
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2654 Session of
2004

INTRODUCED BY J. TAYLOR, D. EVANS, KENNEY, PERZEL, COHEN, MYERS,
HORSEY, KELLER, BUTKOVITZ AND WILLIAMS, MAY 27, 2004

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MAY 27, 2004

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, reenacting and amending provisions
3 relating to parking authorities and relating to taxicabs and
4 limousines in cities of the first class; further providing
5 for parking authority purposes and powers and special
6 provisions in cities of the first class; providing for
7 restrictions on parking authorities in cities of the first
8 class; making legislative findings as to taxicabs in cities
9 of the first class; further providing, as to taxicabs in
10 cities of the first class, for rates, for certificates and
11 medallions, for contested complaints, for wages, for
12 regulations and for budget and fees; further providing, as to
13 limousines in cities of the first class, for certificates of
14 public convenience and for regulations; and making repeals
15 related to allocation assessments against public utilities
16 for regulatory expenses, to certificates of public
17 convenience for taxicabs and to taxicabs in cities of the
18 first class.

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

21 Section 1. The definitions of "cash flow deficit," "Federal
22 agency," "government agency," "government obligations," "obligee
23 of an authority," "qualified financial institution" and "rating
24 agency" in section 5503 of Title 53 of the Pennsylvania

25 Consolidated Statutes are reenacted to read:

1 § 5503. Definitions.

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

5 * * *

6 "Cash flow deficit." A cash deficit occurring solely because
7 revenues and expenditures, even when in balance on a fiscal year
8 basis or with respect to any other period of computation, are
9 not received and disbursed at equivalent rates throughout the
10 fiscal year or other period of computation.

11 * * *

12 "Federal agency." The Federal Government, the President of
13 the United States and any department or corporation, agency or
14 instrumentality heretofore or hereafter created, designated or
15 established by the Federal Government.

16 "Government agency." The Governor, departments, boards,
17 commissions, authorities and other officers and agencies of this
18 Commonwealth, including, but not limited to, those which are not
19 subject to the policy supervision and control of the Governor,
20 any political subdivision, municipality, municipal or other
21 local authority and any officer or agency of any such political
22 subdivision or local authority. The term does not include any
23 court or other officer or agency of the unified judicial system
24 or the General Assembly or its officers and agencies.

25 "Government obligations."

26 (1) Direct obligations of or obligations the principal
27 of and interest on which are unconditionally guaranteed by
28 the Federal Government, including, but not limited to,
29 evidences of a direct ownership interest in future interest
30 or principal payments on obligations issued or guaranteed by

1 the Federal Government, which obligations are held in a
2 custody account by a custodian under the terms of a custody
3 agreement.

4 (2) The term includes obligations issued by any state of
5 the United States or any political subdivision, public
6 instrumentality or public authority of any state of the
7 United States, provision for the full and timely payment of
8 the principal or premium of and interest on which shall have
9 been made by deposit with a trustee or escrow agent under an
10 irrevocable security agreement of obligations described in
11 paragraph (1).

12 * * *

13 "Obligee of an authority." Any holder or owner of any bond
14 of an authority or any trustee or other fiduciary for any such
15 holder or any provider of a letter of credit, policy of
16 municipal bond insurance or other credit enhancement or
17 liquidity facility for bonds of an authority.

18 * * *

19 "Qualified financial institution." A bank, bank and trust
20 company, trust company, national banking association, insurance
21 company or other financial services company whose unsecured
22 long-term debt obligations in the case of a bank, trust company,
23 national banking association or other financial services company
24 or whose claims-paying abilities in the case of an insurance
25 company are rated in any of the three highest rating categories
26 without reference to subcategories by a rating agency. For
27 purposes of this definition, the term "financial services
28 company" includes any investment banking firm or any affiliate
29 or division thereof which may be legally authorized to enter
30 into the transactions described in this chapter pertaining,

1 applicable or limited to a qualified financial institution.

2 "Rating agency."

3 (1) The term includes the following:

4 (i) Standard & Poor's Corporation and any successor
5 thereto.

6 (ii) Moody's Investors Service and any successor
7 thereto.

8 (iii) Fitch Investors Service, Inc., and any
9 successor thereto.

10 (2) If the rating agencies cited in paragraph (1) shall
11 no longer perform the functions of a securities rating
12 service, the term shall mean any other nationally recognized
13 rating service or services.

14 Section 2. Section 5505(d)(9), (22), (23) and (24) of Title
15 53 are reenacted and the subsection is amended by adding a
16 paragraph to read:

17 § 5505. Purposes and powers.

18 * * *

19 (d) Powers.--An authority has all powers necessary or
20 convenient for the carrying out of the purposes under this
21 section, including:

22 * * *

23 (9) To fix, alter, charge and collect rates and other
24 charges for its facilities at reasonable rates to be
25 determined exclusively by it, subject to appeal under this
26 paragraph, for the purposes of providing for the payment of
27 the expenses of the authority; for the construction,
28 improvement, repair, maintenance and operation of its
29 facilities and properties; for the payment of the principal
30 of and interest on its obligations; and for fulfilling the

1 terms and provisions of agreements made with the purchasers
2 or holders of such obligations or with the municipality. Any
3 person questioning the reasonableness of rates fixed by the
4 authority may bring suit against the authority in the court
5 of common pleas of the judicial district where the project is
6 located. The court of common pleas shall have exclusive
7 jurisdiction to determine the reasonableness of the rates and
8 other charges. This paragraph supersedes a contrary provision
9 in any home rule charter, ordinance or resolution.

10 * * *

11 (22) In cities of the first class, to serve as the
12 exclusive impoundment official, exclusive impounding agent or
13 exclusive towing agent for the enforcement of impoundment
14 orders pursuant to 75 Pa.C.S. Ch. 63 (relating to
15 enforcement) and to authorize towing and storage of vehicles
16 and combinations by private towing agents for such purpose as
17 necessary.

18 (23) In cities of the first class, to act as an
19 independent administrative commission for the regulation of
20 taxicabs and limousine service.

21 (24) In cities of the first class, to investigate and
22 examine the condition and management of any entity providing
23 taxicab and limousine service.

24 (25) In cities of the first class, to appoint and fix
25 the compensation of chief counsel and assistant counsel to
26 provide it with legal assistance.

27 (i) For purposes of the act of October 15, 1980
28 (P.L.950, No.164), known as the Commonwealth Attorneys
29 Act:

30 (A) The authority shall not be considered either

1 an executive agency or an independent agency.

2 (B) The authority shall have the same status as
3 the Auditor General, State Treasurer and the
4 Pennsylvania Public Utility Commission.

5 (C) Section 204(b) and (f) of the Commonwealth
6 Attorneys Act shall not apply to the authority.

7 (ii) Notwithstanding 42 Pa.C.S. § 8525 (relating to
8 legal assistance), the authority, through its counsel,
9 shall defend actions brought against the authority and
10 its officers and employees when acting within the scope
11 of their official duties.

12 * * *

13 Section 3. Section 5508.1(k) and (o) of Title 53 are
14 reenacted and subsection (q) is amended to read:

15 § 5508.1. Special provisions for authorities in cities of the
16 first class.

17 * * *

18 (k) Compensation.--

19 (1) The chair selected under subsection (l) shall
20 receive:

21 (i) for fiscal year 2001-2002, a salary of \$50,000;

22 and

23 (ii) for each subsequent fiscal year, a salary to be
24 determined by the board at not less than \$50,000.

25 (2) Except for the chair, members shall receive \$200 per
26 meeting for their services.

27 (3) Board members shall be entitled to necessary
28 expenses, including travel expenses, incurred in the
29 discharge of duties.

30 * * *

(o) Management.--

(1) The board has authority to manage the properties and business of the authority and to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the authority may be conducted and in which the powers granted to it may be exercised and embodied.

(2) For all budgets, contracts, bonds or obligations of any kind commenced after January 1, 2004, the authority shall not be required to obtain the approval of an entity or officer under 351 Pa. Code Art. II (relating to legislative branch) or III (relating to executive and administrative branch--organization).

* * *

[(q) Funding.--During its fiscal year beginning in 2001, the authority shall transfer to the general fund of a school district of the first class coterminous with the parent municipality that portion of its retained earnings, not to exceed \$45,000,000, which will not jeopardize the authority's ability to meet debt service payments or to retire outstanding bonds. In subsequent years the board shall transfer the maximum amount it deems available for such purpose. The provisions of section 696(h)(1) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall not apply to amounts transferred to the school district of the first class under this subsection.]

* * *

Section 4. Section 5508.2 of Title 53 is reenacted to read:

§ 5508.2. Additional special provisions for authorities in cities of the first class; mixed-use projects.

(a) Scope.--This section applies only to cities of the first

1 class.

2 (b) Legislative finding.--It is hereby determined and
3 declared that:

4 (1) As a matter of legislative finding, the health,
5 safety and general welfare of the people of this Commonwealth
6 are directly dependent upon the continual encouragement,
7 development, growth and expansion of business, industry,
8 commerce and tourism.

9 (2) Unemployment, the spread of poverty and the heavy
10 burden of public assistance and unemployment compensation can
11 be avoided by the promotion, attraction, stimulation,
12 development and expansion of business, industry, commerce and
13 tourism in this Commonwealth through the development of
14 mixed-use projects by parking authorities in cities of the
15 first class.

16 (3) Due to the size, total population and population
17 density of a city of the first class, it may be inefficient
18 to devote property within a city of the first class solely to
19 parking facilities and that development of mixed-use projects
20 that include a parking component and a commercial,
21 industrial, residential or retail component can be an
22 important factor in the continual encouragement, development,
23 attraction, stimulation, growth and expansion of business,
24 industry, commerce and tourism within a city of the first
25 class, the surrounding counties and this Commonwealth as a
26 whole.

27 (c) Mixed-use projects.--Without limiting the powers set
28 forth in section 5505 (relating to purposes and powers), an
29 authority shall have the power to do all acts that, in the
30 judgment of the board, are necessary, convenient or useful to

1 the development or operation of one or more mixed-use projects,
2 including, without limitation, the power to plan, design,
3 locate, acquire, hold, construct, finance, improve, maintain,
4 operate, own, lease, either in the capacity of lessor or lessee,
5 land, buildings, other structures and personal property
6 necessary, convenient or useful to the development and operation
7 of a mixed-use project. An authority shall have the power to
8 finance mixed-use projects by borrowing money and making and
9 issuing bonds and by making loans which may be evidenced by and
10 secured as may be provided in loan agreements, mortgages,
11 security agreements or any other contracts, instruments or
12 agreements which may contain such provisions as the authority
13 shall deem necessary, convenient or useful for the security or
14 protection of the authority or its bondholders. An authority may
15 pledge, mortgage, hypothecate or otherwise encumber all or any
16 part of its property, real or personal, constituting all or part
17 of a mixed-use project, including, but not limited to, the
18 revenues or receipts of the authority from one or more mixed-use
19 projects, for all or any of the obligations, including bonds, of
20 the authority incurred in connection with the development or
21 operation of a mixed-use project. An authority shall not have
22 the power to engage in business, trade or commerce for a profit
23 as an owner or lessee of a mixed-use project or otherwise. An
24 authority shall have and may exercise the powers set forth in
25 this section notwithstanding any other provision of law or any
26 provisions of its articles of incorporation.

27 (d) Definition.--As used in this section, the term "mixed-
28 use project" means any project that includes a public parking
29 garage component and a commercial, industrial, residential or
30 retail component. In addition to a public parking garage, which

1 shall be a required component of all mixed-use projects, a
2 mixed-use project may also include public parking lots. The
3 commercial, industrial, residential or retail component of a
4 mixed-use project must be located within, above, below or
5 contiguous to the parking garage.

6 Section 5. Title 53 is amended by adding a section to read:
7 § 5508.3. Restrictions on authorities in cities of the first
8 class.

9 (a) Restricted activities, statement of financial interests;
10 public meetings and records.--

11 (1) The following apply:

12 (i) The provisions of the following statutes are
13 specifically applicable to board members, officers and
14 employees of the authority:

15 (A) The provisions of 65 Pa.C.S. Ch. 11
16 (relating to ethics standards and financial
17 disclosure).

18 (B) The act of July 19, 1957 (P.L.1017, No.451),
19 known as the State Adverse Interest Act.

20 (ii) For the purposes of application of statutes
21 pursuant to subparagraph (i), employees of the authority
22 shall be regarded as public employees of the
23 Commonwealth, and officers or board members of the
24 authority shall be regarded as public officials of the
25 Commonwealth, whether or not they receive compensation.

26 (2) The authority shall be subject to and treated as an
27 agency of the Commonwealth for the following statutes:

28 (i) 65 Pa.C.S. Ch. 7 (relating to open meetings),
29 except that the authority shall not be treated as an
30 agency of the Commonwealth for the purposes of 65 Pa.C.S.

§ 710.1 (relating to public participation).

(ii) The act of June 21, 1957 (P.L.390, No.212),
referred to as the Right-to-Know Law.

(b) Conviction of infamous crime.--No person convicted of an
infamous crime shall be a member of the board or employed as a
management-level employee by the authority.

(c) Definitions.--As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection:

"Infamous crime." Any of the following:

(1) A violation and conviction for an offense which
would disqualify an individual from holding public office
pursuant to section 7 of Article II of the Constitution of
Pennsylvania.

(2) Any conviction for a violation of 18 Pa.C.S. § 4113
(relating to misapplication of entrusted property and
property of government or financial institutions) or 18
Pa.C.S. Ch. 47 (relating to bribery and corrupt influence),
49 (relating to falsification and intimidation), 51 (relating
to obstructing governmental operations) or 53 (relating to
abuse of office).

(3) Any other violation of the laws of this Commonwealth
for which an individual has been convicted within the
preceding ten years and which is classified as a felony.

(4) A violation of the law of any other Federal or state
government which is similar to the crimes listed in
paragraphs (1) through (3).

Section 6. Sections 5510.1, 5510.2, 5510.3, 5510.4, 5510.5,
5510.6, 5510.8, 5510.9, 5510.10, 5510.11 and 5701 are reenacted
to read:

§ 5510.1. Management of authority funds in cities of the first class.

(a) General rule.--

(1) Except as otherwise provided in this chapter, all funds of an authority received from any source shall be delivered to the treasurer of the authority or to such other agent of the authority as the board may designate.

(2) The funds shall be promptly deposited in the name of the authority in a bank or banks, bank and trust company or bank and trust companies, trust company or trust companies in this Commonwealth chosen by the authority.

(3) The moneys in the account or accounts may be withdrawn or paid out only by check or draft upon the bank, bank and trust company or trust company, signed by the treasurer or other designated agent of the authority on warrant of the treasurer of the authority and countersigned by the chairman of the board or by such persons as the board may authorize. Moneys in the account or accounts may be withdrawn or paid out by electronic funds transfer on instructions signed and countersigned in the manner provided for checks or drafts.

(4) The board may designate any of its members or any officer or employee of the authority to affix the signature of the chairman to any check or draft for payment of salaries or wages and for the payment of any other obligation of not more than \$100,000. The executive director may designate any officer or employee of the authority to affix the signature of the treasurer to any check or draft for payment of salaries or wages and for the payment of any other obligation of not more than \$100,000.

(b) Management of funds.--

(1) All bank, bank and trust company or trust company balances of the authority, to the extent the same are not insured, shall be continuously secured by a pledge of direct obligations of the United States, of the Commonwealth or of any municipality or municipalities in the metropolitan area having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such bank, bank and trust company or trust company. The securities shall either be deposited with the treasurer of the authority or be held by a trustee or agent satisfactory to the authority. All depository institutions are authorized to give security for the deposits.

(2) In the case of money collected or received by the authority on behalf of a municipality under section 5505(d)(21) (relating to purposes and powers), the money shall be pledged to the use of the municipality and disbursed to the municipality as provided by ordinance or resolution.

(3) Subject to the provisions of any agreements with obligees of the authority, the authority shall have full power to invest and reinvest its funds as provided in this chapter, subject, however, to the exercise of that degree of judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence who are familiar with such matters exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of the funds, considering the probable income to be derived and the probable safety of the capital.

(4) The board shall provide for an investment program

1 subject to restrictions contained in this chapter and in any
2 other applicable statute and any resolutions on this subject
3 adopted by the board.

4 (c) Authorized investments.--The authorized types of
5 investments for authority funds shall be any of the following:

6 (1) Government obligations.

7 (2) Debt obligations issued by any of the following
8 Federal agencies or such other like Federal agencies which
9 may be designated by the board: Bank for Cooperatives,
10 Federal Farm Credit Banks, Federal Financing Bank, Federal
11 Home Loan Bank System, Federal National Mortgage Association,
12 Export-Import Bank of the United States, Farmers Home
13 Administration, Resolution Funding Corporation, Small
14 Business Administration, Student Loan Marketing Association,
15 Inter-American Development Bank, International Bank for
16 Reconstruction and Development, Federal Land Banks or
17 Government National Mortgage Association, and their
18 predecessor or successor agencies.

19 (3) Short-term or long-term debt obligations of any
20 state or political subdivision thereof or any agency or
21 instrumentality of such a state or political subdivision or
22 of any municipal corporation, provided that the obligations
23 are rated by a rating agency in any of the three highest
24 rating categories, without reference to subcategories,
25 assigned by the rating agency.

26 (4) Rights to receive the principal of or the interest
27 on obligations of states, political subdivisions, agencies or
28 instrumentalities meeting the requirements set forth in
29 paragraphs (2) and (3), whether through direct ownership as
30 evidenced by physical possession of the obligations or

1 unmatured interest coupons or by registration as to ownership
2 on the books of the issuer or its duly authorized paying
3 agent or transfer agent or through the purchase of
4 certificates or other instruments evidencing an undivided
5 ownership interest in payments of the principal of or
6 interest on the obligations.

7 (5) Negotiable and nonnegotiable certificates of
8 deposit, time deposits or other similar banking arrangements
9 which are issued by banks, bank and trust companies, trust
10 companies or savings and loan associations, provided that,
11 unless issued by a qualified financial institution, any such
12 certificate, deposit or other arrangement shall be
13 continuously secured as to principal in the manner and to the
14 extent provided in subsection (d).

15 (6) Repurchase agreements for investment securities
16 described in paragraph (1) or (2) with a qualified financial
17 institution or with dealers in government bonds which report
18 to, trade with and are recognized as primary dealers by a
19 Federal Reserve Bank and are members of the Securities
20 Investors Protection Corporation, provided that the
21 repurchase price payable under any agreement shall be
22 continuously secured in the manner and to the extent provided
23 in subsection (d).

24 (7) Investment agreements with qualified financial
25 institutions.

26 (8) Commercial paper rated in the highest rating
27 category, without reference to subcategories, by a rating
28 agency.

29 (9) Shares or certificates in any short-term investment
30 fund rated in the highest rating category, without reference

1 to subcategories, by a rating agency, which short-term
2 investment fund invests solely in obligations described in
3 paragraphs (1) and (2).

4 (10) Debt obligations of any foreign government or
5 political subdivision thereof or any agency or
6 instrumentality of foreign government or political
7 subdivision, provided that the obligations are rated by a
8 rating agency, without reference to subcategories, in the
9 highest rating category assigned by the rating agency.

10 (11) Such other investments which at the time of the
11 acquisition thereof shall be listed as permissible
12 investments for trust funds in an indenture or resolution
13 with respect to indebtedness which is incurred under this
14 chapter.

15 (d) Security for investment securities.--Any security
16 required to be maintained as collateral for investment
17 securities in the form of certificates of deposit, time
18 deposits, other similar banking arrangements and repurchase
19 agreements described in subsection (c)(5) and (6) shall be
20 subject to the following requirements:

21 (1) The collateral shall be in the form of obligations
22 described in subsection (c)(1) and (2), except that the
23 security for certificates of deposit, time deposits or other
24 similar banking arrangements may include other marketable
25 securities which are eligible as security for trust funds
26 under applicable regulations of the Comptroller of the
27 Currency of the United States of America or under applicable
28 state laws and regulations.

29 (2) The collateral shall have an aggregate market value,
30 calculated not less frequently than monthly, at least equal

1 to the principal amount (less any portion insured by the
2 Federal Deposit Insurance Corporation or any comparable
3 insurance corporation chartered by the United States of
4 America) or the repurchase price secured thereby, as the case
5 may be. The instruments governing the issuance of and
6 security for the Investment Securities shall designate the
7 person responsible for making the foregoing calculations.

8 (3) The authority shall have a perfected security
9 interest in the collateral securing certificates of deposit,
10 time deposits or other similar banking arrangements, and the
11 collateral shall be held free and clear of the claims of
12 third parties. The collateral shall be deposited with the
13 authority, with a Federal Reserve Bank for the account of the
14 authority or with a bank, bank and trust company or trust
15 company (other than the obligor) which is acting solely as
16 agent for the authority and has a combined net capital and
17 surplus equal to at least \$100,000,000.

18 (4) Collateral for repurchase agreements shall be held
19 free and clear of the claims of third parties by the
20 authority, or by a Federal Reserve Bank for the account of
21 the authority, or by a bank, bank and trust company or trust
22 company which is acting solely as agent for the authority and
23 has a combined net capital and surplus at least equal to
24 \$100,000,000. A perfected first priority security interest
25 for the benefit of the authority shall be created in the
26 collateral under Title 13 (relating to commercial code) or
27 book-entry procedures prescribed by applicable Federal
28 regulations.

29 (e) Audit.--An authority shall have at least an annual
30 examination of its books, accounts and records by a certified

1 public accountant. A copy of the audit shall be delivered to the
2 parent municipality, the Governor, the Secretary of the Senate
3 and the Chief Clerk of the House of Representatives. If the
4 authority fails to have an audit, then the controller, auditor
5 or accountant designated by the municipality is authorized to
6 perform an examination at the expense of the authority. The
7 examination may include the receipts, disbursements, contracts,
8 leases, sinking funds, investments and other matters relating to
9 the finances, operation and affairs of the authority.

10 (f) Financial statement.--A concise financial statement
11 shall be published annually at least once in a newspaper of
12 general circulation in the municipality where the principal
13 office of the authority is located. If publication is not made
14 by the authority, the municipality shall publish such statement
15 at the expense of the authority.

16 (g) Attorney General.--The Attorney General shall have the
17 right to examine the books, accounts and records of an
18 authority.

19 (h) Applicability.--This section shall only apply to
20 authorities in cities of the first class.

21 § 5510.2. Special funds in cities of the first class.

22 (a) General rule.--An authority, under resolutions adopted
23 from time to time by the board, may establish and create such
24 special funds as may be found desirable by the board and, in and
25 by such resolutions, may provide for payments into all special
26 funds from specified sources with such preferences and
27 priorities as may be deemed advisable and may provide for the
28 custody, disbursement and application of any moneys in any such
29 special funds consistent with the provisions of this chapter and
30 consistent with generally accepted accounting principles. The

1 authority shall maintain the First Class City Taxicab Regulatory
2 Fund as a separate fund from all other funds.

3 (b) Applicability.--This section shall only apply to
4 authorities in cities of the first class.

5 § 5510.3. Bonds in cities of the first class.

6 (a) General rule.--

7 (1) The bonds of the authority shall be authorized by
8 resolution of the board. The resolution shall specify all of
9 the following:

10 (i) Series.

11 (ii) Date or dates of maturity.

12 (iii) Interest at such rate or rates, fixed or
13 variable, as shall be determined by the board as
14 necessary to issue and sell the authorized bonds.

15 (iv) Denominations.

16 (v) Form, either coupon or fully registered without
17 coupons.

18 (vi) Certificated or book-entry-only form.

19 (vii) Registration and exchangeability and
20 interchangeability privileges.

21 (viii) Medium of payment and place of payment.

22 (ix) Terms of redemption.

23 (x) Priorities of payment in the revenues or
24 receipts of the authority as the resolution or trust
25 indenture adopted or approved by the authority may
26 provide.

27 (2) The bonds shall be signed by or shall bear the
28 facsimile signatures of such officers as the board shall
29 determine, and coupon bonds shall have attached thereto
30 interest coupons bearing the facsimile signature of the

1 treasurer of the authority, and all bonds shall be
2 authenticated by an authenticating agent, fiscal agent or
3 trustee, all as may be prescribed in the resolution or trust
4 indenture.

5 (3) Any such bonds may be issued and delivered
6 notwithstanding that one or more of the officers signing
7 bonds or the treasurer whose facsimile signature shall be
8 upon the coupon, or any thereof, shall have ceased to be an
9 officer or officers at the time when the bonds shall actually
10 be delivered.

11 (4) The proceeds of an issue of bonds may be used to pay
12 the costs of a project, subject to the limitations of
13 subsection (b), to finance any cash flow deficit of the
14 authority, to reimburse any costs of a project initially paid
15 by the authority or any person, to fund any required
16 reserves, to capitalize interest or to pay costs of issuance,
17 including, but not limited to, costs of obtaining credit
18 enhancement for the bonds.

19 (b) Maturity.--Bonds issued to finance the costs of a
20 project shall mature at such time or times not exceeding 40
21 years from their respective dates of original issue as the
22 authority shall by resolution determine. Bonds issued in
23 anticipation of income of the authority shall mature within one
24 fiscal year after the fiscal year of the date of issuance
25 thereof except for bonds issued in anticipation of grants with
26 respect to the cost of a project, which bonds shall mature no
27 later than six months beyond the time of anticipated receipt of
28 the final payment of the grant.

29 (c) Sale.--

30 (1) Bonds may be sold at public sale or invited sale for

1 such price or prices and at such rate or rates of interest as
2 the authority shall determine. Bonds may be sold at private
3 sale by negotiation at such price or prices and at such rate
4 or rates of interest as the authority shall determine, but
5 only if the authority makes a written public explanation of
6 the circumstances and justification for the private sale by
7 negotiation.

8 (2) Pending the preparation of the definitive bonds,
9 interim receipts may be issued to the purchaser or purchasers
10 of such bonds and may contain such terms and conditions as
11 the authority may determine.

12 (d) Negotiable instruments.--Bonds of an authority shall
13 have the qualities of negotiable instruments under Title 13
14 (relating to commercial code).

15 (e) Refunding.--

16 (1) Subject to the provisions of the outstanding bonds,
17 notes or other obligations issued under this chapter or prior
18 acts and subject to the provisions of this chapter, the
19 authority shall have the right and power to refund any
20 outstanding debt, whether the debt represents principal or
21 interest, in whole or in part, at any time.

22 (2) As used in this subsection, "refund" and its
23 variations shall mean the issuance and sale of obligations
24 the proceeds of which are used or are to be used for the
25 payment or redemption of outstanding obligations upon or
26 prior to maturity. Refunding bonds shall mature at such time
27 or times not exceeding 40 years from their dates of original
28 issuance as the authority shall determine by resolution.

29 (f) Credit of Commonwealth and political subdivisions not
30 pledged.--Under no circumstances shall any bonds issued by the

1 authority or any other obligation of the authority be or become
2 an indebtedness or liability of the Commonwealth or of any
3 government agency, provided that any government agency may
4 guarantee bonds of an authority to the extent and for the
5 purposes for which the government agency may make loans or
6 grants to an authority.

7 (g) Nonliability.--Neither the board members, any employees
8 of the authority nor any person executing the bonds shall be
9 liable personally on any bonds by reason of the issuance
10 thereof. Bonds of an authority shall contain a statement of the
11 limitation set forth in this subsection.

12 (h) Bonds deemed valid.--Any bond reciting in substance that
13 it has been issued by the authority to accomplish the public
14 purposes of this chapter shall be conclusively deemed in any
15 suit, action or proceeding involving the validity or
16 enforceability of the bonds or security therefor to have been
17 issued for such purpose.

18 (i) Notice and challenges.--

19 (1) The authority may cause a copy of any resolution
20 authorizing the issuance of bonds adopted by it to be filed
21 for public inspection in its office and in the office of the
22 clerk of the governing body of each county and the governing
23 body of a city of the first class and may thereupon cause to
24 be published in a newspaper published or circulating in its
25 service area a notice stating the fact and date of the
26 adoption, the places where the resolution has been so filed
27 for public inspection, the date of publication of the notice
28 and that any action or proceeding of any kind or nature in
29 any court questioning the validity or proper authorization of
30 bonds provided for by the resolution or the validity of any

1 covenants, agreements or contract provided for by such
2 resolution shall be commenced within 20 days after the
3 publication of the notice.

4 (2) If any notice shall at any time be published and if
5 no action or proceeding questioning the validity or proper
6 authorization of bonds provided for by the resolution or the
7 validity of any covenants, agreements or contract provided
8 for by such resolution shall be commenced within 20 days
9 after the publication of the notice, then all residents,
10 taxpayers and owners of property in a city of the first class
11 and all other persons whatsoever shall be forever barred and
12 foreclosed from instituting or commencing any action or
13 proceeding in any court or pleading any defense to any action
14 or proceedings questioning the validity or proper
15 authorization of such bonds or the validity of any such
16 covenants, agreements or contracts, and said bonds,
17 covenants, agreements and contracts shall be conclusively
18 deemed to be valid and binding obligations in accordance with
19 their terms and tenor.

20 (3) After issuance of bonds, all bonds shall be
21 conclusively presumed to be fully authorized and issued by
22 all the laws of this Commonwealth, and any person shall be
23 estopped from questioning their sale, execution or delivery
24 by the authority.

25 (j) Applicability.--This section shall only apply to
26 authorities in cities of the first class.

27 § 5510.4. Contracts with obligees of an authority in cities of
28 the first class.

29 (a) General rule.--Except as otherwise provided in any
30 resolution of an authority authorizing or awarding bonds, the

1 terms thereof and of this chapter as in effect when the bonds
2 were authorized shall constitute a contract between the
3 authority and obligees of the authority, subject to modification
4 in such manner as the resolution, the trust indenture securing
5 such bonds or the bonds shall provide.

6 (b) Applicability.--This section shall only apply to
7 authorities in cities of the first class.

8 § 5510.5. Commonwealth pledges in cities of the first class.

9 (a) General rule.--The Commonwealth does hereby pledge to
10 and agree with:

11 (1) Any person, firm or corporation, government agency,
12 whether in this Commonwealth or elsewhere, or Federal agency
13 subscribing to or acquiring the bonds to be issued by the
14 authority that the Commonwealth will not limit or alter the
15 rights hereby vested in the authority in any manner
16 inconsistent with the obligations of the authority to the
17 obligees of the authority until all bonds at any time issued,
18 together with the interest thereon, are fully paid or
19 provided for. The Commonwealth does further pledge to and
20 agree with any Federal agency that, in the event that any
21 Federal agency shall contribute any funds for the authority
22 or any project, the Commonwealth will not alter or limit the
23 rights and powers of the authority in any manner which would
24 be inconsistent with the due performance of any agreements
25 between the authority and any Federal agency.

26 (2) Any person who, as owner thereof, leases or
27 subleases property to or from an authority that the
28 Commonwealth will not limit or alter the rights and powers
29 hereby vested in the authority or otherwise created by this
30 chapter in any manner which impairs the obligations of the

1 authority until all obligations of the authority under the
2 lease or sublease are fully met and discharged.

3 (b) Applicability.--This section shall only apply to
4 authorities in cities of the first class.

5 § 5510.6. Provisions of bonds and trust indentures in cities of
6 the first class.

7 (a) General rule.--In connection with the issuance of bonds
8 or the incurring of obligations under leases and in order to
9 secure the payment of the bonds and obligations, the authority,
10 in addition to its other powers, shall have the power to:

11 (1) Pledge or grant a security interest, senior, parity
12 or subordinated, in all or any part of its revenues, to which
13 its right then exists or may thereafter come into existence.

14 (2) Grant a lien on or a security interest, senior,
15 parity or subordinated, in all or any part of its real or
16 personal property then owned or thereafter acquired. This
17 paragraph does not apply to the First Class City Taxicab
18 Regulatory Fund.

19 (3) Provide for the issuance of unsecured bonds, limited
20 recourse bonds or nonrecourse bonds.

21 (4) Enter into trust indentures securing bonds,
22 including, but not limited to, master trust indentures.

23 (5) Covenant against pledging or granting a lien on or
24 security interest in all or any part of its revenues or all
25 or any part of its real or personal property to which its
26 right or title exists or may thereafter come into existence
27 or against permitting or suffering any lien on the revenues
28 or property, covenant with respect to limitations on its
29 right to sell, lease or otherwise dispose of any of its real
30 property and covenant as to which other or additional debts

1 or obligations may be incurred by it.

2 (6) Covenant as to the bonds to be issued and as to the
3 issuance of such bonds, in escrow or otherwise, and as to the
4 use and disposition of the proceeds thereof, provide for the
5 replacement of lost, destroyed or mutilated bonds, covenant
6 against extending the time for the payment of its bonds or
7 interest thereon and covenant for the redemption of bonds and
8 provide the terms and conditions thereof.

9 (7) Covenant as to the amount of revenues to be raised
10 in each fiscal year or other period of time by the authority
11 as well as to the use and disposition to be made thereof,
12 create or authorize the creation of special funds for debt
13 service or other purposes and covenant as to the use and
14 disposition of the moneys held in such funds.

15 (8) Prescribe the procedure, if any, by which the terms
16 of any contract with obligees of the authority may be
17 supplemented, amended or abrogated, prescribe which
18 supplements or amendments will require the consent of
19 obligees of the authority and the amount of bonds to be held
20 by obligees to effect such consent and prescribe the manner
21 in which such consent may be given.

22 (9) Covenant as to the use of any or all of its real or
23 personal property, warrant its title and covenant as to the
24 maintenance of its real and personal property, the
25 replacement thereof, the insurance to be carried thereon and
26 the use and disposition of insurance proceeds.

27 (10) Covenant as to the rights, liabilities, powers and
28 duties arising upon the breach by it of any covenant,
29 condition or obligation.

30 (11) Vest in the obligees of the authority or any

1 proportion of them the right to enforce the payment of the
2 bonds or any covenants securing or relating to the bonds,
3 vest in a trustee the right in the event of default by the
4 authority to take possession and use, operate and manage any
5 real or personal property and to collect the rents and
6 revenues arising therefrom and to dispose of such moneys in
7 accordance with the agreement of the authority with such
8 trustee, provide for the powers and duties of a trustee and
9 to limit liabilities thereof and provide the terms and
10 conditions upon which the trustee or the obligees of the
11 authority or any proportion of them may enforce any covenant
12 or rights securing or relating to the bonds.

13 (12) Negotiate and enter into interest rate exchange
14 agreements, interest rate cap, collar, corridor, ceiling and
15 floor agreements, forward agreements, float agreements and
16 other similar arrangements which, in the judgment of the
17 authority, will assist the authority in managing the interest
18 costs of the authority.

19 (13) Obtain letters of credit, bond insurance and other
20 facilities for credit enhancement and liquidity.

21 (14) Exercise all or any part or combination of the
22 powers granted in this section to make covenants other than
23 and in addition to the covenants expressly authorized in this
24 section, to make such covenants and to do any and all such
25 acts and things as may be necessary or convenient or
26 desirable in order to secure its bonds or, in the absolute
27 discretion of the authority, as will tend to accomplish the
28 purposes of this chapter by making the bonds more marketable,
29 notwithstanding that such covenants, acts or things may not
30 be specifically enumerated in this section.

1 (15) The revenues of the authority and the real and
2 tangible personal property of the authority shall be pledged
3 or otherwise encumbered only as expressly provided in this
4 section and, except to the extent necessary to effectuate
5 such pledge or encumbrance, shall not be subject to
6 attachment nor levied upon by execution or otherwise.

7 (b) Applicability.--This section shall only apply to
8 authorities in cities of the first class.

9 § 5510.8. Bonds to be legal investments.

10 (a) General rule.--Bonds issued under this chapter are
11 hereby made securities in which all public officers and the
12 instrumentalities and agencies of the Commonwealth and its
13 political subdivisions, all insurance companies, banks, bank and
14 trust companies, trust companies, banking associations, banking
15 corporations, savings banks, investment companies, executors,
16 trustees, the trustees of any retirement, pension or annuity
17 fund or system of the Commonwealth and other fiduciaries may
18 properly and legally invest funds, including capital, deposits
19 or other funds in their control or belonging to them. These
20 bonds are hereby made securities which may properly and legally
21 be deposited with and received by any Commonwealth or municipal
22 officer or any agency or instrumentality or political
23 subdivision of the Commonwealth for any purpose for which the
24 deposit of bonds or other obligations of the Commonwealth now or
25 may hereafter be authorized by law.

26 (b) Applicability.--This section shall only apply to
27 authorities in cities of the first class.

28 § 5510.9. Validity of pledge.

29 (a) General rule.--Any pledge of or grant of a lien on or
30 security interest in revenues of an authority or real or

1 personal property of an authority made by an authority shall be
2 valid and binding from the time when the pledge is made, the
3 revenues or other property so pledged and thereafter received by
4 the authority making such pledge shall immediately be subject to
5 the lien of any such pledge, lien or security interest without
6 any physical delivery thereof or further act, and the lien of
7 any such pledge or security interest shall be valid and binding
8 as against all parties having claims of any kind in tort,
9 contract or otherwise against the authority irrespective of
10 whether the parties have notice thereof. Neither the resolution
11 nor any other instrument of the authority by which a pledge,
12 lien or security interest is created need be recorded or filed
13 to perfect such pledge or security interest.

14 (b) Applicability.--This section shall only apply to
15 authorities in cities of the first class.

16 § 5510.10. Security interest in funds and accounts.

17 (a) General rule.--Any moneys deposited in any fund created
18 by the authority pledged to be used to pay debt service on bonds
19 of the authority, including any sinking fund or debt service
20 reserve fund, and all investments and proceeds of investments
21 thereof shall, without further action or filing, be subjected to
22 a perfected security interest for the obligees of the authority
23 with respect to the bonds until such moneys or investments shall
24 be properly disbursed in accordance with this chapter and
25 subject to the terms of any trust indenture or other contract
26 between the authority and the obligees of the authority with
27 respect to the bonds.

28 (b) Applicability.--This section shall only apply to
29 authorities in cities of the first class.

30 § 5510.11. Limitation on authority under Federal bankruptcy

1 code.

2 (a) General rule.--So long as an authority shall have
3 outstanding any bonds issued under this chapter, the authority
4 shall not be authorized to file a petition for relief under 11
5 U.S.C. Chapter 9 (relating to adjustment of debts of a
6 municipality), and no public officer or agency or
7 instrumentality of the Commonwealth shall authorize the
8 authority to become a debtor under 11 U.S.C. Chapter 9 so long
9 as any bonds issued under this chapter are outstanding.

10 (b) Applicability.--This section shall only apply to
11 authorities in cities of the first class.

12 § 5701. Definitions.

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

16 "Authority." A parking authority in a city of the first
17 class.

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

25 "Limousine service." Local, nonscheduled common carrier
26 service for passengers on an exclusive basis for compensation.
27 The term does not include taxicab service, paratransit service
28 or employee commuter van pooling.

29 "Taxi driver's certificate." A certificate or permit to
30 drive a taxicab issued pursuant to section 5719 (relating to

1 driver certification program).

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

6 Section 7. Title 53 is amended by adding a section to read:

7 § 5701.1. Legislative findings.

8 The General Assembly finds and declares as follows:

9 (1) The health, safety and general welfare of the people
10 of this Commonwealth are directly dependent upon the
11 continual encouragement, development, growth and expansion of
12 business, industry, commerce and tourism.

13 (2) Unemployment, the spread of poverty, and the heavy
14 burden of public assistance and unemployment compensation can
15 be avoided by the promotion, attraction, stimulation,
16 development and expansion of business, industry, commerce and
17 tourism in this Commonwealth through the development of a
18 clean, safe, reliable, and well regulated taxicab and
19 limousine industry locally regulated by parking authorities
20 in cities of the first class.

21 (3) Due to the size, total population, population
22 density and volume of both tourism and commerce of a city of
23 the first class, it may be more efficient to regulate the
24 taxicab and limousine industries through an agency of the
25 Commonwealth with local focus than an agency with diverse
26 Statewide regulatory duties. Well regulated local focus on
27 improving those industries can be an important factor in the
28 continual encouragement, development, attraction,
29 stimulation, growth and expansion of business, industry,
30 commerce and tourism within a city of the first class, the

1 surrounding counties and this Commonwealth as a whole.

2 Section 8. Section 5702 of Title 53 is reenacted to read:

3 § 5702. Advisory committee.

4 (a) Establishment.--There is hereby established an advisory
5 committee to be known as the City of the First Class Taxicab and
6 Limousine Advisory Committee. The authority shall submit to the
7 advisory committee issues and questions for their consideration
8 regarding the regulation, enforcement, compliance and operation
9 of taxicabs and limousines in cities of the first class. The
10 advisory committee may thoroughly consider the questions and
11 issues submitted by the authority and may prepare and transmit
12 to the authority and the public written comments. The advisory
13 committee may submit suggestions and proposals to the authority
14 in writing on topics considered important by a majority of the
15 members. All actions of the advisory committee shall be
16 considered strictly advisory, and the authority shall give
17 careful and due consideration to the comments and proposals of
18 the advisory committee.

19 (b) Membership.--

20 (1) The advisory committee shall consist of the
21 following members:

22 (i) Ten members appointed by the chairman of the
23 authority or his designee as follows:

24 (A) One taxi driver.

25 (B) One medallion owner.

26 (C) One dispatch owner.

27 (D) One member of the public who utilizes
28 taxicabs or limousines.

29 (E) One limousine owner.

30 (F) One representative of the hospitality

1 industry from a list of five nominees assembled by
2 the Philadelphia Convention and Visitors Bureau.

3 (G) One resident of a second class A county.

4 (H) One resident of a third class county.

5 (I) One representative of the Philadelphia
6 International Airport.

7 (J) One representative of a major train station
8 in a city of the first class.

9 (ii) One member appointed by the mayor of a city of
10 the first class or his designee.

11 (iii) One member appointed by the Public Utility
12 Commission.

13 (2) The advisory committee may consist of up to ten
14 additional members appointed by the chairman of the authority
15 or his designee.

16 (c) Terms.--The members shall serve two-year terms, except
17 that one half of the initial appointees shall be appointed for a
18 one-year term and one half of the initial appointees shall be
19 appointed for a two-year term. No member shall serve more than
20 three consecutive terms.

21 (d) Officers.--The authority shall designate a chairman,
22 vice chairman and secretary of the advisory committee from the
23 members of the advisory committee.

24 (e) Quorum.--A majority of the members of the advisory
25 committee plus one additional member shall constitute a quorum.

26 (f) Compensation.--Members of the advisory committee shall
27 not receive any compensation for the performance of their
28 duties.

29 Section 9. Section 5703 is reenacted and amended to read:

30 § 5703. Rates.

1 (a) Rates to be just and reasonable.--Every rate made,
2 [demanded or received by a] for authority-certified taxicab
3 [or], limousine or medallion taxicab service shall be just and
4 reasonable and in conformity with regulations or orders of the
5 authority.

6 (b) Tariffs.--Under regulations as the authority may
7 prescribe, every taxicab or limousine service shall file with
8 the authority, within the time and in the form as the authority
9 may designate, tariffs showing all rates established by it and
10 collected or enforced or to be collected or enforced within
11 cities of the first class. Every taxicab or limousine service
12 shall keep copies of tariffs open to public inspection under
13 rules and regulations as the authority may prescribe. Upon
14 request, the taxicab or limousine service shall make available
15 at least one copy of any rate filing at a convenient location
16 and for a reasonable length of time within a city of the first
17 class for inspection and study by customers.

18 (c) Adherence to tariffs.--No taxicab or limousine service
19 shall, directly or indirectly, by any device whatsoever or in
20 any way, demand or receive from any person, corporation or
21 municipal corporation a greater or lesser rate for any service
22 rendered or to be rendered by the taxicab or limousine service
23 than that specified in the tariffs of the taxicab or limousine
24 service.

25 (d) Discrimination in rates.--No taxicab or limousine
26 service shall make or grant any unreasonable preference or
27 advantage to any person, corporation or municipal corporation or
28 subject any person, corporation or municipal corporation to any
29 unreasonable prejudice or disadvantage concerning its rate. No
30 taxicab or limousine service shall establish or maintain any

1 unreasonable difference as to rates. This subsection shall not
2 prohibit the establishment of reasonable zone or group systems
3 or classifications of rates.

4 (e) Voluntary changes in rates.--

5 (1) Unless the authority otherwise orders, no taxicab or
6 limousine service shall make any change in any existing and
7 duly established rate except after 60 days' notice to the
8 authority which shall plainly state the changes proposed to
9 be made in the rates then in force and the time when the
10 changed rates will go into effect. The taxicab or limousine
11 service shall also give notice of the proposed changes to
12 other interested persons as the authority, in its discretion,
13 may direct. The notices regarding the proposed changes which
14 are provided shall be in plain, understandable language as
15 the authority prescribes. All proposed changes shall be shown
16 by filing new tariffs or supplements to existing tariffs
17 filed and in force at the time. The authority, for good cause
18 shown, may allow changes in rates without requiring the 60
19 days' notice under conditions as it may prescribe.

20 (2) Whenever there is filed with the authority by any
21 taxicab or limousine service any tariff stating a new rate,
22 the authority may, either upon complaint or upon its own
23 motion and upon reasonable notice, conduct a hearing
24 concerning the lawfulness of the rate. Pending the hearing
25 and its outcome, the authority, upon filing the tariff and
26 delivering to the taxicab or limousine service affected a
27 statement in writing of its reasons may, at any time before
28 it becomes effective, suspend the operation of the rate for a
29 period not longer than nine months from the time it would
30 otherwise become effective. The rate in force when the tariff

1 stating the new rate was filed shall continue in force during
2 the period of suspension unless the authority shall establish
3 a temporary rate. The authority shall consider the effect of
4 the suspension in finally determining and prescribing the
5 rates to be charged and collected by the taxicab or limousine
6 service.

7 (3) If, after the hearing conducted pursuant to
8 paragraph (2), the authority finds any rate to be unjust or
9 unreasonable or in any way in violation of law, it shall
10 determine the just and reasonable rate to be charged or
11 applied by the taxicab or limousine service for the service
12 in question and shall fix the rate by order to be served upon
13 the taxicab or limousine service. The rate shall then be
14 observed until changed.

15 (f) Temporary rates.--The authority may, in any proceeding
16 involving the rates of a taxicab or limousine service, after
17 reasonable notice and hearing and, if the public interest
18 requires, immediately fix, determine and prescribe temporary
19 rates to be charged by a taxicab or limousine service, pending
20 the final determination of the rate proceeding.

21 (g) Fair return.--In fixing any rate of a taxicab or
22 limousine service engaged exclusively as a common carrier by
23 motor vehicle, the authority may fix the fair return by relating
24 the fair and reasonable operating expenses, depreciation, taxes
25 and other costs of furnishing service to operating revenues.

26 (h) Refunds.--If, in any proceeding involving rates, the
27 authority determines that any rate received by a taxicab or
28 limousine service was unjust or unreasonable or was in violation
29 of any regulation or order of the authority or was in excess of
30 the applicable rate contained in an existing and effective

1 tariff of the taxicab or limousine service, the authority shall
2 have the power to make an order requiring the public utility to
3 refund the amount of any excess paid by any patron.

4 Section 10. Sections 5704, 5711, 5712 and 5713 of Title 53
5 are reenacted to read:

6 § 5704. Power of authority to require insurance.

7 The authority may, by regulation or order, prescribe for a
8 taxicab or limousine service requirements as it may deem
9 necessary for the protection of persons or property of their
10 patrons and the public, including the filing of surety bonds,
11 the carrying of insurance or the qualifications and conditions
12 under which carriers may act as self-insurers with respect to
13 the requirements.

14 § 5711. Power of authority to issue certificates of public
15 convenience.

16 (a) General rule.--In addition to the powers conferred upon
17 the authority by other provisions of this title, the authority
18 is empowered to issue certificates of public convenience in
19 accordance with this subchapter.

20 (b) Application.--Every application for a certificate of
21 public convenience shall be made to the authority in writing, be
22 verified by oath or affirmation and be in such form and contain
23 such information as the authority may require.

24 (c) Procedure.--

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

1 authority.

2 (2) The authority is authorized to issue a maximum of
3 1,600 certificates of public convenience for citywide taxicab
4 service and no more than five certificates of public
5 convenience for limited service in any city of the first
6 class.

7 (3) It is hereby declared to be the policy of the
8 General Assembly to regulate the provision of taxicab service
9 within cities of the first class in such a manner that any
10 certificate of public convenience hereinafter granted by
11 order of the authority shall, in addition to any other
12 conditions imposed by the authority, require that at least
13 40% of such trips of such taxicab service shall be derived
14 from such service provided to and from points within specific
15 geographical areas to be determined by the authority as being
16 in the public interest. The authority shall have the power to
17 rescind or revoke any certificate of public convenience
18 granted to any existing holder or any new recipient for the
19 operation of taxicabs within a city of the first class
20 whenever it is shown that the holder of the certificate is
21 not operating the taxicabs on an average of 50% of the time
22 over any consecutive three-month period.

23 (4) The authority shall have the authority to grant
24 immediate temporary certificates of public convenience for
25 taxicab service within cities of the first class. Such
26 temporary certificates are subject to further investigation
27 before a permanent certificate shall be granted by the
28 authority.

29 (5) The transfer of a certificate of public convenience,
30 by any means or device, shall be subject to the prior

1 approval of the authority which may, in its sole or peculiar
2 discretion as it deems appropriate, attach such conditions,
3 including the appropriate allocation of proceeds, as it may
4 find to be necessary or proper.

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

12 § 5712. Medallion system.

13 (a) System.--There is a medallion system within cities of
14 the first class in order to provide holders of certificates of
15 public convenience which authorize citywide call or demand
16 service the opportunity to upgrade and improve the operations of
17 taxicabs. In the case of a corporate certificate holder, a
18 medallion shall be issued in the name of the corporation to its
19 corporate president. The medallion shall be marked with the
20 taxicab number assigned to the corresponding certificate of
21 public convenience.

22 (b) Requirement.--Notwithstanding 75 Pa.C.S. § 1305(b)
23 (relating to application for registration), before registering
24 any taxi which is required to obtain a certificate of public
25 convenience from the authority to operate in a city of the first
26 class, the Department of Transportation shall require evidence
27 that the certificate has been issued and has not been revoked or
28 has not expired.

29 § 5713. Property and licensing rights.

30 (a) Property rights.--Medallions are property and may not be

1 revoked or canceled by the authority. Medallions may be pledged
2 to lenders or creditors as security on debt. All lenders or
3 creditors who, after the effective date of this section, accept
4 a medallion as security shall do so in conformance with 13
5 Pa.C.S. (relating to commercial code). If a lender or creditor
6 executes on or seizes a medallion, it shall immediately notify
7 the authority in writing. Any sale of the medallion, upon
8 seizure or execution, shall occur at authority offices pursuant
9 to the requirements of section 5718 (relating to restrictions)
10 within one year of the seizure or execution. If the medallion is
11 not sold within one year, the medallion will become
12 nontransferable, and possession must be surrendered to the
13 authority unless the authority finds exigent circumstances exist
14 which warrant extending the one-year period.

15 (b) Licensing rights.--A certificate of public convenience
16 is a licensing right which accompanies each medallion and
17 authorizes the operation of one taxicab within a city of the
18 first class. No property interest shall exist in the certificate
19 itself. A certificate may not be pledged to lenders or creditors
20 as security on debt. A certificate may be canceled by the
21 authority, upon due cause shown, for violation of this
22 subchapter or authority regulations. If the authority cancels a
23 certificate, the certificate holder shall have the right to sell
24 the accompanying medallion within six months of the date of
25 cancellation, and the certificate holder must turn the medallion
26 over to the authority office within five days of cancellation of
27 the certificate for safekeeping until the medallion is sold.
28 This six-month time period shall be extended during the pendency
29 of a petition for reinstatement of the certificate of public
30 convenience. If the medallion is not sold within the statutory

1 period, the medallion will become nontransferable, and
2 possession must be surrendered to the authority.

3 Section 11. Sections 5714, 5715, 5716, 5717, 5718, 5719 and
4 5720 of Title 53 are reenacted and amended to read:

5 § 5714. Certificate and medallion required.

6 (a) Procedure.--A vehicle may not be operated as a taxicab
7 with citywide call or demand rights in cities of the first class
8 unless a certificate of public convenience is issued by an
9 authority authorizing the operation of the taxicab and a
10 medallion is attached to the hood of the vehicle. Prior to the
11 issuance of a medallion, the certificate holder shall have its
12 vehicle inspected by the authority. The authority shall require,
13 by order or regulation, that each medallion holder submit to a
14 periodic vehicle inspection of its taxicab by authority
15 personnel to ensure that the vehicle meets the requirements of
16 this subchapter and authority regulations. Authority inspection
17 requirements shall be in addition to the vehicle requirements
18 set forth in Title 75 (relating to vehicles). Authority
19 inspection and recording requirements shall be established by
20 regulations. No vehicle which is more than eight years old shall
21 continue in operation as a taxicab. Notwithstanding the
22 foregoing, the authority may authorize the operation of antique
23 vehicles in call or demand service in such circumstances as the
24 authority may deem appropriate. Each medallion holder's tariff
25 rates shall be clearly and visibly displayed in each taxicab. A
26 medallion shall not be removed from a vehicle without prior
27 notification to and permission of the authority. A medallion
28 authorizes operation of a vehicle as a taxicab only for the
29 fiscal year for which the medallion is issued.

30 (b) Protective barrier.--Each taxicab within cities of the

1 first class shall be equipped with a protective barrier for the
2 protection of the driver, separating the front seat from the
3 back seat. The authority may provide for additional driver
4 protection measures by order or regulation.

5 (c) Service.--A vehicle authorized by a certificate to
6 provide call or demand service within cities of the first class
7 may transport persons and their baggage upon call or demand and
8 parcels, packages and property at the same basic metered rates
9 charged to passengers:

10 (1) between points in the city of the first class for
11 which its certificate is issued;

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

15 (3) from any point in this Commonwealth to any point in
16 the city of the first class for which its certificate is
17 issued if the request for service for such transportation is
18 received by call to its centralized dispatch system; and

19 (4) from any point in the city of the first class for
20 which its certificate is issued to any point outside this
21 Commonwealth as a continuous part of a trip.

22 (d) Other vehicles.--

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

29 (i) to cities of the first class in accordance with
30 the service authorized under its certificate of public

1 convenience; and

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

7 (2) Carriers currently authorized to provide service to
8 designated areas within cities of the first class on a non-
9 citywide basis shall retain their authorization through the
10 authority. The authority shall not grant additional rights to
11 new or existing carriers to serve designated areas within
12 cities of the first class on a non-citywide basis.

13 (e) Penalties involving certificated taxicabs.--Operating a
14 certificated taxicab in violation of subsections (a) and (b) or
15 authorizing or permitting such operation is a nontraffic summary
16 offense. Offenders of subsections (a) and (b) may also be
17 subject to civil penalties pursuant to section 5725 (relating to
18 civil penalties).

19 (f) Unauthorized vehicles.--Operating an unauthorized
20 vehicle as a taxicab, or giving the appearance of offering call
21 or demand service with an unauthorized vehicle, without first
22 having received a certificate of public convenience and a
23 medallion is a nontraffic summary offense in the first instance
24 and a misdemeanor of the third degree for each offense
25 thereafter. The owner and the driver of a vehicle being operated
26 as or appearing as a taxicab without a certificate of public
27 convenience and a medallion are also subject to civil penalties
28 pursuant to section 5725. Civil penalties which have been
29 assessed and collected shall be deposited in the fund.

30 (g) Confiscation and impoundment of vehicles.--In addition

1 to penalties provided for in subsection (f), the authority is
2 empowered to confiscate and impound vehicles and equipment which
3 are utilized to provide call or demand service without a proper
4 certificate of public convenience in cities of the first class
5 or which are in violation of regulations of the authority. Upon
6 satisfaction of all penalties imposed and all outstanding fines
7 assessed against the owner or operator of the unauthorized
8 vehicle and payment of the authority's costs associated with
9 confiscation and impoundment, the vehicle and equipment shall be
10 returned to its owner. Failure to timely satisfy these
11 conditions within [90] 45 days of impoundment may result in the
12 sale of confiscated property by the authority at public auction.
13 Proceeds received from the sale of confiscated property, after
14 payment of the authority's costs associated with confiscation
15 and impoundment shall be deposited into the fund.

16 (h) Counterfeit medallions.--The manufacture or possession
17 of a counterfeit medallion is a misdemeanor of the third degree
18 for each offense.

19 § 5715. Contested complaints.

20 (a) Adjudication.--Contested complaints brought before the
21 authority alleging violations of this chapter or rules and
22 regulations promulgated by the authority pursuant to this
23 chapter shall be assigned by the authority to a hearing officer
24 for adjudication. Hearing officers assigned to cases pursuant to
25 this chapter may be removed by the authority only for good cause
26 shown. Following the taking and receiving of evidence, the
27 hearing officer shall issue a decision which determines the
28 merits of the complaint and assesses a penalty if warranted. [In
29 extraordinary circumstances, the] The hearing officer may
30 require the filing of briefs prior to issuing a decision. The

1 hearing officer's decision shall not be subject to exception or
2 administrative appeal. In its discretion, the authority may
3 exercise review of a hearing officer's decision within 15 days
4 of the date of issuance. If the authority does not [exercise its
5 authority to review] perform a timely review of a hearing
6 officer's decision, the decision will become a final order
7 without further authority action. The authority may establish
8 orders or regulations which designate rules and procedures for
9 the adjudication of complaints brought pursuant to this chapter.

10 (b) Commencement of complaints.--Authority enforcement
11 officers, Pennsylvania Public Utility Commission enforcement
12 officers and police officers or licensing officials within
13 cities of the first class may commence and prosecute
14 [complaints] the following:

15 (1) A complaint which is brought before the authority
16 pursuant to this chapter and authority regulations applicable
17 to taxicab operations in cities of the first class.

18 (2) A complaint which:

19 (i) arises out of service to or from a city of the
20 first class against a taxicab operation not certified to
21 provide service between points within a city of the first
22 class; and

23 (ii) is brought before the commission to enforce
24 commission regulations for taxicab service.

25 (c) Other penalties.--Nothing in this section shall be
26 deemed to limit the ability of any city of the first class to
27 prosecute violations and seek criminal penalties in a court of
28 law.

29 § 5716. Reissuance of medallion.

30 Within 30 days of the close of each fiscal year, a medallion

1 holder shall apply to obtain from the authority a reissued
2 medallion for a fee in an amount to be determined pursuant to
3 the requirements of section 5723 (relating to budget and fees).
4 Each year's medallion shall designate the year of issuance and
5 shall be identifiable by a distinctive tint or color and shape
6 to be determined by the authority. A medallion may not be issued
7 by the authority unless all outstanding authority fines,
8 penalties and fees have been paid in full and unless all
9 insurance, tariff and vehicle inspection filings are current.
10 Immediately prior to reissuance of a medallion, a medallion
11 holder shall remove the prior year's medallion from the hood of
12 its taxicab and surrender it to the authority. Upon reissuance,
13 the new medallion shall be immediately attached to the vehicle.
14 § 5717. Additional certificates and medallions.

15 Subject to the limits established in section 5711(c)
16 (relating to power of authority to issue certificates of public
17 convenience), the authority may increase the number of
18 certificates and medallions if it finds a need for additional
19 taxicab service in cities of the first class by issuing
20 certificates and corresponding medallions to applicants on a
21 first-come-first-served basis. Each applicant shall pay a fee in
22 an amount equal to the reasonable market value of the medallions
23 at the time of issuance as determined by the authority. The fee
24 is payable prior to the time of issuance. In determining the
25 reasonable market value of a medallion, the authority shall
26 consider the purchase price in medallion transactions over the
27 prior year as reflected in authority records. The authority in
28 its discretion may hold hearings to determine the reasonable
29 market value of a medallion. In no case shall the number of
30 citywide call or demand service taxicab certificates and

1 medallions issued by the authority exceed 1,600 each.

2 § 5718. Restrictions.

3 (a) Place of transaction.--A medallion may not be sold or
4 transferred to another party unless the closing of the sales
5 transaction occurs at authority offices in the presence of a
6 designated authority staff member. The authority staff member
7 shall witness the execution of each contract of sale to evidence
8 staff presence at the execution. All contracts for the sale of
9 medallions which are not executed at authority offices and
10 witnessed by an authority staff member are void by operation of
11 law. All sales contracts shall conform to such rules and
12 regulations as the authority may prescribe. Prior to each
13 closing, the buyer of the medallion shall pay a fee in an amount
14 to be determined pursuant to the requirements of section 5723
15 (relating to budget and fees).

16 (b) Issuance of certificate.--Upon the witnessing of a sale
17 of a medallion and upon application of the purchaser and
18 compliance with authority tariff, insurance and inspection
19 requirements, the authority staff shall issue an accompanying
20 certificate to the new medallion holder unless the authority
21 determines that the transfer of the certificate is inconsistent
22 with the public interest. Where there is a determination that a
23 transfer is not in the public interest, the new medallion holder
24 shall have six months from the date the adverse determination is
25 entered to sell the medallion to a new owner. If a sale is not
26 consummated before authority personnel within six months, the
27 medallion will become nontransferable, and possession must be
28 surrendered to the authority.

29 (c) Criminal records.--No person or corporation may purchase
30 a medallion or apply for a certificate if the person or

1 corporation or an officer or director of the corporation has
2 been convicted or found guilty of a felony within the five-year
3 period immediately preceding the transfer. All applications for
4 a certificate shall contain a sworn affidavit certifying that
5 the purchaser has not been convicted of a felony in the previous
6 five years. If, at any time, the authority finds that a
7 medallion holder has been convicted of a felony while holding
8 the medallion or during the five years immediately preceding its
9 purchase, the authority shall cancel the corresponding
10 certificate.

11 § 5719. Driver certification program.

12 (a) General rule.--The authority shall provide for the
13 establishment of a driver certification program for drivers of
14 taxicabs within cities of the first class. Standards for fitness
15 of taxi drivers shall be established under such rules and
16 regulations as the authority may prescribe. The authority may
17 revoke or suspend a taxi driver's certificate upon a finding
18 that the individual is not fit to operate a taxicab. Each
19 applicant for a taxi driver's certificate shall pay a fee in an
20 amount to be determined pursuant to the requirements of section
21 5723 (relating to budget and fees). Upon approval, a picture
22 taxi driver's certificate will be issued to an applicant. No
23 individual shall operate a taxicab at any time unless the
24 individual is certified as a taxi driver by the authority. Each
25 certified taxi driver shall carry and display in full view a
26 taxi driver's certificate at all times of operation of a
27 taxicab. The authority may establish orders or regulations which
28 designate additional requirements governing the certification of
29 drivers and the operation of taxicabs by drivers, including, but
30 not limited to, dress codes for drivers.

1 (b) Violations.--Operating a taxicab without a taxi driver's
2 certificate or authorizing or permitting the operation of a
3 taxicab by a driver who is not certified as a taxi driver within
4 cities of the first class is a nontraffic summary offense in the
5 first instance and a misdemeanor of the third degree for each
6 offense thereafter. The authority may, by regulation, provide
7 for suspension and revocation of taxi drivers' certificates for
8 violations of this subchapter and authority regulations.

9 (c) Agreements delegating responsibilities.--The authority
10 is hereby authorized to enter into agreements or contracts
11 delegating the duties and responsibilities designated in
12 subsection (a) to a different governmental entity or to another
13 party.

14 § 5720. Wages.

15 (a) Minimum wage.--Each medallion holder shall pay at least
16 a prevailing minimum wage rate or, in the alternative, charge at
17 most a prevailing maximum lease amount to the drivers of its
18 taxicab, as determined by the authority upon investigation. The
19 minimum wage rate and the maximum lease amount, as established
20 by the authority, may include employee benefits.

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

25 (c) Reopen investigations.--Any holder of a certificate of
26 public convenience or [licensed] certified driver may petition
27 the authority to reopen the investigations addressed by
28 subsections (a) and (b) no less than 18 months after the close
29 of the preceding investigation.

30 Section 12. Section 5721 of Title 53 is reenacted to read:

1 § 5721. Centralized dispatcher.

2 In cities of the first class, all medallion holders shall
3 utilize the services of a centralized dispatch system. Any owner
4 of a centralized dispatch system shall make such system
5 available to all medallion holders for a reasonable fee, as
6 described in a rate schedule to be filed with the authority. The
7 authority, in its discretion, may review the rate schedules of
8 dispatch associations to determine if rates charged discriminate
9 against new applicants. Medallion holders shall utilize only
10 centralized dispatch systems that are in conformance with
11 authority rules and regulations. Medallion holders shall have no
12 obligation to use any particular centralized dispatch system.

13 Section 13. Sections 5722 and 5723 of Title 53 are reenacted
14 and amended to read:

15 § 5722. Regulations.

16 The authority may prescribe such rules and regulations as it
17 deems necessary to govern the regulation of taxicabs within
18 cities of the first class under this [subchapter.] chapter. The
19 authority has the powers set forth in this section
20 notwithstanding any other provision or law or of the articles of
21 incorporation of the authority.

22 § 5723. Budget and fees.

23 (a) Initial budget and fees.--The authority shall complete
24 an initial budget and fee schedule. The fee schedule shall
25 identify the initial fees for initial issuance of a medallion,
26 transfer of a medallion and issuance of a taxi driver's license.
27 The authority's initial budget and fee schedule shall be
28 submitted to the Appropriations Committee of the Senate and the
29 Appropriations Committee of the House of Representatives. Unless
30 either the Senate or the House of Representatives acts to

1 disapprove through adoption of a resolution within ten
2 legislative days from the date of submittal, the authority's fee
3 schedule shall become effective, and the authority shall notify
4 each medallion holder by certified letter of the initial fee
5 schedule.

6 (b) Fiscal year budget and fees.--The fiscal year for the
7 fund shall commence on July 1 of each year. Before March 15 of
8 each year, the authority shall submit a budget and proposed fee
9 schedule, necessary to advance the purposes of this chapter, for
10 the coming fiscal year along with comprehensive financial data
11 from the past fiscal year to the Appropriations Committee of the
12 Senate and the Appropriations Committee of the House of
13 Representatives. Unless either the Senate or the House of
14 Representatives acts to disapprove through adoption of a
15 resolution by April 15 of each year, the authority fee schedule
16 shall become effective. The authority shall notify all
17 [medallion] certificate holders of the fee schedule for the
18 coming fiscal year. The procedure for notifying [medallion]
19 certificate holders must be specified in the regulations of the
20 authority. If either the Senate or the House of Representatives
21 acts to disapprove the authority's fee schedule and budget, the
22 authority may submit a revised budget and fee schedule to the
23 Appropriations Committee of the Senate and the Appropriations
24 Committee of the House of Representatives within 15 days of such
25 disapproval or shall utilize the fee schedule and budget for the
26 prior year. Unless either the Senate or the House of
27 Representatives acts to disapprove, through adoption of a
28 resolution within ten legislative days from the date of
29 submission of the revised budget and fee schedule, the revised
30 budget and fee schedule of the authority shall become effective.

1 (c) First Class City Taxicab Regulatory Fund.--Money
2 deposited in the First Class City Taxicab Regulatory Fund is
3 hereby specifically appropriated for the purposes of this
4 chapter and shall not be used for any purpose not specified in
5 this chapter. All interest earned by the fund and all refunds or
6 repayments shall be credited to the fund.

7 (d) Examination of records.--The chairperson and the
8 minority chairperson of the Appropriations Committee of the
9 Senate and the chairperson and the minority chairperson of the
10 Appropriations Committee of the House of Representatives shall
11 have the right to examine the books, accounts and records of the
12 authority at any time.

13 Section 14. Sections 5724 and 5725 of Title 53 are reenacted
14 to read:

15 § 5724. Criminal penalties.

16 For the purpose of this subchapter, any person or corporation
17 convicted of:

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

21 (2) a misdemeanor shall be sentenced to pay a fine of
22 \$2,500 and may be sentenced to a term of imprisonment not to
23 exceed one year or both.

24 § 5725. Civil penalties.

25 (a) General rule.--If any person or corporation subject to
26 this subchapter shall violate any of the provisions of this
27 subchapter or shall do any matter or thing prohibited under this
28 subchapter; or shall fail, omit, neglect or refuse to perform
29 any duty enjoined upon it by this subchapter; or shall fail,
30 omit, neglect or refuse to obey, observe and comply with any

1 regulation or final direction, requirement, determination or
2 order made by the authority or to comply with any final
3 judgment, order or decree made by any court, the person or
4 corporation for the violation, omission, failure, neglect or
5 refusal shall forfeit and pay to the Commonwealth a sum not
6 exceeding \$1,000 to be recovered by an action of assumpsit
7 instituted in the name of the Commonwealth. In construing and
8 enforcing the provisions of this section, the violation,
9 omission, failure, neglect or refusal of any officer, agent or
10 employee acting for or employed by the person or corporation
11 shall in every case be deemed to be the violation, omission,
12 failure, neglect or refusal of the person or corporation.

13 (b) Continuing offenses.--Each and every day's continuance
14 in the violation of any regulation or final direction,
15 requirement, determination or order of the authority, or of any
16 final judgment, order or decree made by any court, shall be a
17 separate and distinct offense. If any interlocutory order of
18 supersedeas or a preliminary injunction be granted, no penalties
19 shall be incurred or collected for or on account of any act,
20 matter or thing done in violation of such final direction,
21 requirement, determination, order or decree so superseded or
22 enjoined for the period of time such order of supersedeas or
23 injunction is in force.

24 Section 15. Section 5741 of Title 53 is reenacted and
25 amended to read:

26 § 5741. Certificate of public convenience required.

27 (a) General rule.--In order to operate a limousine service
28 within a city of the first class, a certificate of public
29 convenience must be issued [by the authority.] under section
30 5741.1 (relating to power of authority). The authority may grant

1 a certificate of public convenience to provide limousine service
2 if the authority determines that the applicant is capable of
3 providing safe, adequate, lawful and dependable service to the
4 public.

5 (a.1) Service.--A vehicle authorized by a certificate issued
6 by the authority to provide limousine service within a city of
7 the first class may transport persons and their baggage upon
8 advance reservation:

9 (1) between points in the city of the first class for
10 which its certificate is issued;

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

14 (3) from any point in this Commonwealth to any point in
15 the city of the first class for which its certificate issued;
16 and

17 (4) from any point in the city of the first class for
18 which its certificate is issued to any point outside this
19 Commonwealth as part of a continuous trip.

20 (a.2) Other vehicles.--A vehicle which is not authorized by
21 a certificate to provide limousine service in a city of the
22 first class but which is operated by the holder of a certificate
23 of public convenience from the commission authorizing limousine
24 service elsewhere in this Commonwealth may transport persons and
25 their baggage:

26 (1) to a city of the first class upon advanced
27 reservation and in accordance with the service authorized
28 under its certificate of public convenience; and

29 (2) from any point in a city of the first class to any
30 point in this Commonwealth beyond the city of the first class

1 upon advance reservation in accordance with the service
2 authorized under its certificate of public convenience.

3 (b) Enforcement.--

4 (1) The provisions of this subchapter and the rules and
5 regulations promulgated by the authority pursuant to this
6 subchapter shall be enforced within cities of the first class
7 by authority personnel.

8 (2) The Pennsylvania Public Utility Commission may
9 initiate actions before the authority.

10 (c) Restrictions.--Certificates issued pursuant to this
11 subchapter shall be nontransferable unless a transfer is
12 approved by the authority.

13 (d) Penalties involving certified limousines.--Operating a
14 certificated limousine in violation of this subchapter and
15 authority regulations with regard to limousine service in a city
16 of the first class or authorizing or permitting such operation
17 is a nontraffic summary offense. Offenders may also be subject
18 to civil penalties pursuant to section 5745 (relating to civil
19 penalties).

20 (e) Unauthorized vehicles.--Operating an unauthorized
21 vehicle as a limousine or giving the appearance of offering
22 limousine service with an unauthorized vehicle, without first
23 having received a certificate of public convenience, is a
24 nontraffic summary offense in the first instance and a
25 misdemeanor of the third degree for each subsequent offense. The
26 owner and the driver of a vehicle being operated as a limousine
27 without a certificate of public convenience are also subject to
28 civil penalties pursuant to section 5745. Civil penalties which
29 have been assessed and collected shall be deposited in the fund.

30 (f) Confiscation and impoundment of vehicles.--In addition

to penalties provided for in subsection (d) and (e), the authority is empowered to confiscate and impound vehicles and equipment which are utilized to provide limousine service without a proper certificate of public convenience in a city of the first class or which are in violation of applicable regulations. Upon satisfaction of all penalties imposed and all outstanding fines assessed against the owner or operator of the unauthorized vehicle and payment of the authority's costs associated with confiscation and impoundment, the vehicle and equipment shall be returned to its owner.

Section 16. Title 53 is amended by adding a section to read:

§ 5741.1. Power of authority.

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

(b) Application.--An application for a certificate of public convenience must be made to the authority in writing, be verified by oath or affirmation, be in the form required by the authority and contain information required by the authority.

(c) Procedure.--

(1) The authority has the power to rescind or revoke a certificate of public convenience granted to an existing holder or a new recipient for the operation of limousines within a city of the first class.

(2) The authority has the power to grant immediate temporary certificates of convenience for limousine service within cities of the first class. Temporary certificates are subject to further investigation before a permanent certificate shall be granted by the authority.

1 (3) The transfer of a certificate of public convenience,
2 by any means or device, shall be subject to the prior
3 approval of the authority which may attach conditions it
4 deems proper.

5 Section 17. Section 5742 of Title 53 is amended to read:

6 § 5742. Regulations.

7 The authority is authorized to prescribe such rules and
8 regulations as it deems necessary to administer and enforce
9 [this chapter.] the regulation of limousine service certified
10 through the authority under this chapter. The authority has the
11 powers set forth in this section notwithstanding any other
12 provision of law or of the authority's articles of
13 incorporation.

14 Section 18. Sections 5743, 5744 and 5745 are reenacted to
15 read:

16 § 5743. Budget and fees.

17 (a) Initial budget and fees.--The authority shall complete
18 an initial budget and fee schedule. The fee schedule shall
19 identify the initial fees for the holder of a certificate of
20 public convenience for limousine service. The authority's
21 initial budget and fee schedule shall be submitted to the
22 Appropriations Committee of the Senate and the Appropriations
23 Committee of the House of Representatives. Unless either the
24 Senate or the House of Representatives acts to disapprove
25 through adoption of a resolution within ten legislative days
26 from the date of submittal, the authority's fee schedule shall
27 become effective, and the authority shall notify each
28 certificate holder by certified letter of the initial fee
29 schedule.

30 (b) Fiscal year budget and fees.--The fiscal year for the

1 fund shall commence on July 1 of each year. Before March 15 of
2 each year, the authority shall submit a budget and proposed fee
3 schedule for the coming fiscal year along with comprehensive
4 financial data from the past fiscal year to the Appropriations
5 Committee of the Senate and the Appropriations Committee of the
6 House of Representatives. Unless either the Senate or the House
7 of Representatives acts to disapprove through adoption of a
8 resolution by June 15 of each year, the authority fee schedule
9 shall become effective. The authority shall notify all
10 certificate holders of the fee schedule for the coming fiscal
11 year by certified letter. If either the Senate or the House of
12 Representatives acts to disapprove the authority's fee schedule
13 and budget, the authority shall utilize the fee schedule and
14 budget for the prior year.

15 (c) First Class City Taxicab Regulatory Fund.--Money
16 deposited in the First Class City Taxicab Regulatory Fund is
17 hereby specifically appropriated for the purposes of this
18 chapter and shall not be used for any purpose not specified in
19 this chapter. All interest earned by the fund and all refunds or
20 repayments shall be credited to the fund.

21 (d) Examination of records.--The chairperson and the
22 minority chairperson of the Appropriations Committee of the
23 Senate and the chairperson and the minority chairperson of the
24 Appropriations Committee of the House of Representatives shall
25 have the right to examine the books, accounts and records of the
26 authority at any time.

27 § 5744. Criminal penalties.

28 For the purpose of this subchapter, any person or corporation
29 convicted of:

30 (1) a summary offense shall be sentenced to pay a fine

1 of \$500 and may be sentenced to a term of imprisonment not to
2 exceed 90 days or both; or

3 (2) a misdemeanor shall be sentenced to pay a fine of
4 \$2,500 and may be sentenced to a term of imprisonment not to
5 exceed one year or both.

6 § 5745. Civil penalties.

7 (a) General rule.--If any person or corporation subject to
8 this subchapter shall violate any of the provisions of this
9 subchapter or shall do any matter or thing prohibited under this
10 subchapter; or shall fail, omit, neglect or refuse to perform
11 any duty enjoined upon it by this subchapter; or shall fail,
12 omit, neglect or refuse to obey, observe and comply with any
13 regulation or final direction, requirement, determination or
14 order made by the authority or to comply with any final
15 judgment, order or decree made by any court, the person or
16 corporation for the violation, omission, failure, neglect or
17 refusal shall forfeit and pay to the Commonwealth a sum not
18 exceeding \$1,000 to be recovered by an action of assumpsit
19 instituted in the name of the Commonwealth. In construing and
20 enforcing the provisions of this section, the violation,
21 omission, failure, neglect or refusal of any officer, agent or
22 employee acting for or employed by the person or corporation
23 shall in every case be deemed to be the violation, omission,
24 failure, neglect or refusal of the person or corporation.

25 (b) Continuing offenses.--Each and every day's continuance
26 in the violation of any regulation or final direction,
27 requirement, determination or order of the authority, or of any
28 final judgment, order or decree made by any court, shall be a
29 separate and distinct offense. If any interlocutory order of
30 supersedeas or a preliminary injunction be granted, no penalties

1 shall be incurred or collected for or on account of any act,
2 matter or thing done in violation of such final direction,
3 requirement, determination, order or decree so superseded or
4 enjoined for the period of time such order of supersedeas or
5 injunction is in force.

6 Section 19. The provisions of 66 Pa.C.S. §§ 510(b)(5),
7 1103(c) and Ch. 24 are repealed.

8 Section 20. The following provisions shall not apply to or
9 affect the validity of any contract otherwise within the purview
10 of such provisions entered into by the Pennsylvania Public
11 Utility Commission prior to the effective date of this section:

12 (1) The reenactment of 53 Pa.C.S. § 5505(d)(23).

13 (2) The reenactment of 53 Pa.C.S. § 5508.1(o).

14 (2.1) The reenactment of 53 Pa.C.S. § 5508.2.

15 (3) The reenactment of 53 Pa.C.S. §§ 5510.1 through
16 5510.11.

17 (4) The reenactment, amendment or addition of 53 Pa.C.S.
18 §§ 5701, 5701.1, 5702, 5703, 5704, 5711, 5712, 5713, 5714,
19 5715, 5716, 5717, 5718, 5719, 5720, 5721, 5722, 5723, 5724,
20 5725, 5741, 5741.1, 5742, 5743, 5744 and 5745.

21 (5) Section 19 of this act.

22 (6) Section 21 of this act.

23 (7) Section 22 of this act.

24 (8) Section 24 of this act.

25 Section 21. The following provisions do not affect any act
26 done, liability incurred or right accrued or vested or affect
27 any civil or criminal proceeding pending or to be commenced to
28 enforce any right or penalty or punish any offense under any
29 provision of law repealed by section 4 of this act:

30 (1) The reenactment of 53 Pa.C.S. § 5508.1(o).

- (2) The reenactment of 53 Pa.C.S. § 5508.2.
- (3) The reenactment of 53 Pa.C.S. §§ 5510.1 through 5510.11.
- (4) The reenactment, amendment or addition of 53 Pa.C.S. §§ 5701, 5701.1, 5702, 5703, 5704, 5711, 5712, 5713, 5714, 5715, 5716, 5717, 5718, 5719, 5720, 5721, 5722, 5723, 5724, 5725, 5741, 5741.1, 5742, 5743, 5744 and 5745.
- (5) The provisions of 66 Pa.C.S. §§ 510(b)(5) and 1103(c) and Ch.24.
- (6) Section 20 of this act.
- (7) Section 22 of this act.
- (8) Section 24 of this act.
- Section 22. The following shall apply:
- (1) The Pennsylvania Public Utility Commission's appropriations, allocations, documents, records, equipment, materials, powers, duties, contracts, rights and obligations which are utilized or accrue in connection with the functions under 66 Pa.C.S. Ch. 24 and in connection with limousine regulation in cities of the first class shall be transferred to the Philadelphia Parking Authority in accordance with an agreement between the commission and the authority.
- (2) Regulations, orders, programs and policies of the commission under 66 Pa.C.S. Ch. 24 and concerning limousine service regulation within cities of the first class shall remain in effect until specifically amended, rescinded or altered by the authority.
- (3) The State Treasurer shall coordinate with the authority and transfer the First Class City Taxicab Regulatory Fund to the authority. Upon transfer, fiduciary responsibility over the fund shall pass from the State

1 Treasurer to the authority.

2 (4) The commission shall assist the authority to prepare
3 for the transfer and to ensure a smooth transition with as
4 little disruption as possible to public safety, consumer
5 convenience and the impacted industries.

6 (5) As soon as is practical but no later than 60 days
7 after the effective date of this paragraph, subject to
8 negotiations between the commission and the authority, the
9 authority shall notify all current employees of the
10 commission whose jobs would be impacted by the transfer of
11 its intention to hire. All employees who receive and accept
12 offers to be transferred shall be employees of the authority
13 and the authority shall make provisions to transfer longevity
14 credits, payroll credits and other personnel benefits, except
15 for retirement accounts, in a fair and reasonable manner.
16 Notwithstanding the provisions of 53 Pa.C.S. §§ 5505(d)(8)
17 and (20) and 5508.1(1), any ordinance of any city of the
18 first class or any agreement or contract between a city of
19 the first class and the authority, the pension and retirement
20 rights of employees of the commission at the time of the
21 transfer whose jobs are impacted by the transfer and who
22 receive and accept offers to be transferred and be employees
23 of the authority upon the transfer of the funds and programs
24 pursuant to this section shall be determined by the
25 provisions of 71 Pa.C.S. Pt. XXV, known as the State
26 Employees' Retirement Code, and for such employees the
27 authority shall have the obligations and duties of employers
28 under the State Employees' Retirement Code. The authority
29 shall make every reasonable effort to provide a position
30 similar to that held with the commission.

1 (6) Reasonable costs of transfer shall be paid by the
2 fund.

3 (7) Employees of the Philadelphia Parking Authority who
4 were employees of the Pennsylvania Public Utility Commission
5 immediately prior to becoming employees of the Philadelphia
6 Parking Authority and who have been continuously employed by
7 the Philadelphia Parking Authority since the time of becoming
8 an employee of the Philadelphia Parking Authority shall not,
9 after termination of service from the Philadelphia Parking
10 Authority, be considered to be State employees or performing
11 State service if subsequently reemployed as an officer or
12 employee of the Philadelphia Parking Authority.

13 Section 23. The following shall apply:

14 (1) A sum of \$1,500,000 is hereby appropriated to the
15 authority from the First Class City Taxicab Regulatory Fund
16 under 66 Pa.C.S. Ch. 24 (relating to taxicabs in first class
17 cities) for reasonable costs of transfer. On August 31, 2005,
18 money not encumbered under this appropriation shall lapse
19 into the First Class City Taxicab Regulatory Fund. Additional
20 reasonable costs of transfer shall be paid by the fund upon
21 completion of the transfer.

22 (2) A sum of not more than \$2,000,000 is hereby
23 appropriated to the authority from the First Class City
24 Taxicab Regulatory Fund under 66 Pa.C.S. Ch. 24 for a
25 hospitality initiative making taxicab service within cities
26 of the first class more consumer friendly. On June 30, 2005,
27 money not encumbered under this appropriation shall lapse
28 into the First Class City Taxicab Regulatory Fund established
29 by the addition of 53 Pa.C.S. Ch. 57.

30 Section 24. The Pennsylvania Public Utility Commission shall

1 transmit notice of the entry into the agreement under section
2 7(1) of this act to the Legislative Reference Bureau for
3 publication in the Pennsylvania Bulletin.

4 Section 25. This act shall take effect as follows:

5 (1) The following provisions shall take effect
6 immediately:

7 (i) Section 1 of this act.

8 (ii) Section 2 of this act.

9 (iii) Section 3 of this act.

10 (iv) Section 4 of this act.

11 (v) Section 5 of this act.

12 (vi) The reenactment of 53 Pa.C.S. §§ 5510.1,
13 5510.2, 5510.3, 5510.4, 5510.5, 5510.6, 5510.8, 5510.9,
14 5510.10 and 5510.11.

15 (vii) Section 20 of this act.

16 (viii) Section 21 of this act.

17 (ix) Section 22 of this act.

18 (x) Section 25 of this act.

19 (xi) This section.

20 (2) The following provisions shall take effect on the
21 earlier of January 1, 2005, or the date of publication of the
22 notice under section 23 of this act:

23 (i) The addition of 53 Pa.C.S. Ch. 57.

24 (ii) Section 19 of this act.

25 (iii) Section 22(1), (2) and (3) of this act.

26 (3) The remainder of this act shall take effect
27 immediately.