart, 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 the following requirements: (1) controls a minimum of 25 taxicabs; (2) 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 records; and (3) operates with a dispatcher who assigns drivers to fleet taxicabs.

Stand-By Vehicle—Any 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) When the current medallion taxicab is out of service for repairs or for required inspection, until the repairs or inspection have been completed.

(2) When 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 pursuant to § 1017.83 (relating to procedure to place a stand-by vehicle into service), the medallion of the disabled taxicab must be transferred to the stand-by vehicle in a manner consistent with § 1013.3 (relating to removal of a medallion).

(e) A form SB-2 must be carried in the stand-by taxicab and be presented to the police, PUC or TLD inspector upon request.

§ 1017.83. Procedure to place a Stand-by Vehicle into service.

(a) A fleet owner must first register the designated vehicle as a stand-by vehicle, which shall be commercially registered with the Department of Transportation in the medallion certificate holder’s name, by completing and filing Form No. SB-2 “Stand-By Vehicle Application” with the TLD Enforcement Department and paying the Authority compliance inspection fee as provided § 1001.43 (relating to Authority fee schedule). The SB-2 form may be obtained on the Authority’s website at www.philapark.org/tld.

(b) The fleet owner shall then present the vehicle to the TLD Enforcement Department for an Authority compliance inspection pursuant to 52 Pa. Code §1017.31(a) (relating to vehicle inspections by the Authority). The vehicle will then be assigned a unique number (i.e. SBV-01 etc.).

(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 TLD Manager of Enforcement by email that includes 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 52 Pa Code § 1013.3 (relating to removal of 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 pursuant to Subchapter D. (relating to taxicab inspections).

§ 1017.85. Fleet Owner Requirements

SB-1. To qualify for the use of a stand-by vehicle, a fleet owner shall complete and file Form No. SB-1 “Stand-By Fleet Owner Application” with the Director along with the fee as set forth in the Authority’s annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

* * * * *

CHAPTER 1019. DISPATCHERS

§ 1019.5. Facility inspection.

* * * * *

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

* * * * *

§ 1019.7. Name, colors and markings review.

- (a) To change or establish any name, colors or markings, a dispatcher shall file a DSP-2 “Dispatcher Colors and Markings Change/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 DSP-2 may be obtained on the Authority’s web site at www.philapark.org/tld.
- (b) The Authority will not approve a DSP-2 application if it determines that the requested name or [colors and] 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 name [, colors] and markings, provided the certificate has not expired or been cancelled.
- (d) Each dispatcher shall use only a single name, colors and marking scheme for all the medallion taxicabs it dispatches.
- (e) Each dispatcher shall use a distinctive name [, colors] and marking scheme for partial-rights taxicabs it dispatches as provided in § 1017.11(b) (relating to distinctive colors and markings).
- (f) A dispatcher may not change an approved name [,] or [colors and] markings scheme without advance approval of the Authority as provided in this section.
- (g) A dispatcher may not change its colors without advance notice to the Authority as provided in subsection (a).
- (h)[(g)] 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 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 all specifications of the two-way communication technology shall be submitted to the Authority for approval and inspection before a dispatcher may use such technology, unless such 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). [Control a radio frequency signal of sufficient strength to transmit and receive real time verbal communication and data throughout Philadelphia.]

* * * * *

[(17) Operate and maintain a safety camera system as provided in § 1017.73 (relating to approved safety camera system), including the computer hardware and software means of wireless communication necessary.

* * * * *

§ 1019.9. List of affiliated taxicabs.

A dispatcher shall file a complete Form No. 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. A Form No. DSP-4 may be obtained at www.philapark.org/tld. [If a taxicab is added or removed from a dispatcher’s customer list, the dispatcher shall report the change within 24 hours to the Authority by email.]

* * * * *

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.

* * * * *

§ 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 shall be automatically ineligible under the following circumstances:

* * * * *

[(7) The applicant’s driver’s license was suspended, revoked or otherwise invalidated at any time during the 6 months immediately preceding the date of application.

(8) The applicant has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) in the past 5 years. This prohibition will continue for 6 months from the date the convicted person completes the sentence imposed, including incarceration, probation, parole and other forms of supervised release.]

(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 three-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”.

* * * * *

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

(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 the following:

* * * * *

(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) A certified copy of the applicant’s criminal history report for each jurisdiction other than the Commonwealth in which the applicant resided during the 5 years immediately preceding the filing of the application. Each criminal history report shall be certified within 30 days of the filing of the application. In the event an applicant has been present in the United States for less than 5 years, the applicant shall meet the requirements in this subsection by consenting to the release to the Authority of any similar criminal history report maintained by another country, International Criminal Police Organization and the government of United States of America for the 5-year period immediately preceding the filing of the application.]

(6) [(7)] 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.

[(8) A certified copy of the driver history report from each jurisdiction, other than the Commonwealth, in which the applicant was licensed during the 5 years immediately preceding the filing of the application. Each driver history report shall be certified within 30 days of the filing of the application. In the event an applicant has been present in the United States for less than 5 years, the applicant shall meet the requirements in this subsection by consenting to the release to the Authority of any similar driver history report maintained by another country for the 5-year period immediately preceding the filing of the application.]

(7) [(9)] Submit a Form DR-2 “Driver Medical History,” which is available on the Authority’s web site at www.philapark.org/tld. The requirement to complete the DR-2 will be waived for applicants who possess 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) [(10)] A list of all Authority or PUC certificates in which the applicant has any controlling interest, including taxicab medallions.

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

* * * * *

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

* * * * *

(b) *WAV taxicab drivers.*

* * * * *

(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 [2] year[s] of Philadelphia taxicab driver experience as an Authority certificated driver completed within the immediately preceding consecutive 24 [36]-month period prior to the date of application.

(d) *WAV taxicab driver renewal.*

(1) A WAV taxicab driver’s certificate may be renewed by filing the completed Form No. 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 [1,600] hours [or] in the immediately preceding consecutive 12-month period.

* * * * *

§ 1021.7. Taxicab driver training [scheduled].

(a) An applicant must complete a training program.

(b) An applicant has the option to complete the taxicab driver training program conducted by the Authority or a third-party that has been approved by the Authority. The Authority will maintain a list of taxicab driver training subjects on its web site at www.philapark.org/tld.

(c)[(a)] 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 either subsection (d) or (e). [applicant will be scheduled by the Authority to attend an in-class training program.]

(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 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.

[(b) An applicant will not be scheduled for training as provided in subsection (a) 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 will not be scheduled for training.]

(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).

(e) Training by an approved third-party. Taxicab driver training conducted by a third-party approved by the Authority will be conducted at a location, date and time determined by the third-party and will address training subjects as provided in § 1021.8 (relating to certain training subjects). The Authority will maintain a list of approved third-party training programs on the Authority's website at 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.

(b) *Basic training issues.* Taxicab driver training [will consist of a minimum of 18 hours of in-class instruction and] 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:

* * * * *

(d) *Testing.* The applicant will be scheduled for testing conducted by the Authority at TLD Headquarters[tested] under § 1021.9 (relating to taxicab driver test) [on the final day of training] 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.

* * * * *

§ 1021.11. Driver requirements.

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(h) *Driver history report.* A driver history report that evidences a violation or series of violations which relate to dangerous driving activities may form the basis for a denial of a taxicab driver’s certificate application, a denial of the annual renewal as provided by § 1011.3 (relating to annual rights renewal process) or a formal complaint to suspend or cancel the taxicab driver’s certificate.]

* * * * *

§ 1021.17. [Reserved.][Partial-rights taxicab driver log.

(a) A taxicab driver providing service in a partial-rights taxicab shall maintain a service log identifying all taxicab service provided during each shift.

(b) The partial-rights taxicab service log must identify 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 shall 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).
- (f) The Authority may require the use of a specific taxicab service log form and will make the required form available on its web site at www.philapark.org/tld.]

* * * * *

CHAPTER 1030. TAXICAB RATES

§ 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. All 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; wages).

(1) Rate change procedures. Changes to any existing and duly established rate shall be determined pursuant to section 5703 or 5720 of the act, or both (relating to rates; wages) or otherwise ordered by the Authority.

(2) Flexible Rates and Surcharges. 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 (relating to rates; wages) to allow for flexible rates or surcharges, including fuel or peak-hour surcharges.

(i) Any request for a flexible pricing model shall 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 such flexible pricing model will be computed to not violate the Price Gouging Act, 73 P.S. §§ 232.1, et seq.

(2) Any approved flexible pricing model or surcharge shall 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; or
- (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:

* * * * *

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.

* * * * *

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 such violation, points are assessed against the driver’s license.

Traffic [Moving] violations—Any debt owed the Commonwealth or one of its political subdivisions for violations of 75 Pa.C.S. (relating to Vehicle Code) that is not under appeal.

* * * * *

§ 1051.5. Ineligibility due to conviction or arrest.

(a) Except as provided in subsection (e), 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), [, in the past 5 years and for 6 months from the date the convicted person completes the sentence imposed, including incarceration, probation, parole and other forms of supervised release.]

(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) within 180 days of the conviction.

(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).

[(e) A person subject to an order of Accelerated Rehabilitative Disposition shall be ineligible to own any interest in any right issued by the Authority until the terms of the order have been completed.

(f) Upon consideration of a petition to seek a waiver related to this section, as provided in § 1005.23 (relating to petitions for issuance, amendment, repeal or waiver of Authority regulations), the Authority will also consider:

- (1) The nature of the petitioner’s duties subject to the act.
- (2) The nature and seriousness of the offense or conduct.
- (3) The circumstances under which the offense or conduct occurred.
- (4) The age of the petitioner when the offense or conduct was committed.
- (5) Whether the offense or conduct was an isolated or a repeated incident.
- (6) Evidence of rehabilitation, including good conduct in the community.
- (7) Counseling or psychiatric treatment received and the recommendation of persons who have substantial contact with the petitioner.]

* * * * *

§ 1051.6. Payment of outstanding fines, fees and penalties.

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

* * * * *

§ 1051.8. Limousine service limitations.

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

(1) 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.

(2) A limousine certificate holder shall be required to conduct or have a third-party conduct annual criminal background and driving history checks for all limousine drivers operating a limousine vehicle under the certificate holder.

(3) A limousine certificate holder shall review the criminal background and driving records as provided in paragraph (2) before a limousine driver operates a limousine vehicle to ensure the driver has not been subject to a conviction as defined under §§ 1001.10 (relating to definitions) and 1057.4 (relating to 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).

(4) A limousine driver whose criminal background or driving history renders the driver ineligible to operate a limousine vehicle under §§ 1051.5 (relating to ineligibility due to conviction or arrest) or 1051.4 (relating to ineligible persons for limousine driver certificate) shall be immediately disqualified by the limousine certificate holder and such disqualification shall be reported to the Director within 48 hours.

* * * * *

§ 1051.10. Record retention.

(a) 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 a detailed written request by the certificate holder.

(vi) Records concerning drivers as provided under §1051.8 (relating to limousine service limitations).

* * * * *

§ 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) [as provided in subsection (c)].

[(b) A certificate may not be placed in voluntary suspended status for more than 1 year.]

(b)[(c)] To request approval from the Authority for the voluntary suspension of a certificate, the certificate holder shall file a completed a 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.

(c) [(d)] 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) [and pay the entire Authority assessment that will come due during the proposed period of voluntary suspension].

(d) [(e)] A period of voluntary suspension may begin only upon surrender to the Authority of the TLD limousine rights[inspection] sticker for each vehicle subject to the voluntary suspension.

* * * * *

§ 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.

(c) *Mileage.*

[(1) A vehicle may not be first introduced for limousine service with a cumulative mileage registered on the odometer of 51,000 miles or more, except that a limousine with a model year age of 5 or less and a cumulative mileage registered on the odometer of less than 75,000 miles

may qualify for certification by the Authority contingent upon completion of a compliance inspection.]

(1) [(2)] Except as provided in paragraph (2) [(3)], 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) [(3)] 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) [(2)] may continue in service for 1 year upon the successful completion of a compliance inspection.

* * * * *

§ 1055.4. Basic vehicle standards.

(b) *Standard limousine vehicle requirements.* Each limousine is subject to 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.

* * * * *

§ 1055.17. Removal of vehicle and change of license plate.

(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 TLAdmin@philapark.org within 48 hours of the license plate change.

* * * * *

§ 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.

* * * * *

§ 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 shall be automatically ineligible under the following circumstances:

* * * * *

[(7) The applicant’s driver’s license was suspended, revoked or otherwise invalidated at any time during the 6 months immediately preceding the date of application.

(8) The applicant has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) in the past 5 years. This prohibition will continue for 6 months from the date the convicted person completes the sentence imposed, including incarceration, probation, parole and other forms of supervised release.]

(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 three-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”.

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§ 1057.5. Standards for obtaining a limousine driver’s certificate.

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(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 the following:

* * * * *

(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) A certified copy of the applicant’s criminal history report for each jurisdiction other than the Commonwealth in which the applicant resided during the 5 years immediately preceding the

filing of the application. Each criminal history report shall be certified within 30 days of the filing of the application. If an applicant has been present in the United States for less than 5 years, the applicant shall meet the requirements in this subsection by consenting to the release to the Authority of a similar driver history report maintained by another country, the International Criminal Police Organization or the United States government for the 5-year period immediately preceding the filing of the application.]

(6) [(7)] 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.

[(8) A certified copy of the driver history report from each jurisdiction, other than the Commonwealth, in which the applicant was licensed during the 5 years immediately preceding the filing of the application. Each driver history report shall be certified within 30 days of the filing of the application. If an applicant has been present in the United States for less than 5 years, the applicant shall meet the requirements in this subsection by consenting to the release to the Authority of a similar driver history report maintained by another country for the 5-year period immediately preceding the filing of the application.]

(7) [(9)] Submit a Form DR-2 “Driver Medical History,” which is available on the Authority’s web site at www.philapark.org/tld. The requirement to complete the DR-2 will be waived for applicants who possess 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) [(10)] A list of all Authority or PUC certificates in which the applicant has any controlling interest.

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

* * * * *

§ 1057.10. Driver requirements.

* * * * *

[(d) *Driver history report.* A driver history report that evidences a violation or series of violations which relate to dangerous driving activities may form the basis of a denial of a limousine driver’s certificate application, a denial of the annual renewal as provided § 1051.3 (relating to annual rights renewal process), or a formal complaint to suspend or cancel the limousine driver’s certificate.]

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§ 1057.16. Trip sheet requirements.

(a) A driver of a luxury type 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 the following information:

* * * * *

§ 1059.2. Applications for limousine rights.

(a) Except as provided in subsection (c), 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 a Form No. SA-1 “Sale Application” [LM-2 “Limousine Certificate 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 [LM-2] may be obtained on the Authority’s web site at www.philapark.org/tld.

(b) The standards of review applicable to SA-1 [LM-2] applications will be the same as those applicable to a proposed buyer of rights as provided in this chapter.

(c) To obtain a certificate to operate as a [large vehicle or] remote carrier as provided in Chapter 1053, a person shall complete the registration process provided for in § 1053.43(c) (relating to certain limousine requirements).

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CHAPTER 1063. TARIFFS

§ 1063.1. Definition.

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

Tariff—Schedules of rates, rules, regulations, practices or contracts involving any rate and schedules showing the method of distribution of the facilities of the certificate.

§ 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) Limousine rates shall be based solely on time, and shall be contained in a tariff filed, posted and published as provided in the act and this part. The use of meters is prohibited. The initial time period and each subsequent increment must be at least 30 minutes.

(c) 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 52 Pa. Code Chapter 23 (relating to tariffs for common carriers).

(d) Rate change procedures. Changes to any existing and duly established rate shall be determined pursuant to section 5703 of the act (relating to rates) or otherwise ordered by the Authority.

(1) Except as provided in paragraphs (2) and (3), a limousine certificate holder may make a change in any existing and duly established rate upon written notice to the Authority no later than 10 days before the new rate becomes effective and shall otherwise comply with the requirements of section 5703 of the act (relating to rates).

(2) Promotions. A limousine certificate holder may offer below-tariff pricing such as promotions, coupons, loyalty programs and corporate client discounts only upon 24 hours advanced written notice to the Authority.

(3) Flexible Rates. A limousine certificate holder may petition the Authority to allow for flexible rates.

(i) Any request for a flexible pricing model shall 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 such flexible pricing model will be computed to not violate the Price Gouging Act, 73 P.S. §§ 232.1, et seq.

(2) Any approved flexible pricing model shall be reviewed annually by the Authority.