

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 375 Session of 2017

INTRODUCED BY COSTA, FONTANA, VULAKOVICH, SCHWANK AND HUGHES,
FEBRUARY 15, 2017

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 15, 2017

AN ACT

1 Amending Titles 53 (Municipalities Generally) and 66 (Public
2 Utilities) of the Pennsylvania Consolidated Statutes, in
3 transportation network companies, further providing for
4 insurance requirements; in transportation network service,
5 further providing for service standards, providing for gross
6 receipts annual assessment, establishing the Second Class
7 City Transportation Capital Improvement Fund, providing for
8 additional gross receipts annual assessment and further
9 providing for fines and penalties.

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

12 Section 1. Section 57A07(m)(2) of Title 53 of the
13 Pennsylvania Consolidated Statutes, added November 4, 2016
14 (P.L.1222, No.164), is amended to read:

15 § 57A07. Insurance requirements.

16 * * *

17 (m) Waiver of liability.--The following shall apply:

18 * * *

19 (2) A transportation network company may not request or
20 require a transportation network company driver to sign a
21 waiver of potential liability for a loss of personal property

1 or injury [as a condition of entering into a lease
2 agreement].

3 * * *

4 Section 2. Section 2604.3(b) introductory paragraph, (1) and
5 (5) of Title 66, added November 4, 2016 (P.L.1222, No.164), are
6 amended and the section is amended by adding a subsection to
7 read:

8 § 2604.3. Service Standards.

9 * * *

10 (b) [Disabled Individuals.--Each licensed transportation
11 network company must:] Individuals with disabilities.--

12 (1) [Adopt] A transportation network company shall adopt
13 a policy of nondiscrimination regarding individuals with
14 disabilities in accordance with this subsection. The
15 following information shall be provided on the transportation
16 network company's publicly accessible Internet website:

17 (i) Notice of the nondiscrimination policy.

18 (ii) Procedures to report a complaint to the
19 commission about a transportation network company
20 driver's alleged violation of this subsection.

21 * * *

22 (5) A transportation network company shall, in an area
23 where wheelchair-accessible service is available, provide
24 passengers with disabilities requiring the use of mobility
25 equipment an opportunity to indicate on its digital network
26 whether they require a wheelchair-accessible vehicle. A
27 transportation network company or an affiliated entity must[,
28 if wheelchair-accessible service is available,] facilitate
29 transportation service for passengers who require a
30 wheelchair-accessible vehicle by doing one of the following:

1 (i) connecting the passenger to an available
2 transportation network company driver or other driver
3 operating a wheelchair-accessible vehicle; or

4 (ii) if connection under subparagraph (i) is not
5 available, directing the passenger to an alternative
6 provider with the legal authority and ability to dispatch
7 a wheelchair-accessible vehicle to the passenger.

8 (c) Nondiscrimination in transportation.--A transportation
9 network company:

10 (1) Shall adopt a policy prohibiting discrimination
11 against drivers or passengers based on race, color, familial
12 status, religious creed, ancestry, age, national origin, sex,
13 sexual orientation or gender identity or expression. Such
14 discrimination includes, but is not limited to, refusing to
15 provide or accept services based on any of these
16 characteristics. The transportation network company shall
17 provide the following information on its publicly accessible
18 Internet website:

19 (i) Notice of the nondiscrimination policy.

20 (ii) Procedures to report a complaint to the
21 commission about a transportation network company or
22 transportation network company driver's alleged violation
23 of this subsection.

24 (2) May not provide a prospective passenger's or
25 passenger's name or photograph to its transportation network
26 company driver while the prospective passenger is logged on
27 to the digital network or engaged in a prearranged ride.

28 Section 3. Title 66 is amended by adding sections to read:

29 § 2608.1. Gross receipts annual assessment.

30 (a) Imposition of assessment.--

1 (1) A transportation network company shall pay to the
2 commission an amount equal to 1% of the gross receipts from
3 fares collected for all prearranged rides that originated in
4 a city of the second class. The amount assessed shall be
5 remitted on a quarterly basis and deposited into the fund
6 established under subsection (b).

7 (2) The assessment provided for under this subsection
8 may only be made upon the fare collected and may not include
9 any other payment for prearranged rides charged to recoup
10 costs, such as toll, airport entry fees or assessments not
11 provided for in this section.

12 (3) Gross receipts from fares may not be reduced by any
13 income or sales tax, payment processing fee, interest or
14 transmission fee.

15 (b) Second Class City Transportation Capital Improvement
16 Fund.--The Second Class City Transportation Capital Improvement
17 Fund is established in the State Treasury. The fund shall hold
18 money deposited in the State Treasury as provided under this
19 subsection. The State Treasurer shall transfer all of the money
20 in the fund to the city of the second class from which the money
21 is received within 30 days of receipt of the funds.

22 (c) Nondisclosure.--Any information disclosed to the
23 commission, the State Treasurer or any other individual or
24 entity under this section, including any information related to
25 the amounts paid under subsection (a), shall be confidential and
26 not subject to disclosure to a third party, including through a
27 request submitted under the act of February 14, 2008 (P.L.6,
28 No.3), known as the Right-to-Know Law.

29 § 2608.2. Additional gross receipts annual assessment.

30 (a) Imposition of additional assessment.--

1 (1) A transportation network company shall pay to the
2 commission an amount equal to 1% of the gross receipts from
3 fares collected for all prearranged rides that originated
4 within this Commonwealth, except for rides that originated in
5 a city of the first class or a city of the second class. The
6 amount assessed shall be remitted on a quarterly basis and
7 transferred as required under subsection (b).

8 (2) The assessment provided for under this subsection
9 may only be made upon the fare collected and may not include
10 any other payment for prearranged rides charged to recoup
11 costs, including tolls, airport entry fees or assessments not
12 provided for in this section.

13 (3) Gross receipts from fares may not be reduced by any
14 income or sales tax, payment processing fee, interest or
15 transmission fee.

16 (b) Transfer to Multimodal Transportation Fund.--The
17 commission shall transfer the money collected under subsection
18 (a) to the Commonwealth Financing Authority for deposit into the
19 Multimodal Transportation Fund and shall be used for eligible
20 programs as provided for under 74 Pa.C.S. § 2104(a)(4) (relating
21 to use of money in fund), except that no money may be used to
22 fund projects in a city of the first class or a city of the
23 second class.

24 (c) Nondisclosure.--Any information disclosed to the
25 commission, the State Treasurer or any other individual or
26 entity under this section, including any information related to
27 the amounts paid under subsection (a), shall be confidential and
28 not subject to disclosure to a third party, including through a
29 request submitted under the act of February 14, 2008 (P.L.6,
30 No.3), known as the Right-to-Know Law.

1 Section 4. Section 2609(b) of Title 66, added November 4,
2 2016 (P.L.1222, No.164), is repealed:

3 § 2609. Fines and penalties.

4 * * *

5 [(b) Violations for operation without commission
6 authority.--A person or entity which, as determined by the
7 commission, operated as a transportation network company prior
8 to the effective date of this section without proper authority
9 from the commission shall be subject to a penalty not to exceed
10 \$1,000 per day or a maximum penalty not to exceed \$250,000,
11 notwithstanding the number of violations that occurred during
12 the period in which the person or entity operated without
13 authority.]

14 * * *

15 Section 5. This act shall take effect immediately.