

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 984 Session of 2015

INTRODUCED BY BARTOLOTTA, WHITE, VANCE, ALLOWAY, ARGALL, SMUCKER, STEFANO, WAGNER, WARD, McILHINNEY, CORMAN AND MENSCH, SEPTEMBER 8, 2015

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, OCTOBER 27, 2015

AN ACT

1 Amending Titles 53 (Municipalities Generally), 66 (Public
2 Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated
3 Statutes, in taxicabs and limousines in first class cities,
4 further providing for definitions; in general provisions,
5 further providing for definitions; in powers and duties,
6 providing for power of commission to confiscate, impound and
7 sell vehicles; in contract carrier by motor vehicle and
8 broker, further providing for declaration of policy and
9 definitions; providing FOR MOTOR CARRIER REGULATIONS AND for <--
10 transportation network service; and, in general provisions,
11 further providing for definitions.

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

14 Section 1. The definitions of "call or demand service" or
15 "taxicab service" and "limousine service" in section 5701 of
16 Title 53 of the Pennsylvania Consolidated Statutes are amended
17 to read:

18 § 5701. Definitions.

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

1 \* \* \*

2 "Call or demand service" or "taxicab service." Local common  
3 carrier service for passengers, rendered on either an exclusive  
4 or nonexclusive basis, where the service is characterized by the  
5 fact that passengers normally hire the vehicle and its driver  
6 either by telephone call or by hail, or both. The term does not  
7 include transportation network service as defined in 66 Pa.C.S.  
8 § 102 (relating to definitions) or limousine service.

9 \* \* \*

10 "Limousine service."

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

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

15 (ii) Common carrier service for passengers for  
16 compensation:

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

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

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

25 (i) Taxicab service.

26 (ii) Service that was otherwise exempt from the  
27 jurisdiction of the Pennsylvania Public Utilities  
28 Commission prior to the effective date of this  
29 subparagraph.

30 (iii) Other paratransit service.

1 (iv) Employee commuter van pooling.  
2 (v) A vehicle with a seating capacity of 16 or more  
3 persons, including the driver.

4 (vi) Transportation network service as defined in 66  
5 Pa.C.S. § 102 (relating to definitions).

6 \* \* \*

7 Section 2. The definitions of "common carrier" and "motor  
8 carrier" in section 102 of Title 66 are amended, the definition  
9 of "common carrier by motor vehicle" is amended by adding a  
10 paragraph and the section is amended by adding definitions to  
11 read:

12 § 102. Definitions.

13 Subject to additional definitions contained in subsequent  
14 provisions of this part which are applicable to specific  
15 provisions of this part, the following words and phrases when  
16 used in this part shall have, unless the context clearly  
17 indicates otherwise, the meanings given to them in this section:

18 \* \* \*

19 "Common carrier." Any and all persons or corporations  
20 holding out, offering, or undertaking, directly or indirectly,  
21 service for compensation to the public for the transportation of  
22 passengers or property, or both, or any class of passengers or  
23 property, between points within this Commonwealth by, through,  
24 over, above, or under land, water, or air, and shall include  
25 forwarders, but shall not include contract carriers by motor  
26 vehicles, or brokers, or any bona fide cooperative association  
27 transporting property exclusively for the members of such  
28 association on a nonprofit basis. The term does not include a  
29 transportation network company or a transportation network  
30 company driver.

1 "Common carrier by motor vehicle." Any common carrier who or  
2 which holds out or undertakes the transportation of passengers  
3 or property, or both, or any class of passengers or property,  
4 between points within this Commonwealth by motor vehicle for  
5 compensation, whether or not the owner or operator of such motor  
6 vehicle, or who or which provides or furnishes any motor  
7 vehicle, with or without driver, for transportation or for use  
8 in transportation of persons or property as aforesaid, and shall  
9 include common carriers by rail, water, or air, and express or  
10 forwarding public utilities insofar as such common carriers or  
11 such public utilities are engaged in such motor vehicle  
12 operations, but does not include:

13 \* \* \*

14 (10) A person or entity that is any of the following:

15 (i) A transportation network company.

16 (ii) A transportation network company driver.

17 \* \* \*

18 "Digital network." Any online-enabled application, software,  
19 website or system offered or utilized by a transportation  
20 network company that enables the prearrangement of rides with  
21 transportation network company drivers.

22 "DUAL MOTOR CARRIER." A CALL AND DEMAND CARRIER OPERATING <--  
23 UNDER A CERTIFICATE OF PUBLIC CONVENIENCE AND PROVIDING  
24 TRANSPORTATION NETWORK SERVICES PURSUANT TO A LICENSE FROM THE  
25 COMMISSION.

26 "DUAL MOTOR CARRIER DRIVER." AN INDIVIDUAL WHO:

27 (1) RECEIVES CONNECTIONS TO POTENTIAL DUAL MOTOR CARRIER  
28 PASSENGERS IN EXCHANGE FOR PAYMENT OF A FEE TO THE DUAL MOTOR  
29 CARRIER; AND

30 (2) USES A PERSONAL VEHICLE TO OFFER OR PROVIDE A

1 PREARRANGED RIDE TO DUAL MOTOR CARRIER PASSENGERS.

2 \* \* \*

3 "Motor carrier." A common carrier by motor vehicle, and a  
4 contract carrier by motor vehicle. The term does not include a  
5 transportation network company or a transportation network  
6 company driver.

7 \* \* \*

8 "Personal vehicle." A vehicle that is used by a  
9 transportation network company driver and is:

10 (1) owned, leased or otherwise authorized for use by the  
11 transportation network company driver; and

12 (2) not:

13 (i) a call or demand service or limousine service as  
14 defined under 53 Pa.C.S. § 5701 (relating to  
15 definitions);

16 (ii) a common carrier, common carrier by motor  
17 vehicle or motor carrier, EXCEPT A CALL AND DEMAND <--  
18 CARRIER AUTHORIZED TO UTILIZE A DIGITAL NETWORK THROUGH A  
19 LICENSE AS A TRANSPORTATION NETWORK COMPANY UNDER CHAPTER  
20 26 (RELATING TO TRANSPORTATION NETWORK SERVICE);

21 (iii) a broker or contract carrier by motor vehicle  
22 as defined under section 2501(b) (relating to declaration  
23 of policy and definitions); or

24 (iv) a driver operating under ridesharing  
25 arrangement or ridesharing operator as defined under the  
26 act of December 14, 1982 (P.L.1211, No.279), entitled "An  
27 act providing for ridesharing arrangements and providing  
28 that certain laws shall be inapplicable to ridesharing  
29 arrangements."

30 "Prearranged ride." The provision of transportation by a

1 driver to a passenger, beginning when a driver accepts a ride  
2 requested by a passenger through a digital network, continuing  
3 while the driver transports a requesting passenger and ending  
4 when the last requesting passenger departs from the personal  
5 vehicle. A prearranged ride does not include:

6 (1) transportation provided using a call or demand  
7 service or limousine service as defined under 53 Pa.C.S. §  
8 5701 (relating to definitions) UNLESS THE SERVICE IS PROVIDED <--  
9 BY A DUAL MOTOR CARRIER UNDER A LICENSE ISSUED BY THE  
10 COMMISSION;

11 (2) a common carrier, common carrier by motor vehicle or  
12 motor carrier;

13 (3) a broker or contract carrier by motor vehicle as  
14 defined under section 2501 (relating to declaration of policy  
15 and definitions); or

16 (4) a driver operating under ridesharing arrangement or  
17 ridesharing operator.

18 \* \* \*

19 "Transportation network company." A person that meets all of  
20 the following:

21 (1) Is licensed by the commission.

22 (2) Operates in this Commonwealth.

23 (3) Uses a digital network to facilitate prearranged  
24 rides.

25 (4) IF RIDES ARE INITIATED IN A CITY OF THE FIRST CLASS, <--  
26 OBTAINS A CERTIFICATE TO OPERATE FROM THE PARKING AUTHORITY  
27 OF THE CITY OF THE FIRST CLASS.

28 "Transportation network company driver." An individual who:

29 (1) receives connections to potential passengers and  
30 related services from a transportation network company in

1 exchange for payment of a fee to the transportation network  
2 company; and

3 (2) uses a personal vehicle to offer or provide a  
4 prearranged ride to passengers upon connection through a  
5 digital network controlled by a transportation network  
6 company in return for compensation or payment of a fee.

7 "Transportation network company passenger" or "passenger." A  
8 person who uses a digital network to connect with a  
9 transportation network driver who provides prearranged rides to  
10 the passenger in the driver's personal vehicle between points  
11 chosen by the passenger.

12 "Transportation network service."

13 (1) A service which meets all of the following:

14 (i) Matches a passenger and transportation network  
15 company driver using a digital network in advance of the  
16 service being provided.

17 (ii) Is rendered on an exclusive basis. For purposes  
18 of this paragraph, the term "exclusive basis" means a  
19 transportation network service on a given trip when each  
20 individual, party or group may not be required to ride  
21 with another passenger on that trip unless the  
22 individual, party or group consents to additional  
23 passengers on the trip.

24 (2) The term includes transportation of a passenger  
25 following connection with a transportation network company  
26 driver through a digital network.

27 \* \* \*

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

29 § 512.1. Power of commission to confiscate, impound and sell  
30 vehicles.

1 (a) Authorization.--The commission is empowered to  
2 confiscate a ~~personal~~ vehicle and impound and sell a vehicle if <--  
3 the vehicle is used to provide passenger motor carrier services: <--

4 ~~(1) pursuant to the appropriate license issued by the~~  
5 ~~commission; or~~

6 ~~(2) in violation of this title. FOLLOWING~~ <--  
7 DISQUALIFICATION UNDER SECTION 2609(B) (RELATING TO FINES AND  
8 PENALTIES) OR SUSPENSION OR REVOCATION OF A TRANSPORTATION  
9 NETWORK COMPANY'S LICENSE UNDER THIS TITLE.

10 (b) Return of vehicle.--The vehicle may be returned to the  
11 registered owner upon satisfaction of all civil penalties  
12 imposed against the transportation network company and the  
13 driver of a confiscated vehicle and payment of the costs of the  
14 commission associated with confiscation and impoundment. Failure  
15 to pay fines, penalties and costs may result in forfeiture and  
16 sale of the vehicle.

17 (c) Commission duties.--The commission shall establish by  
18 regulation or order the following:

19 (1) grounds for confiscation, impoundment or sale;

20 (2) procedures for satisfaction of outstanding fines,  
21 penalties and costs and notice and hearing; and

22 (3) if the fines, penalties and costs are not timely  
23 paid, the timing of the sale and the allocation of proceeds  
24 from the sale of impounded vehicles.

25 Section 4. The definition of "broker" in section 2501(b) of  
26 Title 66 is amended and paragraph (2) of the definition of  
27 "contract carrier by motor vehicle" is amended by adding a  
28 subparagraph to read:

29 § 2501. Declaration of policy and definitions.

30 \* \* \*

1 (b) Definitions.--The following words and phrases when used  
2 in this part shall have, unless the context clearly indicates  
3 otherwise, the meanings given to them in this subsection:

4 "Broker." Any person or corporation not included in the term  
5 "motor carrier" and not a bona fide employee or agent of any  
6 such carrier, or group of such carriers, who or which, as  
7 principal or agent, sells or offers for sale any transportation  
8 by a motor carrier, or the furnishing, providing, or procuring  
9 of facilities therefor, or negotiates for, or holds out by  
10 solicitation, advertisement, or otherwise, as one who sells,  
11 provides, furnishes, contracts, or arranges for such  
12 transportation, or the furnishing, providing, or procuring of  
13 facilities therefor, other than as a motor carrier directly or  
14 jointly, or by arrangement with another motor carrier, and who  
15 does not assume custody as a carrier. The term does not include  
16 a transportation network company or a transportation network  
17 company driver.

18 "Contract carrier by motor vehicle."

19 \* \* \*

20 (2) The term "contract carrier by motor vehicle" does  
21 not include:

22 \* \* \*

23 (x) A transportation network company or a  
24 transportation network company driver.

25 Section 5. Title 66 is amended by adding ~~a chapter~~ CHAPTERS <--  
26 to read:

27 CHAPTER 24 <--

28 MOTOR CARRIER REGULATIONS

29 SEC.

30 2401. REGULATION OF TAXIS AND LIMOUSINES.

1 2402. REGULATIONS.

2 2403. LEASE TO OWN.

3 2404. LIMOUSINES.

4 § 2401. REGULATION OF TAXIS AND LIMOUSINES.

5 (A) PROMULGATION.--THE COMMISSION SHALL, WITHIN 150 DAYS OF  
6 THE EFFECTIVE DATE OF THIS SECTION, PROMULGATE TEMPORARY  
7 REGULATIONS. THE TEMPORARY REGULATIONS SHALL NOT BE SUBJECT TO  
8 THE FOLLOWING:

9 (1) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF  
10 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE  
11 COMMONWEALTH DOCUMENTS LAW.

12 (2) SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER  
13 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH  
14 ATTORNEYS ACT.

15 (3) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS  
16 THE REGULATORY REVIEW ACT.

17 (B) EXPIRATION.--THE TEMPORARY REGULATIONS UNDER SUBSECTION  
18 (A) SHALL EXPIRE UPON THE PROMULGATION OF FINAL-FORM REGULATIONS  
19 OR TWO YEARS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION,  
20 WHICHEVER IS EARLIER.

21 § 2402. REGULATIONS.

22 THE TEMPORARY REGULATIONS UNDER SECTION 2401 (RELATING TO  
23 REGULATION OF TAXIS AND LIMOUSINES) SHALL ADDRESS ALL OF THE  
24 FOLLOWING:

25 (1) THE USE OF LOG SHEETS AND MANIFESTS, INCLUDING THE  
26 STORAGE OF INFORMATION ON DIGITAL OR OTHER ELECTRONIC  
27 DEVICES.

28 (2) METERING ADDRESSING THE USE OF A VARIETY OF  
29 TECHNOLOGIES.

30 (3) VEHICLES' AGE AND MILEAGE, INCLUDING PROCEDURES TO

1 PETITION FOR EXCEPTIONS TO AGE AND MILEAGE STANDARDS.

2 (4) MARKING OF TAXIS, INCLUDING ADVERTISING.

3 (5) THE OPERATION OF LEASE-TO-OWN TAXI AND LIMOUSINE  
4 EQUIPMENT.

5 (6) TAXI TARIFFS, INCLUDING RATE AND TARIFF CHANGE  
6 PROCEDURES FOR BOTH METERS AND DIGITAL PLATFORMS. REGULATIONS  
7 SHALL ADDRESS CANCELLATIONS, NO-SHOWS AND CLEANING FEES.  
8 REGULATIONS SHALL REFLECT REDUCED OR FLEXIBLE RATES AND  
9 TARIFFS AS APPROPRIATE.

10 (7) LIMOUSINE TARIFFS, INCLUDING RATE AND TARIFF CHANGE  
11 PROCEDURES. REGULATIONS SHALL REFLECT REDUCED OR FLEXIBLE  
12 RATES AND TARIFFS AS APPROPRIATE.

13 (8) DRIVER REQUIREMENTS, INCLUDING CRIMINAL HISTORY  
14 BACKGROUND CHECK REQUIREMENTS AND DRIVING RECORD  
15 REQUIREMENTS.

16 (9) VEHICLE REQUIREMENTS, INCLUDING COMPLIANCE WITH  
17 ENVIRONMENTAL, CLEANLINESS, SAFETY AND CUSTOMER SERVICE  
18 STANDARDS, INCLUDING SPECIAL SAFETY REQUIREMENTS FOR  
19 CHILDREN.

20 (10) REQUIREMENTS FOR CONTINUOUS SERVICE AND EXCEPTIONS  
21 FOR UNEXPECTED DEMAND AND PERSONAL HEALTH AND SAFETY.

22 (11) INSURANCE REQUIREMENTS FOR TAXIS, LIMOUSINES AND  
23 DUAL MOTOR CARRIERS. THE COMMISSION SHALL TAKE INTO  
24 CONSIDERATION THE AMOUNT REQUIRED FOR DUAL MOTOR CARRIERS.

25 § 2403. LEASE TO OWN.

26 (A) INSURANCE.--A TAXI OR LIMOUSINE SERVICE MAY ENTER INTO  
27 CONDITIONAL LEASE OR SALE AGREEMENTS WITH DRIVERS OF A VEHICLE  
28 IF THE TAXI OR LIMOUSINE SERVICE DOES THE FOLLOWING:

29 (1) PROVIDES REQUIRED LEVELS OF INSURANCE ON THE  
30 VEHICLE.



1 2605. Transportation network company drivers.

2 2606. Personal vehicle requirements.

3 2607. Rates and forms of compensation.

4 2608. Nondisclosure of passenger information.

5 2609. Fines and penalties.

6 2610. Commission costs.

7 2611. City of the first class.

8 § 2601. Definitions.

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

12 "Driver." A transportation network company driver.

13 "License." Proof of the commission's approval authorizing a  
14 transportation network company to operate a transportation  
15 network service in this Commonwealth in accordance with this  
16 chapter. The term does not include a certificate of public  
17 convenience as described under Chapter 11 (relating to  
18 certificates of public convenience).

19 § 2602. Exclusions.

20 (a) Ridesharing.--A transportation network company may not  
21 be considered a ridesharing arrangement or ridesharing operator  
22 under the act of December 14, 1982 (P.L.1211, No.279), entitled  
23 "An act providing for ridesharing arrangements and providing  
24 that certain laws shall be inapplicable to ridesharing  
25 arrangements."

26 (b) Other sources.--A company or service that connects an  
27 individual through a digital network for the purpose of  
28 transportation to a common destination when the transportation  
29 service does not include the services of a driver or where a  
30 driver is compensated only for actual expenses incurred for

1 rental, lease or fuel costs of the vehicle.

2 (c) Limitation.--A transportation network company shall not  
3 be deemed to control, direct or manage the personal vehicles of  
4 transportation network company drivers that connect to a  
5 transportation network company's network.

6 § 2603. Applicability of certain laws and prohibition.

7 (a) Motor carrier laws.--Except as otherwise provided, the  
8 following laws and regulations of this Commonwealth may not  
9 apply to a transportation network company or transportation  
10 network company driver:

11 (1) This title, except that the commission may regulate  
12 transportation network companies under Chapters 3 (relating  
13 to public utility commission), 5 (relating to powers and  
14 duties), 7 (relating to procedure on complaints), 15 <--  
15 (RELATING TO SERVICE AND FACILITIES) and 33 (relating to  
16 violations and penalties) and this chapter. If a subject is  
17 regulated under this chapter in addition to another chapter  
18 under this paragraph, this chapter shall apply.

19 (2) 53 Pa.C.S. (relating to municipalities generally).

20 (3) Laws and regulations containing special insurance  
21 requirements for motor carriers, except as provided in  
22 section 2604.1(b) (8) (relating to licensure requirements).

23 (4) Laws and regulations imposing a greater standard of  
24 care on motor carriers than that imposed on other drivers or  
25 owners of motor vehicles.

26 (5) Laws and regulations imposing special equipment  
27 requirements and special accident reporting requirements on  
28 motor carriers.

29 (b) Municipal licenses and taxes.--Except as otherwise  
30 provided, a municipality may not impose a tax on or require a

1 license for a transportation network company or transportation  
2 network service.

3 § 2603.1. Financial responsibility requirements.

4 (a) Requirements.--

5 (1) Upon the effective date of this section, a  
6 transportation network company driver or transportation  
7 network company on the driver's behalf shall maintain primary  
8 automobile insurance that recognizes that the driver is a  
9 transportation network company driver or otherwise uses a  
10 vehicle to transport passengers for compensation and covers  
11 the driver WHEN: <--

12 (i) ~~while~~ the driver is logged on to the digital <--  
13 network; ~~or~~ AND <--

14 (ii) ~~while~~ the driver is engaged in a prearranged <--  
15 ride.

16 (2) Unless otherwise required by order or regulation of  
17 the commission, the following automobile insurance  
18 requirements shall apply to the transportation network  
19 company driver or the transportation network company on the  
20 driver's behalf while a participating transportation network  
21 company driver is logged on to the digital network and is  
22 available to receive transportation requests but is not  
23 engaged in a prearranged ride:

24 (i) Primary automobile liability insurance in the  
25 amount of at least \$50,000 for death and bodily injury  
26 per person, \$100,000 for death and bodily injury per  
27 incident and \$25,000 for property damage.

28 (ii) ~~First-party medical benefits as required by 75~~ <--  
29 ~~Pa.C.S. § 1711 (relating to required benefits) for~~  
30 ~~pedestrians.~~, INCLUDING \$25,000 FOR PASSENGERS AND <--

1 PEDESTRIANS AND \$5,000 FOR A DRIVER.

2 (iii) The coverage requirements may be satisfied by  
3 any of the following:

4 (A) automobile insurance maintained by the  
5 transportation network company driver;

6 (B) automobile insurance maintained by the  
7 transportation network company; or

8 (C) any combination of clauses (A) and (B).

9 (3) Unless otherwise required by order or regulation of  
10 the commission, the following automobile insurance  
11 requirements shall apply while a transportation network  
12 company driver is engaged in a prearranged ride:

13 (i) Primary automobile liability insurance that  
14 provides at least ~~\$1,000,000~~ \$500,000 for death, bodily <--  
15 injury and property damage.

16 (ii) First-party medical benefits as required by 75  
17 Pa.C.S. § 1711 ~~for passengers and pedestrians on a per- <--~~  
18 incident basis for incidents involving a transportation  
19 network company driver's operation of a personal vehicle  
20 while engaged in a prearranged ride, INCLUDING \$25,000 <--  
21 FOR PASSENGERS AND PEDESTRIANS AND \$5,000 FOR A DRIVER.

22 (iii) The coverage requirements may be satisfied by  
23 any of the following:

24 (A) automobile insurance maintained by the  
25 transportation network company driver;

26 (B) automobile insurance maintained by the  
27 transportation network company; or

28 (C) any combination of clauses (A) and (B).

29 (3.1) INSURANCE REQUIRED FOR DUAL MOTOR CARRIERS THAT <--  
30 ARE TRANSPORTATION NETWORK COMPANY VEHICLES SHALL BE THE SAME

1 AS RATES FOR TAXIS. THE COMMISSION MAY INCREASE THE RATE FOR  
2 DUAL MOTOR CARRIERS AND TAXIS, AS APPROPRIATE.

3 (4) If insurance maintained by a driver under paragraph  
4 (2) or (3) has lapsed or does not provide the required  
5 coverage, insurance maintained by a transportation network  
6 company shall provide the coverage required by this section  
7 beginning with the first dollar of a claim, and the  
8 transportation network company's insurer shall have the duty  
9 to defend such claim.

10 (5) Coverage under an automobile insurance policy  
11 ~~maintained by the transportation network company~~ UNDER THIS <--  
12 SECTION shall be primary and not be dependent on a personal  
13 automobile insurer first denying a claim nor shall a personal  
14 automobile insurance policy be required to first deny a  
15 claim.

16 (6) The automobile ~~liability~~ insurance required under <--  
17 ~~paragraphs (2), (3), (4) and (5)~~ THIS SECTION shall be <--  
18 evidenced by the filing of a certificate of insurance. The  
19 certificate of insurance must be filed by the insurance  
20 carrier and must be in the form specified by the commission  
21 by order or regulation.

22 (7) Insurance required under this subsection may be  
23 placed with an insurer that has obtained a certificate of  
24 authority under section 208 of the act of May 17, 1921  
25 (P.L.789, No.285), known as The Insurance Department Act of  
26 1921, or a surplus lines insurer eligible under section 1605  
27 of the act of May 17, 1921 (P.L.682, No.284), known as The  
28 Insurance Company Law of 1921.

29 (8) Insurance satisfying the requirements of this  
30 section shall be deemed to satisfy the financial

1 responsibility requirement for a motor vehicle under 75  
2 Pa.C.S. Ch. 17 (relating to financial responsibility).

3 (9) A transportation network company driver shall carry  
4 proof of coverage satisfying paragraphs (2) and (3) when the  
5 driver uses a vehicle in connection with a digital network.  
6 In the event of an accident, a transportation network company  
7 driver shall provide the proof of insurance coverage to the  
8 directly interested parties, automobile insurers and  
9 investigating police officers under 75 Pa.C.S. § 1786  
10 (relating to required financial responsibility). A  
11 transportation network company driver shall also disclose to  
12 directly interested parties, automobile insurers and  
13 investigating police officers whether the driver was logged  
14 on to the digital network or on a prearranged ride at the  
15 time of an accident.

16 (10) It shall be the sole and exclusive responsibility  
17 of a transportation network company to ensure that ~~commercial~~<--  
18 ~~liability coverage required~~ AUTOMOBILE INSURANCE COVERAGE <--  
19 REQUIRED TO BE CARRIED BY THE TRANSPORTATION NETWORK COMPANY  
20 under this section is in force prior to permitting a  
21 transportation network company driver to provide  
22 transportation network service.

23 (b) Automobile insurance provisions.--

24 (1) Insurers that write automobile insurance in this  
25 Commonwealth may exclude any and all coverage afforded under  
26 the policy issued to an owner or operator of a personal  
27 vehicle for any loss or injury that occurs while a driver is  
28 logged on to a digital network or while a driver provides a  
29 prearranged ride. The right to exclude all coverage may apply  
30 to any coverage included in an automobile insurance policy,

1 including, but not limited to:

2 (i) liability coverage for bodily injury and  
3 property damage;

4 (ii) uninsured and underinsured motorist coverage;

5 (iii) medical payments coverage;

6 (iv) comprehensive physical damage coverage;

7 (v) collision physical damage coverage; and

8 (vi) first-party medical benefits required under 75- <--

9 Pa.C.S. § 1711 SUBSECTION (A) (2) (II). <--

10 (2) Notwithstanding any requirement under 75 Pa.C.S. Ch.  
11 17, exclusions under paragraph (1) shall apply. Nothing in  
12 this section shall require that a personal automobile  
13 insurance policy provide coverage while the driver is logged  
14 on to a digital network, while the driver is engaged in a  
15 prearranged ride or while the driver otherwise uses a vehicle  
16 to transport passengers for compensation. Nothing in this  
17 subsection shall be deemed to preclude an insurer from  
18 providing coverage for the personal vehicle if the insurer  
19 chooses to do so by contract or endorsement.

20 (3) Automobile insurers that exclude the coverage  
21 described in ~~subsection (a)~~ PARAGRAPH (1) shall have no duty <--  
22 to defend or indemnify any claim expressly excluded under the  
23 coverage. Nothing in this section shall be deemed to  
24 invalidate or limit an exclusion contained in a personal  
25 insurance policy, including any policy in use or approved for  
26 use in this Commonwealth prior to the enactment of this  
27 section, that excludes coverage for vehicles used to carry  
28 persons or property for a charge or available for hire by the  
29 public.

30 (4) An automobile insurer that defends or indemnifies a

1 claim against a driver that is excluded under the terms of  
2 its policy shall have a right of contribution against other  
3 insurers that provide automobile insurance to the same driver  
4 in satisfaction of the coverage requirements of subsection  
5 (a) at the time of loss.

6 (5) In a claims coverage investigation, transportation  
7 network companies and any insurer potentially providing  
8 coverage under subsection (a) shall cooperate to facilitate  
9 the exchange of relevant information with directly involved  
10 parties and any insurer of the transportation network company  
11 driver, if applicable, including the precise times that a  
12 transportation network company driver logged on and logged  
13 off of the digital network in the 12-hour period immediately  
14 preceding and in the 12-hour period immediately following the  
15 accident and disclose a clear description of the coverage,  
16 exclusions and limits provided under any automobile insurance  
17 maintained under subsection (a).

18 (C) WAIVER OF LIABILITY PROHIBITED.--

<--

19 (1) A TRANSPORTATION NETWORK COMPANY OR TRANSPORTATION  
20 NETWORK COMPANY DRIVER MAY NOT REQUEST OR REQUIRE A PASSENGER  
21 TO SIGN A WAIVER OF POTENTIAL LIABILITY FOR A LOSS OF  
22 PERSONAL PROPERTY OR INJURY.

23 (2) A TRANSPORTATION NETWORK COMPANY MAY NOT REQUEST OR  
24 REQUIRE A TRANSPORTATION NETWORK COMPANY DRIVER TO SIGN A  
25 WAIVER OF POTENTIAL LIABILITY FOR A LOSS OF PERSONAL PROPERTY  
26 OR INJURY AS A CONDITION OF ENTERING INTO A LEASE AGREEMENT.

27 (3) FOR THE PURPOSES OF THIS SUBSECTION, SIGNING A  
28 WAIVER SHALL INCLUDE REQUIRING A PROSPECTIVE CUSTOMER TO  
29 AGREE TO THE TERMS AND CONDITIONS REQUIRED TO DOWNLOAD A  
30 DIGITAL APPLICATION AS A CONDITION FOR OBTAINING

1 TRANSPORTATION NETWORK SERVICES.

2 § 2603.2. Disclosures.

3 (a) Requirement.--A disclosure under this section shall be  
4 provided in writing to all transportation network company  
5 drivers prior to the designation of an individual as a  
6 transportation network company driver. Transportation network  
7 companies shall retain written or electronic verification  
8 records of the receipt of disclosures required under this  
9 section by the transportation network driver.

10 (b) Insurance and lienholder disclosures.--The  
11 transportation network company shall provide the following  
12 disclosures:

13 (1) Insurance coverage, including the types of coverage  
14 and the limits for each coverage that the transportation  
15 network company provides while the transportation network  
16 company driver uses a vehicle in connection with a digital  
17 network.

18 (2) Notice that the terms of the transportation network  
19 company driver's own automobile insurance policy might not  
20 provide any coverage while the driver is logged on to the  
21 digital network and available to receive transportation  
22 requests or is engaged in a prearranged ride.

23 (3) If a transportation network company driver does not  
24 have the type of policy required under section 2603.1  
25 (relating to financial responsibility requirements), notice  
26 that the transportation network company will provide all  
27 required insurance.

28 (4) The accident protocol required under section 2605(b)  
29 (relating to transportation network company drivers).

30 (5) Notice of lienholder requirements under section

1 2604.5 (relating to lienholder requirements).

2 (6) Notice that the driver must notify the following:

3 (i) The driver's auto insurance company that the  
4 driver will be using the vehicle to provide services  
5 under this chapter.

6 (ii) If the driver will not be using a vehicle owned  
7 AND INSURED by the driver, the disclosures under <--  
8 paragraphs (b) (1), (2) and (3) shall be provided to the  
9 POLICYHOLDER AND TO THE owner of the vehicle. <--

10 § 2604. Service standards and requirements.

11 (a) Requirements for transportation network companies. <--

12 ~~(1) A transportation network company may not operate in~~  
13 COMPANIES.--A TRANSPORTATION NETWORK COMPANY MAY NOT OPERATE <--  
14 IN this Commonwealth unless it holds and maintains a license  
15 issued by the commission.

16 ~~(2) A license under this chapter shall not act as a~~ <--

17 (B) CERTIFICATE OF PUBLIC CONVENIENCE.--A LICENSE UNDER THIS <--

18 CHAPTER SHALL NOT ACT AS A certificate of public convenience  
19 under Chapter 11 (relating to certificates of public  
20 convenience). The commission shall provide for all licensure  
21 regulation, policies and orders necessary to regulate  
22 transportation network services under this chapter and to  
23 enforce the provisions of this chapter, including all of the  
24 following:

25 ~~(i) Rights, privileges and duties of transportation~~ <--

26 (1) RIGHTS, PRIVILEGES AND DUTIES OF TRANSPORTATION <--  
27 network companies and drivers.

28 ~~(ii) Suspension, revocation or renewal requirements~~ <--

29 (2) SUSPENSION, REVOCATION OR RENEWAL REQUIREMENTS for <--  
30 transportation network companies.

1 ~~(iii) Conditions on a license necessary to ensure~~ <--

2 (3) CONDITIONS ON A LICENSE NECESSARY TO ENSURE <--

3 compliance with this chapter and the laws of this

4 Commonwealth.

5 ~~(iv) Regulations and orders relating to procedures~~ <--

6 (4) REGULATIONS AND ORDERS RELATING TO PROCEDURES for <--

7 customers to file complaints with the commission.

8 ~~(b) Motor carriers. A motor carrier that provides call and~~ <--

9 ~~demand services in accordance with a certificate of public~~

10 ~~convenience may apply to the commission to obtain a license to~~

11 ~~provide transportation network services in accordance with~~

12 ~~regulations and orders of the commission. The license shall~~

13 ~~authorize the motor carrier to dispatch either a call and demand~~

14 ~~vehicle or driver to provide service in its authorized service~~

15 ~~territory.~~

16 (5) REGULATIONS AND ORDERS ADOPTED BY THE COMMISSION <--

17 RELATING TO ACCESSIBILITY FOR INDIVIDUALS WITH MENTAL OR

18 PHYSICAL DISABILITIES.

19 § 2604.1. Licensure requirements.

20 (a) Application.--An application for a license under this

21 chapter must be made to the commission in writing, be verified

22 by oath or affirmation of an officer of the applicant and be in

23 a form and contain information required by the commission,

24 including the following:

25 (1) Proof that the transportation network company is

26 ~~licensed~~ REGISTERED WITH THE DEPARTMENT OF STATE to do <--

27 business in this Commonwealth.

28 (2) Proof that the transportation network company

29 maintains a registered agent in this Commonwealth.

30 (3) Proof that the transportation network company

1 maintains a website that includes the information required  
2 under subsection (b) (10).

3 (4) Proof that the transportation network company has  
4 secured the insurance policies required under and otherwise  
5 complied with section 2603.1 (relating to financial  
6 responsibility requirements) in the form of a certificate of  
7 insurance.

8 (5) A license shall be issued to a transportation  
9 network company applicant if the commission determines that  
10 the applicant will comply with this chapter and any  
11 conditions imposed by the commission and meets all the  
12 requirements of subsection (b). The commission may impose  
13 conditions that are reasonably related to a licensee's  
14 obligations as set forth in this chapter.

15 (6) Proof that the transportation network company meets  
16 all the requirements of subsection (b).

17 (b) Requirements.--An applicant seeking a license under this  
18 section must do all of the following as a condition of receipt  
19 and maintenance of a license:

20 (1) Establish and maintain the following:

21 (i) An agent for service of process in this  
22 Commonwealth.

23 (ii) A website that provides a customer service  
24 telephone number or e-mail address of the transportation  
25 network company and the telephone number and e-mail  
26 address of the commission.

27 (iii) Records required under this chapter at a  
28 location within this Commonwealth and make them available  
29 for inspection by the commission upon request as  
30 necessary for the commission to investigate complaints.

1           (2) Maintain accurate records of each transportation  
2 network company driver providing transportation network  
3 services and the vehicles used to provide the service for no  
4 less than three years or for another period as determined by  
5 the commission. Records retained under this paragraph must  
6 include:

7           (i) Current personal automobile insurance  
8 information.

9           (ii) Criminal history records checks.

10          (iii) Driving record checks.

11          (iv) Vehicle registration and proof of vehicle  
12 inspections.

13          (v) Records of consumer complaints.

14          (vi) Records of suspension or deactivation of  
15 drivers.

16          (vii) Records of disclosures required to be provided  
17 to drivers under this chapter.

18          (3) Maintain vehicle records, including the make, model  
19 and license plate number of each personal vehicle used by a  
20 transportation network company driver to provide  
21 transportation network service.

22          (4) Implement a zero-tolerance policy on the use of  
23 drugs or alcohol while a transportation network company  
24 driver provides transportation network service. A  
25 transportation network company driver who is the subject of a  
26 reasonable passenger complaint alleging a violation of the  
27 zero-tolerance policy shall be immediately suspended. The  
28 suspension shall last until the time the complaint  
29 investigation is complete. The following information shall be  
30 provided on a transportation network company's publicly

1 accessible Internet website:

2 (i) Notice of the zero-tolerance policy.

3 (ii) Procedures to report a complaint about a  
4 transportation network company driver with whom the  
5 passenger was matched and whom the passenger reasonably  
6 suspects was under the influence of drugs or alcohol  
7 during the course of the ride.

8 (5) Obtain and review, prior to permitting a person to  
9 act as a transportation network company driver on its digital  
10 network, a background check report that includes a source  
11 review of Federal and State criminal history background  
12 checks. The transportation network company shall disqualify  
13 an applicant convicted of certain crimes in accordance with  
14 the following:

15 (i) An applicant convicted of any of the following  
16 within the preceding seven years:

17 (A) Driving under the influence of drugs or  
18 alcohol.

19 (B) A felony conviction involving theft.

20 (C) A felony conviction for fraud.

21 (D) A felony conviction for a violation of the  
22 act of April 14, 1972 (P.L.233, No.64), known as The  
23 Controlled Substance, Drug, Device and Cosmetic Act.

24 (ii) The applicant has been convicted of any of the  
25 following at any time:

26 (A) A sexual offense under 42 Pa.C.S. §  
27 9799.14(c) or (d) (relating to sexual offenses and  
28 tier system) ~~or a comparable military offense or~~  
29 similar offense under the laws of another  
30 jurisdiction or under a former law of this

<--

1 Commonwealth.

2 (B) Use of a motor vehicle to commit a felony.

3 (C) Burglary or robbery.

4 (D) A crime of violence as defined in 18 Pa.C.S.

5 § 5702 (relating to definitions).

6 (E) An act of terror.

7 (6) Obtain and review, prior to permitting a person to  
8 act as a transportation network company driver on its digital  
9 network, a driving history report for the person from the  
10 Department of Transportation and other relevant sources. A  
11 person with more than three moving violations in the three-  
12 year period prior to the check or a major violation in the  
13 three-year period prior to the check may not be a  
14 transportation network company driver. A transportation  
15 network company shall review the driving history report of  
16 each transportation network company driver not less than  
17 every third year that a driver is acting as a transportation  
18 network company driver. The Department of Transportation  
19 shall provide driving records to transportation network  
20 companies or the company's designated agent.

21 (7) Establish a driver training program designed to  
22 ensure that each driver understands safety and driving  
23 requirements. The program shall be administered prior to the  
24 driver being permitted to offer transportation network  
25 services through the transportation network company's  
26 platform. The program may be provided online.

27 (8) Display, on the digital network, a picture of the  
28 transportation network company driver and a description of  
29 the individual's vehicle used in providing transportation  
30 network service, including the make, model and license plate

1 number of the vehicle.

2 (9) Maintain insurance as required under section 2603.1  
3 as memorialized by the filing of the appropriate CERTIFICATES <--  
4 OF insurance ~~certifications~~ with the commission. <--

5 (10) Establish and maintain a publicly accessible  
6 Internet website that provides:

7 (i) A customer service telephone number or e-mail  
8 address.

9 (ii) The telephone number to file a consumer  
10 complaint with the commission.

11 (11) Comply with the commission's regulations and orders  
12 regarding the reporting of motor carrier accidents for any  
13 accidents involving a personal vehicle. Accident reports  
14 shall be maintained for a period of three years from the date  
15 of the accident.

16 (12) Maintain verifiable records regarding its  
17 operations and obligations under this chapter for a minimum  
18 period of three years or as may be required by the commission  
19 by regulation or order.

20 (13) Provide written notice to a driver of the scope and  
21 levels of insurance coverage required under section 2603.1.

22 (14) Provide to transportation network company drivers a  
23 placard or decal for the vehicle that has been approved by  
24 the commission. The decal shall be displayed at any time the  
25 driver anticipates offering or is providing a prearranged  
26 ride under this chapter.

27 § 2604.2. Records.

28 The commission shall be authorized to inspect, audit and  
29 investigate any books, records and facilities of the  
30 transportation network company and any affiliated entities as

1 necessary to ensure compliance with this chapter. Documents or  
2 records marked as confidential will be treated according to the  
3 commission's practices and regulations regarding confidential  
4 and trade secret information. Information disclosed to the  
5 commission under this chapter shall be exempt from disclosure to  
6 a third person, including through a request submitted under the  
7 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-  
8 Know Law.

9 § 2604.3. Discrimination in service.

10 (A) GENERAL.--Where services are offered, a transportation <--  
11 network company must take reasonable steps to ensure that the  
12 service provided by each transportation network company driver  
13 who utilizes the digital network is safe, reasonable and  
14 adequate. A transportation network company may not unlawfully  
15 discriminate against a prospective passenger or unlawfully  
16 refuse to provide service to a certain class of passengers or  
17 certain localities.

18 (B) DISABLED INDIVIDUALS.--EACH LICENSED TRANSPORTATION <--  
19 NETWORK COMPANY MUST:

20 (1) ADOPT A POLICY OF NONDISCRIMINATION REGARDING  
21 INDIVIDUALS WITH PHYSICAL OR MENTAL DISABILITIES IN  
22 ACCORDANCE WITH THIS SUBSECTION. THE FOLLOWING INFORMATION  
23 SHALL BE PROVIDED ON THE TRANSPORTATION NETWORK COMPANY'S  
24 PUBLICLY ACCESSIBLE INTERNET WEBSITE:

25 (I) NOTICE OF THE NONDISCRIMINATION POLICY.

26 (II) PROCEDURES TO REPORT A COMPLAINT TO THE  
27 AUTHORITY ABOUT A TRANSPORTATION NETWORK COMPANY DRIVER'S  
28 ALLEGED VIOLATION OF THIS SUBSECTION.

29 (2) A TRANSPORTATION NETWORK COMPANY DRIVER MUST  
30 TRANSPORT A SERVICE ANIMAL WHEN ACCOMPANYING A PASSENGER WITH

1 A PHYSICAL OR MENTAL DISABILITY FOR NO ADDITIONAL CHARGE  
2 UNLESS THE TRANSPORTATION NETWORK COMPANY DRIVER HAS A  
3 DOCUMENTED MEDICAL ALLERGY ON FILE WITH THE TRANSPORTATION  
4 NETWORK COMPANY.

5 (3) A TRANSPORTATION NETWORK COMPANY MAY NOT IMPOSE  
6 ADDITIONAL CHARGES FOR SERVICE TO AN INDIVIDUAL WITH A  
7 PHYSICAL OR MENTAL DISABILITY.

8 (4) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE  
9 PASSENGERS WITH PHYSICAL OR MENTAL DISABILITIES REQUIRING THE  
10 USE OF MOBILITY EQUIPMENT AN OPPORTUNITY TO INDICATE ON ITS  
11 DIGITAL NETWORK WHETHER THEY REQUIRE A WHEELCHAIR ACCESSIBLE  
12 VEHICLE. A TRANSPORTATION NETWORK COMPANY OR AN AFFILIATED  
13 ENTITY MUST FACILITATE TRANSPORTATION SERVICE FOR PASSENGERS  
14 WHO REQUIRE A WHEELCHAIR-ACCESSIBLE VEHICLE BY DOING ONE OF  
15 THE FOLLOWING:

16 (I) CONNECTING THE PASSENGER TO AN AVAILABLE  
17 TRANSPORTATION NETWORK COMPANY DRIVER OR OTHER DRIVER  
18 OPERATING A WHEELCHAIR-ACCESSIBLE VEHICLE; OR

19 (II) DIRECTING THE PASSENGER TO A HOLDER OF A  
20 CERTIFICATE OF PUBLIC CONVENIENCE ISSUED BY THE  
21 COMMISSION OR THE AUTHORITY TO PROVIDE CALL OR DEMAND  
22 SERVICE WITH THE ABILITY TO DISPATCH WHEELCHAIR-  
23 ACCESSIBLE VEHICLE TO THE PASSENGER.

24 § 2604.4. Dual motor ~~carriers~~ CARRIER AUTHORITY. <--

25 A DUAL motor carrier that provides call and demand service <--  
26 under a certificate of public convenience and that has obtained  
27 a license from the commission to provide transportation network  
28 service may dispatch either a call and demand vehicle or a  
29 personal vehicle driven by a transportation network company  
30 driver to provide service in its authorized service territory.

1 § 2604.5. Lienholder requirements.

2 If the vehicle utilized by a transportation network company  
3 driver is subject to a lien and the lienholder requires  
4 comprehensive and collision insurance in the lien agreement, the  
5 transportation network company shall notify REQUIRE the driver <--  
6 that using the vehicle to provide transportation network service <--  
7 may violate the terms of the contract with the lienholder. TO <--  
8 PROVIDE AN AFFIDAVIT THAT AFFIRMS THAT THE DRIVER HAS THE  
9 COMPREHENSIVE AND COLLISION INSURANCE REQUIRED BY THE  
10 LIENHOLDER. THE AFFIDAVIT MUST BE UPDATED ON AN ANNUAL BASIS.  
11 THE TRANSPORTATION NETWORK COMPANY SHALL NOTIFY DRIVERS IN  
12 WRITING WHETHER IT IS PROVIDING COMPREHENSIVE AND COLLISION  
13 COVERAGE DURING SERVICE.

14 § 2605. Transportation network company drivers.

15 (a) Separate licenses prohibited.--A separate license may  
16 not be required for a transportation network company driver to  
17 provide transportation network service by an approved  
18 transportation network company. Except as otherwise specifically  
19 provided, a transportation network company driver shall not be  
20 subject to other chapters in this title or 53 Pa.C.S. (relating  
21 to municipalities generally).

22 (b) Requirements for transportation network company  
23 drivers.--A transportation network company driver must:

24 (1) Be at least 21 years of age.

25 (2) Submit to a criminal history record check and an  
26 appropriate driving history record check as specified in  
27 section 2604.1 (relating to licensure requirements).

28 (3) Possess a valid driver's license and proof of the  
29 driver's motor vehicle insurance.

30 (4) Carry proof, either a paper copy or electronic copy,

1 of the transportation network company's liability insurance  
2 required under section 2603.1(b) (relating to financial  
3 responsibility requirements) for any vehicle used by the  
4 driver.

5 (5) In the case of an accident:

6 (i) Provide the insurance coverage information  
7 required under paragraph (4) to any other party involved  
8 in the accident and, if applicable, to the law  
9 enforcement officer who responds to the scene of the  
10 accident.

11 (ii) Report the accident to the transportation  
12 network company.

13 (iii) Report the accident to the following:

14 (A) the transportation network company driver's  
15 personal automobile insurer IF REQUIRED BY THE <--  
16 DRIVER'S POLICY;

17 (B) the owner of the automobile if the driver is  
18 not the owner of the automobile; and

19 (C) the insurer providing insurance required  
20 under section 2603.1.

21 (6) Notify the transportation network company  
22 immediately upon conviction for any offense listed under  
23 section 2604.1(b) (6) or (7) which would disqualify the  
24 transportation network company driver from being eligible to  
25 provide transportation network service.

26 (7) Only accept a ride arranged through a digital  
27 network and not solicit or accept street hails or telephone  
28 calls requesting transportation network service.

29 (8) Display a removable placard or decal provided by the  
30 transportation network company that has been approved by the

1 commission on the automobile at any time the driver  
2 anticipates offering or is offering or providing a  
3 prearranged ride under this chapter.

4 (c) Driver verification.--

5 (1) A driver shall provide affirmation to the  
6 transportation network company of the following:

7 (i) That the driver is the owner or authorized user  
8 of the vehicle.

9 (ii) That the driver has notified the driver's  
10 personal insurance company that the driver will be using  
11 the vehicle to provide transportation network services to  
12 the public for compensation.

13 (iii) If the driver will not be using a vehicle  
14 owned by the driver, that the driver has notified the  
15 owner of the vehicle.

16 (iv) That the driver has received notification of  
17 all requirements under subsection (b) and has complied  
18 with those requirements.

19 (2) The affirmation required under paragraph (1) may be  
20 in a written or an electronic form and SHALL include the <--  
21 driver's signature.

22 § 2606. Personal vehicle requirements.

23 (a) Authorized vehicles.--Vehicles used by a transportation  
24 network company driver to provide transportation network company  
25 service may be a coupe, sedan or other light-duty vehicle,  
26 including a van, minivan, sport utility vehicle, hatchback,  
27 convertible or pickup truck that is equipped and licensed for  
28 use on a public highway. At no time may a vehicle used to  
29 provide transportation network service transport a greater  
30 number of individuals, including the driver, than the number of

1 seat belts factory installed in the vehicle.

2 (b) Vehicle requirements.--No vehicle being used to provide  
3 transportation network service may be older than 10 model years  
4 old or 12 model years if the vehicle is an alternative fuel  
5 vehicle as defined in section 2 of the act of November 29, 2004  
6 (P.L.1376, No.178), known as the Alternative Fuels Incentive  
7 Act, and has been driven no more than 350,000 miles. The  
8 commission may adjust the requirements of this subsection by  
9 regulation or order. All vehicles shall be marked as required by  
10 the commission's regulations or orders when providing  
11 transportation network service. The use of placards, or other  
12 distinguishable markings, clearly visible from the outside of  
13 the vehicle shall be acceptable.

14 (c) Inspections required.--

15 (1) An annual certificate of inspection UNDER 75 PA.C.S. <--  
16 CH. 47 (RELATING TO INSPECTION OF VEHICLES) must be obtained  
17 from an inspection station approved by the Department of  
18 Transportation under 67 Pa. Code Ch. 175 (relating to vehicle  
19 equipment and inspection) for each personal vehicle. A valid  
20 certificate of inspection shall be maintained in all  
21 vehicles. For a vehicle registered outside this Commonwealth,  
22 proof of inspection must be obtained from the Department of  
23 Transportation or from the appropriate agency in the state in  
24 which the vehicle is inspected.

25 (2) The transportation network company shall ensure that  
26 its drivers' vehicles remain in continuous compliance with  
27 this section and the commission's vehicle standards and are  
28 subject to periodic inspections according to Department of  
29 Transportation inspection standards.

30 (3) A commission officer may inspect a personal vehicle

1 if there is reason to believe that the vehicle is not in  
2 compliance with the commission's vehicle standards to ensure  
3 compliance with this section.

4 § 2607. Rates and forms of compensation.

5 (a) Passenger receipt.--Upon completion of transportation  
6 under this chapter, each transportation network company shall  
7 transmit an electronic receipt to the passenger's e-mail address  
8 or account on a digital network documenting:

9 (1) The origination, destination, mileage and time  
10 estimated of the trip.

11 (2) The driver's first name.

12 (3) The total amount paid, if any.

13 (b) Tariff and fares.--A transportation network company  
14 shall file and maintain with the commission a tariff that sets  
15 forth the terms and conditions of service, OR, IN A CITY OF THE <--  
16 FIRST CLASS, WITH THE PARKING AUTHORITY OF A CITY OF THE FIRST  
17 CLASS, including the basis for its fares and its policies  
18 regarding surge pricing. A transportation network company may  
19 offer transportation network service at no charge, suggest a  
20 donation or charge a fare. If a fare is charged, a  
21 transportation network company must disclose the fare  
22 calculation method prior to providing an arranged ride.

23 (c) Estimates.--The transportation network company must  
24 provide estimates upon request for the cost of a trip.

25 (d) Limitation.--When a state of disaster emergency is  
26 declared under 35 Pa.C.S. § 7301 (relating to general authority  
27 of Governor), pricing for a transportation network service  
28 within the geographic region that is the subject of the  
29 declaration must comply with the act of October 31, 2006  
30 (P.L.1210, No.133), known as the Price Gouging Act.

1 (e) Review.--The amount of a donation, charge, fare or other  
2 compensation provided or received for transportation network  
3 service shall not be subject to review or approval by the  
4 commission under Chapter 13 (relating to rates and distribution  
5 systems).

6 § 2608. Nondisclosure of passenger information.

7 A transportation network company shall not disclose to a  
8 third party any personally identifiable or financial information  
9 of a transportation network company passenger unless one of the  
10 following applies:

11 (1) The customer knowingly consents.

12 (2) The information is disclosed under subpoena, court  
13 order or other legal obligation.

14 (3) The disclosure is to the commission in the context  
15 of an investigation regarding a complaint filed with the  
16 commission against a transportation network company and the  
17 commission treats the information as proprietary and  
18 confidential.

19 (4) The disclosure is required to protect or defend the  
20 terms of use of the service or to investigate violations of  
21 those terms. In addition to the foregoing, a transportation  
22 network company shall be permitted to share a passenger's  
23 name or telephone number with the transportation network  
24 company driver providing transportation network company  
25 service to the passenger in order to facilitate correct <--  
26 identification of the passenger by the transportation network  
27 company driver or to facilitate communication between the  
28 passenger and the transportation network company driver.

29 SERVICE TO THE PASSENGER IN ORDER TO: <--

30 (I) FACILITATE CORRECT IDENTIFICATION OF THE

1 PASSENGER BY THE TRANSPORTATION NETWORK COMPANY DRIVER;

2 OR

3 (II) TO FACILITATE COMMUNICATION BETWEEN THE  
4 PASSENGER AND THE TRANSPORTATION NETWORK COMPANY DRIVER.

5 § 2609. Fines and penalties.

6 (A) IMPOSITION.--The commission may, after notice and <--  
7 opportunity to be heard, impose civil fines, penalties, license  
8 suspensions and revocations and other appropriate remedies for  
9 violations of this chapter and commission regulations and  
10 orders. THE COMMISSION SHALL ADOPT A SCHEDULE OF PENALTIES TO BE <--  
11 IMPOSED FOR SPECIFIC VIOLATIONS, INCLUDING MULTIPLE VIOLATIONS.  
12 THE SCHEDULE SHALL DELINEATE THOSE OFFENSES DEEMED TO BE SERIOUS  
13 AND APPROPRIATE PENALTIES.

14 (B) DISQUALIFICATION.--IF A DRIVER COMMITS FIVE OR MORE  
15 VIOLATIONS UNDER THIS TITLE OR A CRIMINAL OFFENSE AFTER THE  
16 EFFECTIVE DATE OF THIS SECTION, THE COMMISSION MAY DIRECT THE  
17 TRANSPORTATION NETWORK COMPANY TO DISQUALIFY THE DRIVER FROM  
18 BEING A TRANSPORTATION NETWORK COMPANY DRIVER. THE COMMISSION  
19 MAY ADOPT REGULATIONS TO ALLOW FOR THE REINSTATEMENT OF A DRIVER  
20 FOLLOWING AN APPROPRIATE DISQUALIFICATION PERIOD AND COMPLIANCE  
21 WITH ANY CONDITIONS IMPOSED BY THE COMMISSION.

22 § 2610. Commission costs.

23 The program costs for commission implementation and  
24 enforcement of this chapter shall be included in the  
25 commission's proposed budget and shall be assessed upon  
26 transportation network companies in accordance with section 510  
27 (relating to assessment for regulatory expenses upon public  
28 utilities). For the purposes of section 510 only, the definition  
29 of public utility shall include a transportation network company  
30 and, for purposes of assessment only, may be grouped with other

1 utilities furnishing the same kind of service. The  
2 transportation network company shall report annually to the  
3 commission the gross intrastate receipts derived from all fares  
4 charged to customers for the provision of transportation network  
5 service regardless of the entity that collects the revenues.  
6 Gross intrastate receipts under this section shall also NOT <--  
7 include amounts paid to ASSESSED BY a parking authority in a <--  
8 city of the first class under section 2611(e) 2611(D) (relating <--  
9 to city of the first class).

10 § 2611. City of the first class.

11 (a) Authority. Beginning 30 days after the effective date <--  
12 of this section, transportation network companies that have been  
13 licensed by the commission may operate in a city of the first  
14 class.

15 (b) Enforcement. The parking authority of the city of the  
16 first class shall enforce the following provisions relating to  
17 transportation network company drivers providing rides that  
18 originate in the city of the first class:

19 (1) Driving without a valid driver's license and proof  
20 of motor vehicle insurance as required under section 2605(b)  
21 (3) (relating to transportation network company drivers).

22 (2) Failure to carry proof of the transportation network  
23 company's liability insurance under section 2605(b) (4).

24 (3) Failure to report an accident in accordance with  
25 section 2605(b) (5).

26 (4) A violation of section 2605(b) (7).

27 (5) Failure to display a placard or decal under section  
28 2605(b) (8).

29 (6) A violation of section 2605.

30 (7) Failure to comply with inspection requirements under

1 ~~75 Pa.C.S. Ch. 47 Subch. A (relating to inspection~~  
2 ~~requirements).~~

3 ~~(8) A violation of subsection (g).~~

4 ~~(c) Regulations. The parking authority of the city of the~~  
5 ~~first class may adopt regulations relating to enforcement under~~  
6 ~~subsection (b). The regulations shall apply to trips originating~~  
7 ~~in a city of the first class and not exceed the provisions of~~  
8 ~~this section regarding duties and responsibilities of the~~  
9 ~~transportation network company, its drivers or vehicles utilized~~  
10 ~~by transportation network company drivers.~~

11 ~~(d) Report of violations. If the parking authority of the~~  
12 ~~city of the first class determines that violations by the~~  
13 ~~transportation network company have occurred, the authority may~~  
14 ~~file a complaint with the commission relating to violations of~~  
15 ~~transportation network company license requirements under this~~  
16 ~~chapter.~~

17 (A) AUTHORITY.--A TRANSPORTATION NETWORK COMPANY THAT HAS <--  
18 BEEN LICENSED BY THE COMMISSION MAY APPLY TO THE PARKING  
19 AUTHORITY OF A CITY OF THE FIRST CLASS FOR A CERTIFICATE TO  
20 OPERATE IN THE CITY OF THE FIRST CLASS. THE CERTIFICATE SHALL BE  
21 GRANTED TO THE TRANSPORTATION NETWORK COMPANY WITHIN 90 DAYS IF  
22 THE PARKING AUTHORITY DETERMINES THAT THE TRANSPORTATION NETWORK  
23 COMPANY IS IN COMPLIANCE WITH THE FOLLOWING:

24 (1) SECTION 2603.1 (RELATING TO FINANCIAL RESPONSIBILITY  
25 REQUIREMENTS).

26 (2) SECTION 2603.2 (RELATING TO DISCLOSURES).

27 (3) SECTION 2604 (RELATING TO SERVICE STANDARDS AND  
28 REQUIREMENTS).

29 (4) SECTION 2604.1 (RELATING TO LICENSURE REQUIREMENTS).

30 (5) SECTION 2604.3 (RELATING TO DISCRIMINATION IN

1 SERVICE).

2 (6) SECTION 2604.4 (RELATING TO DUAL MOTOR CARRIERS).

3 (7) SECTION 2604.5 (RELATING TO LIENHOLDER  
4 REQUIREMENTS).

5 (8) SECTION 2605 (RELATING TO TRANSPORTATION NETWORK  
6 COMPANY DRIVERS).

7 (9) SECTION 2606 (RELATING TO PERSONAL VEHICLE  
8 REQUIREMENTS).

9 (10) SECTION 2607 (RELATING TO RATES AND FORMS OF  
10 COMPENSATION).

11 (11) SECTION 2608 (RELATING TO NONDISCLOSURE OF  
12 PASSENGER INFORMATION).

13 (B) REGULATIONS.--THE PARKING AUTHORITY OF THE CITY OF THE  
14 FIRST CLASS MAY ADOPT REASONABLE REGULATIONS RELATING TO  
15 ENFORCEMENT UNDER THIS SECTION THAT DO NOT IMPOSE ADDITIONAL  
16 BURDENS ON THE TRANSPORTATION NETWORK COMPANY THAN THOSE IMPOSED  
17 BY THE COMMISSION ON TRANSPORTATION NETWORK COMPANY VEHICLES  
18 OUTSIDE THE CITY OF THE FIRST CLASS.

19 (C) ACCESSIBILITY.--A TRANSPORTATION NETWORK COMPANY THAT  
20 HOLDS A CERTIFICATE FROM A PARKING AUTHORITY OF A CITY OF THE  
21 FIRST CLASS SHALL COMPLY WITH SECTION 2604.3.

22 ~~(e)~~ (D) Assessment.--A transportation network company <--  
23 operating in a city of the first class shall pay to that city's  
24 parking authority an amount equal to ~~0.5%~~ 1% of the actual <--  
25 amount charged to all passengers for prearranged rides that  
26 originate in the city of the first class. The amount assessed  
27 shall be remitted on a quarterly basis. AND DEPOSITED INTO A <--  
28 SPECIAL ACCOUNT IN THE STATE TREASURY. THE TREASURER SHALL  
29 ANNUALLY DISTRIBUTE 66.67% TO A SCHOOL DISTRICT OF THE FIRST  
30 CLASS AND 33.33% TO THE PARKING AUTHORITY OF THE CITY OF THE

1 FIRST CLASS. Revenues of the transportation network company FOR <--  
2 PREARRANGED RIDES IN A CITY OF THE FIRST CLASS shall not be part  
3 of the commission's assessment under section 2610 (relating to  
4 commission costs).

5 ~~(f)~~ (E) Reporting.--Each transportation network company that <--  
6 collects money under subsection ~~(e)~~ (D) shall report to the <--  
7 parking authority of the city of the first class on a quarterly  
8 basis all amounts collected and remitted to the parking  
9 authority. The initial report shall be transmitted no later than  
10 March 30, 2016, and every March 30 quadrennially thereafter.

11 ~~(g)~~ (F) Prohibition.--A transportation network company <--  
12 driver operating in a city of the first class shall not solicit  
13 or accept a prearranged ride at any of the following locations:

14 (1) A designated taxi stand, no stopping or standing  
15 zone or other area where a personal vehicle may not enter at  
16 an international airport owned by the city of the first class  
17 and located in whole or in part in the city of the first  
18 class.

19 (2) A designated taxi stand, no stopping or standing  
20 zone or other area where a personal vehicle may not enter at  
21 a train station owned by AMTRAK located in the city of the  
22 first class.

23 (3) Organized lines of taxis at hotels utilized to  
24 provide services to patrons and visitors at the hotel.

25 ~~(h)~~ (G) Penalties and enforcement.--The following shall <--  
26 apply:

27 (1) If the Philadelphia Parking Authority PARKING <--  
28 AUTHORITY OF A CITY OF THE FIRST CLASS has evidence that the  
29 appropriate assessment amount is not being remitted under  
30 subsection ~~(e)~~ (D), it shall file a complaint with the <--

~~1 commission. The commission shall investigate the matter and  
2 determine if the appropriate amount was transmitted.~~

~~3 (2) A driver found by the parking authority to be in  
4 violation of this section shall be subject to a fine of not  
5 more than \$500 per occurrence for a first or second offense  
6 and not more than \$1,000 for a third or subsequent offense.~~

~~7 (3) For a third or subsequent offense, the matter shall <--  
8 be referred to the transportation network company. If the  
9 transportation network company does not remove the offender's  
10 authorization to be a transportation network company driver,  
11 the parking authority may file a complaint with the  
12 commission.~~

~~13 (4) The parking authority of a city of the first class  
14 may confiscate a personal vehicle if the vehicle is used to  
15 provide passenger motor carrier services in violation of  
16 section 2605(b)(7) or (8). The vehicle may be returned to the  
17 registered owner upon satisfaction of all civil penalties  
18 imposed against the driver of a confiscated vehicle and  
19 payment of the costs of the authority. Failure to pay fines,  
20 penalties and costs may result in forfeiture and sale of the  
21 vehicle, after notice and hearing.~~

~~22 (3) IF A DRIVER COMMITS FIVE OR MORE VIOLATIONS OF THIS <--  
23 TITLE OR A CRIMINAL OFFENSE, THE AUTHORITY MAY ISSUE AN ORDER  
24 TO THE TRANSPORTATION NETWORK COMPANY REQUIRING  
25 DISQUALIFICATION OF THE DRIVER FROM BEING A TRANSPORTATION  
26 NETWORK COMPANY DRIVER. THE AUTHORITY MAY ADOPT REGULATIONS  
27 TO ALLOW REINSTATEMENT OF A DRIVER FOLLOWING AN APPROPRIATE  
28 SUSPENSION PERIOD AND COMPLIANCE WITH ANY CONDITIONS IMPOSED  
29 BY THE AUTHORITY. THE AUTHORITY MAY ONLY CONFISCATE THE  
30 VEHICLE OF A DRIVER WHO CONTINUES TO PROVIDE TRANSPORTATION~~

1        NETWORK COMPANY SERVICE WHILE DISQUALIFIED OR FOLLOWING  
2        SUSPENSION OR REVOCATION OF A TRANSPORTATION NETWORK  
3        COMPANY'S LICENSE.

4        Section 6. The definition of "bus" in section 102 of Title  
5        75 is amended to read:

6        § 102. Definitions.

7        Subject to additional definitions contained in subsequent  
8        provisions of this title which are applicable to specific  
9        provisions of this title, the following words and phrases when  
10       used in this title shall have, unless the context clearly  
11       indicates otherwise, the meanings given to them in this section:

12       \* \* \*

13       "Bus."

14            (1) a motor vehicle designed to transport 16 or more  
15       passengers, including the driver; or

16            (2) a motor vehicle, other than a taxicab [or],  
17       limousine or personal vehicle as defined in 66 Pa.C.S. § 102  
18       (relating to definitions), designed to transport not more  
19       than 15 passengers, including the driver, and used for the  
20       transportation of persons for compensation.

21       The term does not include a vehicle used in a ridesharing  
22       arrangement, as defined in the act of December 14, 1982  
23       (P.L.1211, No.279), entitled "An act providing for ridesharing  
24       arrangements and providing that certain laws shall be  
25       inapplicable to ridesharing arrangements," or a school bus.

26       \* \* \*

27       Section 7. All acts and parts of acts are repealed insofar  
28       as they are inconsistent with the addition of 66 Pa.C.S. Ch. 26.

29       Section 8. This act shall take effect in 60 days.