

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 851 Session of
1989INTRODUCED BY SALVATORE, FUMO, TILGHMAN, ROCKS, FATTAH, WILLIAMS
AND JONES, APRIL 25, 1989

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 17, 1989

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing for the regulation of
3 taxicabs in first class cities.

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

6 ~~Section 1. Title 66 of the Pennsylvania Consolidated~~ <—
7 ~~Statutes is amended by adding a chapter to read:~~

8 SECTION 1. SECTIONS 510(B) AND 1103(C) OF TITLE 66 OF THE <—
9 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

10 § 510. ASSESSMENT FOR REGULATORY EXPENSES UPON PUBLIC
11 UTILITIES.

12 * * *

13 (B) ALLOCATION OF ASSESSMENT.--ON OR BEFORE MARCH 31 OF EACH
14 YEAR, EVERY PUBLIC UTILITY SHALL FILE WITH THE COMMISSION A
15 STATEMENT UNDER OATH SHOWING ITS GROSS INTRASTATE OPERATING
16 REVENUES FOR THE PRECEDING CALENDAR YEAR. IF ANY PUBLIC UTILITY
17 SHALL FAIL TO FILE SUCH STATEMENT ON OR BEFORE MARCH 31, THE
18 COMMISSION SHALL ESTIMATE SUCH REVENUES, WHICH ESTIMATE SHALL BE

BINDING UPON THE PUBLIC UTILITY FOR THE PURPOSES OF THIS
SECTION. FOR EACH FISCAL YEAR, THE ALLOCATION SHALL BE MADE AS
FOLLOWS:

(1) THE COMMISSION SHALL DETERMINE FOR THE PRECEDING
CALENDAR YEAR THE AMOUNT OF ITS EXPENDITURES DIRECTLY
ATTRIBUTABLE TO THE REGULATION OF EACH GROUP OF UTILITIES
FURNISHING THE SAME KIND OF SERVICE, AND DEBIT THE AMOUNT SO
DETERMINED TO SUCH GROUP.

(2) THE COMMISSION SHALL ALSO DETERMINE FOR THE
PRECEDING CALENDAR YEAR THE BALANCE OF ITS EXPENDITURES, NOT
DEBITED AS AFORESAID, AND ALLOCATE SUCH BALANCE TO EACH GROUP
IN THE PROPORTION WHICH THE GROSS INTRASTATE OPERATING
REVENUES OF SUCH GROUP FOR THAT YEAR BEAR TO THE GROSS
INTRASTATE OPERATING REVENUES OF ALL GROUPS FOR THAT YEAR.

(3) THE COMMISSION SHALL THEN ALLOCATE THE TOTAL
ASSESSMENT PRESCRIBED BY SUBSECTION (A) TO EACH GROUP IN THE
PROPORTION WHICH THE SUM OF THE DEBITS MADE TO IT BEARS TO
THE SUM OF THE DEBITS MADE TO ALL GROUPS.

(4) EACH PUBLIC UTILITY WITHIN A GROUP SHALL THEN BE
ASSESSED FOR AND SHALL PAY TO THE COMMISSION SUCH PROPORTION
OF THE AMOUNT ALLOCATED TO ITS GROUP AS THE GROSS INTRASTATE
OPERATING REVENUES OF THE PUBLIC UTILITY FOR THE PRECEDING
CALENDAR YEAR BEAR TO THE TOTAL GROSS INTRASTATE OPERATING
REVENUES OF ITS GROUP FOR THAT YEAR.

(5) THE ASSESSMENT PROVIDED FOR IN THIS SECTION SHALL
NOT BE MADE AGAINST UTILITIES GOVERNED BY THE PROVISIONS OF
CHAPTER 24 (RELATING TO TAXICABS IN FIRST CLASS CITIES).

* * *

§ 1103. PROCEDURE TO OBTAIN CERTIFICATES OF PUBLIC CONVENIENCE.

* * *

(C) TAXICABS.--

(1) A CERTIFICATE OF PUBLIC CONVENIENCE TO PROVIDE TAXICAB SERVICE WITHIN CITIES OF THE FIRST CLASS SHALL BE GRANTED BY ORDER OF THE COMMISSION WITHOUT PROOF OF THE NEED FOR THE SERVICE IF THE COMMISSION FINDS OR DETERMINES THAT THE APPLICANT IS CAPABLE OF PROVIDING DEPENDABLE TAXICAB SERVICE TO THE PUBLIC ACCORDING TO THE RULES AND REGULATIONS OF THE COMMISSION.

(2) THE COMMISSION IS AUTHORIZED TO ISSUE A MAXIMUM OF [1,400] 1,600 CERTIFICATES OF PUBLIC CONVENIENCE FOR TAXI SERVICE IN ANY CITY OF THE FIRST CLASS UPON THE EFFECTIVE DATE OF THIS [SUBSECTION. EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, THE COMMISSION IS AUTHORIZED TO ISSUE IN ITS DISCRETION A MAXIMUM OF 1,700 CERTIFICATES OF PUBLIC CONVENIENCE FOR TAXI SERVICE IN ANY CITY OF THE FIRST CLASS. THIRTY MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, THE COMMISSION IS AUTHORIZED TO ISSUE IN ITS DISCRETION A MAXIMUM OF 2,000 CERTIFICATES OF PUBLIC CONVENIENCE FOR TAXI SERVICE IN ANY CITY OF THE FIRST CLASS] AMENDATORY ACT. UPON THE SECOND YEAR OF THE EFFECTIVE DATE OF THIS [SUBSECTION] AMENDATORY ACT, THE COMMISSION SHALL INSTITUTE A FORMAL INVESTIGATION ON THE FUTURE NEED FOR TAXI SERVICE IN ANY CITY OF THE FIRST CLASS. THE COMMISSION SHALL REPORT TO THE SENATE AND HOUSE CONSUMER AFFAIRS COMMITTEES ITS FINDINGS, CONCLUSIONS AND RECOMMENDATIONS.

(3) IT IS HEREBY DECLARED TO BE THE POLICY OF THE GENERAL ASSEMBLY TO REGULATE THE PROVISION OF TAXICAB SERVICE WITHIN CITIES OF THE FIRST CLASS IN SUCH A MANNER THAT ANY CERTIFICATE OF PUBLIC CONVENIENCE HEREINAFTER GRANTED BY ORDER OF THE COMMISSION SHALL, IN ADDITION TO ANY OTHER

1 CONDITIONS IMPOSED BY THE COMMISSION, REQUIRE THAT AT LEAST
2 40% OF SUCH TRIPS OF SUCH TAXICAB SERVICE SHALL BE DERIVED
3 FROM SUCH SERVICE PROVIDED TO AND FROM POINTS WITHIN SPECIFIC
4 GEOGRAPHICAL AREAS TO BE DETERMINED BY THE COMMISSION AS
5 BEING IN THE PUBLIC INTEREST. THE COMMISSION SHALL HAVE THE
6 POWER TO RESCIND OR REVOKE ANY CERTIFICATE OF PUBLIC
7 CONVENIENCE GRANTED TO ANY EXISTING HOLDER OR ANY NEW
8 RECIPIENT FOR THE OPERATION OF TAXICABS WITHIN A CITY OF THE
9 FIRST CLASS WHENEVER IT IS SHOWN THAT THE HOLDER OF THE
10 CERTIFICATE IS NOT OPERATING THE TAXICABS ON AN AVERAGE OF
11 50% OF THE TIME OVER ANY CONSECUTIVE THREE-MONTH PERIOD.

12 (4) THE COMMISSION SHALL HAVE THE AUTHORITY TO GRANT
13 IMMEDIATE TEMPORARY CERTIFICATES OF PUBLIC CONVENIENCE FOR
14 TAXICAB SERVICE IN CITIES OF THE FIRST CLASS. SUCH TEMPORARY
15 CERTIFICATES ARE SUBJECT TO FURTHER INVESTIGATION BEFORE A
16 PERMANENT CERTIFICATE SHALL BE GRANTED BY THE COMMISSION.

17 [(5) IN CITIES OF THE FIRST CLASS, ALL OPERATORS SHALL
18 UTILIZE THE SERVICES OF A CENTRALIZED DISPATCH SYSTEM
19 UTILIZING RADIO. ANY EXISTING HOLDER OR ANY NEW RECIPIENT OF
20 A CERTIFICATE OF PUBLIC CONVENIENCE FOR THE OPERATION OF
21 TAXICABS IN CITIES OF THE FIRST CLASS WHICH OWNS OR OPERATES
22 A CENTRALIZED RADIO DISPATCH SYSTEM SHALL MAKE SUCH SYSTEM
23 AVAILABLE TO ALL OTHER TAXICAB OPERATIONS FOR A REASONABLE
24 FEE AS DESCRIBED IN A TARIFF TO BE FILED WITH THE COMMISSION
25 FOR ITS REVIEW AND APPROVAL BUT WITH NO OBLIGATION TO USE ANY
26 SPECIFIC RADIO SYSTEM. IT IS MANDATORY, HOWEVER, THAT EVERY
27 TAXI OPERATED IN THE CITY BE LINKED TO A CENTRAL RADIO
28 SERVICE.]

29 (6) A MINIMUM OF 5% OF ALL CERTIFICATES OF PUBLIC
30 CONVENIENCE ISSUED UNDER THIS SUBSECTION IN CITIES OF THE

FIRST CLASS SHALL BE ISSUED TO MINORITY PERSONS OR TO
CORPORATIONS IN WHICH 51% OR MORE OF THE VOTING SHARES OR
INTEREST IN THE CORPORATION IS HELD BY MINORITY INDIVIDUALS.
FOR PURPOSES OF THIS PARAGRAPH, "MINORITY" SHALL DESCRIBE ONE
WHO IS BLACK, PUERTO RICAN, HISPANIC, AMERICAN INDIAN,
ESKIMO, ALEUT OR ORIENTAL.

(7) THE TRANSFER OF A CERTIFICATE OF PUBLIC CONVENIENCE,
BY ANY MEANS OR DEVICE, SHALL BE SUBJECT TO THE PRIOR
APPROVAL OF THE COMMISSION WHICH MAY, IN ITS SOLE OR PECULIAR
DISCRETION AS IT DEEMS APPROPRIATE, ATTACH SUCH CONDITIONS,
INCLUDING THE APPROPRIATE ALLOCATION OF PROCEEDS, AS IT MAY
FIND TO BE NECESSARY OR PROPER.

[(8) IN CITIES OF THE FIRST CLASS, ANY NEW HOLDER OF A
CERTIFICATE OF PUBLIC CONVENIENCE FOR THE OPERATION OF A
TAXICAB SHALL, PRIOR TO THE INITIAL OPERATION OF SUCH
TAXICAB, HAVE SUCH TAXICAB INSPECTED UNDER THE SUPERVISION OF
A STATE POLICE OFFICER AT THE EXPENSE OF THE HOLDER OF SUCH
CERTIFICATE. THE HOLDER OF SAID CERTIFICATE SHALL MAKE
PAYMENT OF SUCH EXPENSES AT THE TIME OF THE INSPECTION WITH A
CERTIFIED CHECK PAYABLE TO THE PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION.]

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SECTION 2. TITLE 66 IS AMENDED BY ADDING A CHAPTER TO READ:

CHAPTER 24

TAXICABS IN FIRST CLASS CITIES

Sec.

2401. Definitions.

2402. Medallion system created.

2403. Property and licensing rights.

2404. Certificate and medallion required.

1 2405. Contested complaints.
2 2406. Reissuance of medallion.
3 2407. Additional certificates and medallions.
4 2408. Restrictions.
5 2409. Driver licensing program.
6 2410. Wages.
7 2411. Centralized dispatcher.
8 2412. Regulations.
9 2413. Enforcement.
10 2414. Budgets and fees.
11 2415. ~~Applicability~~ PENALTIES.
12 2416. APPLICABILITY.
13 § 2401. Definitions.

←

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

17 "First Class City Taxicab Regulatory Fund" or "Fund." A fund
18 administered by the commission to which all moneys collected
19 pursuant to the requirements of this chapter shall be deposited
20 and from which all expenses and costs associated with
21 administration and enforcement of this chapter shall be paid.
22 Moneys deposited in the fund shall not be used for any purpose
23 not specified herein.

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

28 "Taxi driver's license." A license or permit to drive a
29 taxicab issued pursuant to section 2409 (relating to driver
30 licensing program).

1 § 2402. Medallion system created.

2 There is hereby created a medallion system in cities of the
3 first class in order to provide holders of certificates of
4 public convenience which authorize citywide call or demand
5 service the opportunity to upgrade and improve the operations of
6 taxicabs. Each current holder of a certificate of public
7 convenience which authorizes citywide call or demand service in
8 cities of the first class is entitled to apply to obtain a
9 medallion from the commission at its offices within 90 days of
10 the effective date of this chapter for an initial fee in an
11 amount to be determined pursuant to the requirements of section
12 2414 (relating to budgets and fees). In the case of a corporate
13 certificate holder, a medallion shall be issued in the name of
14 the corporation to its corporate president. The medallion shall
15 be marked with the taxicab number assigned to the corresponding
16 certificate of public convenience.

17 § 2403. Property and licensing rights.

18 (a) Property rights.--Medallions are property and may not be
19 revoked or canceled by the commission. Medallions may be pledged
20 to lenders or creditors as security on debt. All lenders or
21 creditors who accept a medallion as security shall file with the
22 commission a notice of lien which describes the loan
23 transaction. A lien on a medallion is void by operation of law
24 unless a notice of lien is filed with the commission. The
25 commission may not permit a sale of a medallion if a notice of
26 lien has been filed on the medallion until the lien is removed
27 or unless the commission is notified by the lienholder that the
28 lien will be satisfied from the proceeds of the sale. If a
29 lender or creditor executes on or seizes a medallion, it shall
30 immediately notify the commission, in writing. Any sale of the

1 medallion, upon seizure or execution, shall occur at commission
2 offices pursuant to the requirements of section 2408 (relating
3 to restrictions) within one year of the seizure or execution. If
4 the medallion is not sold within one year, the medallion will
5 become nontransferable, and possession must be surrendered to
6 the commission.

7 (b) Licensing rights.--A certificate of public convenience
8 is a licensing right which accompanies each medallion and
9 authorizes the operation of one taxicab in cities of the first
10 class. No property interest shall exist in the certificate
11 itself. A certificate may not be pledged to lenders or creditors
12 as security on debt. A certificate may be canceled by the
13 commission, upon due cause shown, for violation of this title or
14 commission regulations. If the commission cancels a certificate,
15 the certificate holder shall have the right to sell the
16 accompanying medallion within six months of the date of
17 cancellation AND THE CERTIFICATE HOLDER MUST TURN THE MEDALLION <—
18 OVER TO THE COMMISSION OFFICE WITHIN FIVE DAYS OF CANCELLATION
19 OF THE CERTIFICATE FOR SAFEKEEPING UNTIL THE MEDALLION IS SOLD.
20 This six-month time period shall be extended during the pendency
21 of a petition for reinstatement of the certificate of public
22 convenience. If the medallion is not sold within the statutory
23 period, the medallion will become nontransferable, and
24 possession must be surrendered to the commission.

25 § 2404. Certificate and medallion required.

26 (a) Procedure.--A vehicle may not be operated as a taxicab
27 in cities of the first class unless a certificate of public
28 convenience is issued, authorizing the operation of the taxicab,
29 and a medallion is attached to the hood of the vehicle. Prior to
30 the issuance of a medallion, the certificate holder shall have

1 its vehicle inspected by the commission. The commission shall
2 require, by order or regulation, that each medallion holder
3 submit to a periodic vehicle inspection of its taxicab by
4 commission personnel to ensure that the vehicle meets the
5 requirements of this title and commission regulations.
6 Commission inspection requirements shall be in addition to the
7 vehicle requirements set forth in Title 75 (relating to
8 vehicles). COMMISSION INSPECTION AND RECORDING REQUIREMENTS <—
9 SHALL BE ESTABLISHED BY REGULATIONS. No vehicle which is more
10 than five years old shall continue in operation as a taxicab.
11 Notwithstanding the foregoing, the commission may authorize the
12 operation of antique vehicles in call or demand service in such
13 circumstances as the commission may deem appropriate. Each
14 medallion holder's tariff rates shall be clearly and visibly
15 displayed in each taxicab. A medallion shall not be removed from
16 a vehicle without prior notification to and permission of the
17 commission. A medallion authorizes operation of a vehicle as a
18 taxicab only for the fiscal year for which the medallion is
19 issued.

20 (b) Protective barrier.--Each taxicab in cities of the first
21 class shall be equipped with a protective barrier for the
22 protection of the driver, separating the front seat from the
23 back seat. The commission may provide for additional driver
24 protection measures by order or regulation.

25 (c) Service.--A vehicle authorized by a certificate to
26 provide call or demand service in cities of the first class may
27 transport persons and their baggage upon call or demand and
28 parcels, packages and property at the same basic metered rates
29 charged to passengers:

30 (1) between points in the city of the first class for

which its certificate is issued;

(2) from any point in the city of the first class for which its certificate is issued to any point in this Commonwealth; ~~and~~

(3) from any point in this Commonwealth to any point in the city of the first class for which its certificate is issued, if the request for service for such transportation is received by call to its radio dispatch service; AND

(4) FROM ANY POINT IN THE CITY OF THE FIRST CLASS FOR WHICH ITS CERTIFICATE IS ISSUED TO ANY POINT OUTSIDE THIS COMMONWEALTH AS A CONTINUOUS PART OF A TRIP.

(d) Other vehicles.--A vehicle which is not authorized by a certificate to provide call or demand service in cities of the first class, but which is operated by the holder of a certificate of public convenience from the commission authorizing call or demand service elsewhere in this Commonwealth, may transport persons and property:

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

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

(e) Penalties involving certificated taxicabs.--Operating a certificated taxicab in violation of subsections (a) and (b), or authorizing or permitting such operation, is a nontraffic summary offense. Offenders of subsections (a) and (b) may also be subject to civil penalties pursuant to section 3301 (relating to civil penalties for violations).

1 (f) Unauthorized vehicles.--Operating an unauthorized
2 vehicle as a taxicab, or giving the appearance of offering call
3 or demand service with an unauthorized vehicle, without first
4 having received a certificate of public convenience and a
5 medallion is a nontraffic summary offense in the first instance
6 and a misdemeanor of the third degree for each offense
7 thereafter. The owner and the driver of a vehicle being operated
8 as or appearing as a taxicab without a certificate of public
9 convenience and a medallion are also subject to civil penalties
10 pursuant to section 3301. Civil penalties which have been
11 assessed and collected shall be deposited in the fund.

12 (g) Confiscation and impoundment of vehicles.--In addition
13 to penalties provided for in subsection (f), police officers in
14 cities of the first class are empowered to confiscate and
15 impound vehicles and equipment utilized to provide call or
16 demand service without a certificate of public convenience and a
17 medallion. Upon satisfaction of all penalties imposed and all
18 outstanding fines assessed against the owner or operator of the
19 unauthorized vehicle and payment of the city's costs associated
20 with confiscation and impoundment, the vehicle and equipment
21 shall be returned to its owner. Failure to timely satisfy these
22 conditions within 90 days of impoundment may result in the sale
23 of confiscated property by a city of the first class at auction.
24 Proceeds received from the sale of confiscated property, after
25 payment of the city's costs associated with confiscation, shall
26 be deposited into the fund.

27 (h) Counterfeit medallions.--The manufacture or possession
28 of a counterfeit medallion is a misdemeanor of the third degree
29 for each offense.

30 ~~(i) Penalty dispositions. For the purpose of this chapter,~~ <—

~~any person or corporation convicted of:~~

~~(1) a summary offense shall be sentenced to pay a fine of \$500 and may be sentenced to a term of imprisonment not to exceed 90 days, or both; or~~

~~(2) a misdemeanor shall be sentenced to pay a fine of \$2,500 and may be sentenced to a term of imprisonment not to exceed one year, or both.~~

§ 2405. Contested complaints.

(a) Adjudication.--Contested complaints brought before the

commission, alleging violations of this chapter or rules and

regulations promulgated by the commission pursuant to this

chapter, shall be assigned by the commission to a PRESIDING

OFFICER WHO SHALL BE A special agent or administrative law judge

for adjudication. ~~Special agents or administrative law judges~~

PRESIDING OFFICERS assigned to cases pursuant to this chapter

may be removed by the commission only for good cause shown.

Following the taking and receiving of evidence, the ~~special~~

~~agent or administrative law judge~~ PRESIDING OFFICER shall issue

a decision which determines the merits of the complaint and

assesses a penalty, if warranted. In extraordinary

circumstances, the presiding officer may require the filing of

briefs prior to issuing a decision. The presiding officer's

decision shall not be subject to exception or administrative

appeal. In its discretion, the commission may exercise review of

a presiding officer's decision within 15 days of the date of

issuance. If the commission does not exercise its authority to

review a presiding officer's decision, the decision will become

a final order without further commission action. The commission

may establish orders or regulations which designate rules and

procedures for the adjudication of complaints brought pursuant

1 to this chapter.

2 (b) Commencement of complaints.--Commission enforcement
3 officers and police officers or licensing officials in cities of
4 the first class may commence and prosecute complaints brought
5 before the commission pursuant to this chapter and provisions of
6 this title and commission regulations applicable to taxicab
7 operations in cities of the first class.

8 (c) Other penalties.--Nothing in this section shall be
9 deemed to limit the ability of any city of the first class to
10 prosecute violations and seek criminal penalties in a court of
11 law.

12 § 2406. Reissuance of medallion.

13 Within 30 days of the close of each fiscal year, a medallion
14 holder shall apply to obtain from the commission a reissued
15 medallion for a fee in an amount to be determined pursuant to
16 the requirements of section 2414 (relating to budgets and fees).
17 Each year's medallion shall designate the year of issuance and
18 shall be identifiable by a distinctive tint or color and shape,
19 to be determined by the commission. A medallion may not be
20 issued by the commission unless all outstanding commission
21 fines, penalties and fees have been paid in full and unless all
22 insurance, tariff and vehicle inspection filings are current.
23 Immediately prior to reissuance of a medallion, a medallion
24 holder shall remove the prior year's medallion from the hood of
25 its taxicab and surrender it to the commission. Upon reissuance,
26 the new medallion shall be immediately attached to the vehicle.
27 The annual fee paid under this section shall be in lieu of the
28 assessment set forth in section 510 (relating to assessment for
29 regulatory expenses upon public utilities).

30 § 2407. Additional certificates and medallions.

1 ~~The~~ SUBJECT TO THE LIMITS ESTABLISHED IN SECTION 1103(C) <—
2 (RELATING TO PROCEDURE TO OBTAIN CERTIFICATES OF PUBLIC
3 CONVENIENCE), THE commission may increase the number of
4 certificates and medallions if it finds a need for additional
5 taxicab service in cities of the first class by issuing
6 certificates and corresponding medallions to applicants on a
7 first-come-first-served basis. Each applicant shall pay a fee in
8 an amount equal to the reasonable market value of the medallions
9 at the time of issuance as determined by the commission. The fee
10 is payable prior to the time of issuance. In determining the
11 reasonable market value of a medallion, the commission shall
12 consider the purchase price in medallion transactions over the
13 prior year as reflected in commission records. The Commission in
14 its discretion may hold hearings to determine the reasonable
15 market value of a medallion. In no case shall the number of
16 certificates and medallions issued by the commission exceed
17 ~~2,000~~ 1,600 each. <—

18 § 2408. Restrictions.

19 (a) Place of transaction.--A medallion may not be sold or
20 transferred to another party unless the closing of the sales
21 transaction occurs at commission offices in the presence of a
22 designated commission staff member. The commission staff member
23 shall witness the execution of each contract of sale to evidence
24 staff presence at the execution. All contracts for the sale of
25 medallions which are not executed at commission offices and
26 witnessed by a commission staff member are void by operation of
27 law. All sales contracts shall conform to such rules and
28 regulations as the commission may prescribe. Prior to each
29 closing, the buyer of the medallion shall pay a fee in an amount
30 to be determined pursuant to the requirements of section 2414

1 (relating to budget and fees).

2 (b) Issuance of certificate.--Upon the witnessing of a sale
3 of a medallion and upon application of the purchaser and
4 compliance with commission tariff, insurance and inspection
5 requirements, the commission staff shall issue an accompanying
6 certificate to the new medallion holder unless the commission
7 determines that the transfer of the certificate is inconsistent
8 with the public interest. Where there is a determination that a
9 transfer is not in the public interest, the new medallion holder
10 shall have six months from the date the adverse determination is
11 entered to sell the medallion to a new owner. If a sale is not
12 consummated before commission personnel within six months, the
13 medallion will become nontransferable and possession must be
14 surrendered to the commission.

15 (c) Criminal records.--No person or corporation may purchase
16 a medallion or apply for a certificate if the person or
17 corporation or an officer or director of the corporation has
18 been convicted or found guilty of a felony within the five-year
19 period immediately preceding the transfer. All applications for
20 a certificate shall contain a sworn affidavit certifying that
21 the purchaser has not been convicted of a felony in the previous
22 five years. If, at any time, the commission finds that a
23 medallion holder has been convicted of a felony while holding
24 the medallion or during the five years immediately preceding its
25 purchase, the commission shall cancel the corresponding
26 certificate.

27 § 2409. Driver licensing program.

28 (a) General rule.-- The commission shall provide for the
29 establishment of a driver licensing program for drivers of
30 taxicabs in cities of the first class. Standards for fitness of

1 taxi drivers shall be established under such rules and
2 regulations as the commission may prescribe. The commission may
3 revoke or suspend a taxi driver's license upon a finding that
4 the individual is not fit to operate a taxicab. Each applicant
5 for a taxi driver's license shall pay a fee in an amount to be
6 determined pursuant to the requirements of section 2414
7 (relating to budget and fees). Upon approval, a picture taxi
8 driver's license will be issued to an applicant. No individual
9 shall operate a taxicab at any time unless the individual is
10 licensed as a taxi driver by the commission. Each licensed taxi
11 driver shall carry and display in full view a taxi driver's
12 license at all times of operation of a taxicab. The commission
13 may establish orders or regulations which designate additional
14 requirements governing the licensing of drivers and the
15 operation of taxicabs by drivers, including, but not limited to,
16 dress codes for drivers.

17 (b) Violations.--Operating a taxicab without a taxi driver's
18 license or authorizing or permitting the operation of a taxicab
19 by a driver who is not licensed as a taxi driver in cities of
20 the first class is a nontraffic summary offense in the first
21 instance and a misdemeanor of the third degree for each offense
22 thereafter. THE COMMISSION MAY BY REGULATION PROVIDE FOR
23 SUSPENSION AND REVOCATION OF TAXI DRIVER'S LICENSES FOR
24 VIOLATIONS OF THIS CHAPTER AND COMMISSION REGULATIONS.

25 (c) Agreements delegating responsibilities.--The commission
26 is hereby authorized to enter into agreements or contracts
27 delegating the duties and responsibilities designated in
28 subsection (a) to a different governmental entity or to another
29 party.

30 § 2410. Wages.

1 (a) Minimum wage.--Each medallion holder shall pay at least
2 a prevailing minimum wage rate or, in the alternative, charge at
3 most a prevailing maximum lease amount to the drivers of its
4 taxicab, as determined by the commission upon investigation. The
5 minimum wage rate and the maximum lease amount, as established
6 by the commission, may include employee benefits.

7 (b) Uniform rates.--All taxicabs in cities of the first
8 class shall charge a uniform rate to passengers, as determined
9 by the commission upon investigation.

10 (c) Reopen investigations.--Any medallion holder or licensed
11 driver may petition the commission to reopen the investigations
12 addressed by subsections (a) and (b) no less than 18 months
13 after the close of the preceding investigation.

14 § 2411. Centralized dispatcher.

15 In cities of the first class, all medallion holders shall
16 utilize the services of a centralized dispatch radio system. Any
17 owner of a centralized radio dispatch system shall make such
18 system available to all medallion holders for a reasonable fee,
19 as described in a rate schedule to be filed with the commission.
20 The commission, in its discretion, may review the rate schedules
21 of radio associations to determine if rates charged discriminate
22 against new applicants. Medallion holders shall have no
23 obligation to use any particular radio system.

24 § 2412. Regulations.

25 The commission may prescribe such rules and regulations as it
26 deems necessary to govern the regulation of taxicabs in cities
27 of the first class pursuant to the provisions of this chapter.

28 § 2413. Enforcement.

29 The provisions of this chapter and the rules and regulations
30 promulgated by the commission pursuant to this act shall be

1 enforced by commission personnel in conjunction with the police
2 department in each first class city to the degree funding is
3 provided. The commission shall enter into contracts with each
4 first class city or its police department to provide for
5 continuous enforcement of this chapter and to provide for full
6 funding of the city enforcement activities from the fund.

7 § 2414. Budget and fees.

8 (a) Initial budget and fees.--After execution of a contract
9 between the commission and a first class city or its police
10 department pursuant to section 2413 (relating to enforcement),
11 the commission shall complete an initial budget and fee
12 schedule. The fee schedule shall identify the initial fees for
13 initial issuance of a medallion, transfer of a medallion and
14 issuance of a taxi driver's license. The commission's initial
15 budget and fee schedule shall be submitted to the House Consumer
16 Affairs Committee and the Senate Consumer Protection and
17 Professional Licensure Committee. ~~Upon submittal by the~~ <—

18 ~~commission, the House and Senate committees shall have ten~~
19 ~~legislative days to review the initial budget and fee schedule.~~

20 ~~Unless both the Senate and House committees act to disapprove~~

21 UNLESS EITHER THE SENATE OR THE HOUSE OF REPRESENTATIVES ACTS TO <—
22 DISAPPROVE THROUGH ADOPTION OF A RESOLUTION within ten

23 legislative days from the date of submittal, the commission's
24 fee schedule shall become effective and the commission shall
25 notify each medallion holder by certified letter of the initial
26 fee schedule.

27 (b) Fiscal year budget and fees.--The fiscal year for the
28 fund shall commence on July 1 of each year. Prior to the close
29 of each fiscal year, the commission shall submit a budget and
30 proposed fee schedule for the coming fiscal year along with

1 comprehensive financial data from the past fiscal year to the
2 House Consumer Affairs Committee and the Senate Consumer
3 Protection and Professional Licensure Committee. ~~Committee~~ <—
4 ~~review of the budget and fee schedule for each fiscal year shall~~
5 ~~be conducted pursuant to the procedure established in subsection~~
6 ~~(a)~~. UNLESS EITHER THE SENATE OR THE HOUSE OF REPRESENTATIVES <—
7 ACTS TO DISAPPROVE THROUGH ADOPTION OF A RESOLUTION WITHIN TEN
8 LEGISLATIVE DAYS FROM THE SUBMISSION, THE COMMISSION FEE
9 SCHEDULE SHALL BECOME EFFECTIVE. The commission shall notify all
10 medallion holders of the fee schedule for the coming fiscal year
11 by certified letter.
12 § 2415. PENALTIES. <—
13 FOR THE PURPOSE OF THIS CHAPTER, ANY PERSON OR CORPORATION
14 CONVICTED OF:
15 (1) A SUMMARY OFFENSE SHALL BE SENTENCED TO PAY A FINE
16 OF \$500 AND MAY BE SENTENCED TO A TERM OF IMPRISONMENT NOT TO
17 EXCEED 90 DAYS, OR BOTH; OR
18 (2) A MISDEMEANOR SHALL BE SENTENCED TO PAY A FINE OF
19 \$2,500 AND MAY BE SENTENCED TO A TERM OF IMPRISONMENT NOT TO
20 EXCEED ONE YEAR, OR BOTH.
21 § ~~2415~~ 2416. Applicability. <—
22 Where other provisions of this title or other laws of this
23 Commonwealth are in conflict with the provisions of this
24 chapter, the provisions of this chapter shall govern taxicabs in
25 cities of the first class and other conflicting provisions are
26 ~~inapplicable~~ HEREBY SUSPENDED INsofar AS THEY GOVERN TAXICABS IN <—
27 CITIES OF THE FIRST CLASS.
28 Section ~~2~~ 3. This act does not affect any act done, <—
29 liability incurred or right accrued or vested or affect any
30 civil or criminal proceeding pending or to be commenced to

1 enforce any right or penalty or punish any offense under any
2 statute or part of a statute ~~repealed~~ SUSPENDED by this act. <—

3 Section ~~3~~ 4. This act shall take effect as follows: <—

4 (1) The provisions of section 2404(a) that prohibit the
5 operation of taxicabs more than five years old shall take
6 effect in one year.

7 (2) The remainder of this act shall take effect in ~~60~~ 90 <—
8 days.