

HB 1490

AN ACT

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for definitions, for driver certification program and for budget and fees; providing for assessment notice and hearings; further providing for fund and for transfer of money from fund; providing for fees; further providing for special funds in cities of the first class, for power of authority to issue certificates of public convenience and for restrictions; and making an appropriation.

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

Section 1. The definition of "Philadelphia Taxicab and Limousine Regulatory Fund" or "fund" in section 5701 of Title 53 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a definition to read:

§ 5701. Definitions.

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

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"Philadelphia Taxicab and Limousine Regulatory Fund" or "**regulatory fund.**" A **special** fund [administered by the authority] **in the State Treasury** established by section 5708 (relating to [fund] **funds**) for fulfilling the purposes of this chapter to regulate taxicabs and limousines in a city of the first class.

"**Philadelphia Taxicab Medallion Fund**" or "**medallion fund.**" A **special** fund in the State Treasury established by section 5708(a.1) (relating to funds) to which all moneys collected from the sale of medallions shall be deposited for the uses provided in this chapter.

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Section 2. Sections 5706(a) and (a.1)(3) and 5707 of Title 53 are amended to read:

§ 5706. Driver certification program.

(a) General rule.--The authority shall provide for the establishment of a driver certification program for drivers of taxicabs and limousines within cities of the first class. Standards for fitness of all drivers shall be established under such rules and regulations as the authority may prescribe. The authority may revoke or suspend a driver's certificate upon a finding that the individual is not fit to operate a taxicab or limousine, as applicable. Each applicant for a driver's certificate shall pay a fee in an amount to be determined pursuant to the requirements of section [5707 (relating to budget and fees)] **5710 (relating to fees)**. Upon approval, a picture driver's certificate will be issued to an applicant. No individual shall operate a taxicab or limousine at any time unless the individual is certified as a driver by the authority. Each certified driver shall carry and display in full view a driver's certificate at all times of operation of a taxicab or

limousine. The authority may establish orders or regulations which designate additional requirements governing the certification of drivers and the operation of taxicabs or limousines by drivers, including, but not limited to, dress codes for drivers.

(a.1) Wheelchair-accessible taxicab driver training.--

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(3) The annual taxicab driver registration fee established by the authority pursuant to section [5707(b)] **5710** shall be paid from the proceeds of the sale of medallions authorized by section 5711(c) (relating to power of authority to issue certificates of public convenience) for each certificated wheelchair-accessible taxicab driver.

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§ 5707. Budget and [fees] **assessments.**

(a) [Initial budget and fees.--The authority shall complete an initial budget and fee schedule necessary to advance the purposes of this chapter. The fee schedule shall include all fees for initial issuance of a medallion, transfer of a medallion and all taxicab and limousine certificates. The authority's initial budget and fee schedule shall be submitted to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives. Unless either the Senate or the House of Representatives acts to disapprove through adoption of a resolution within ten legislative days from the date of submittal, the authority's fee schedule shall become effective, and the authority shall notify each certificate holder of the initial fee schedule.]

Budget submission.--

(1) The authority shall prepare and, through the Governor, submit annually to the General Assembly a proposed budget consistent with Article VI of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, consisting of the amounts necessary to be appropriated by the General Assembly out of the funds established under section 5708 (relating to funds) necessary for the administration and enforcement of this chapter for the fiscal year beginning July 1 of the following year. The authority shall be afforded an opportunity to appear before the Governor and the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives regarding its proposed budget. Except as provided in section 5710 (relating to fees), the authority's proposed budget shall include a proposed fee schedule.

(2) The authority's proposed budget shall include an estimate of the amount of its expenditures necessary to meet its obligation to administer and enforce this chapter. The authority shall subtract from the expenditure estimate:

(i) The estimated fees to be collected under section 5710 during the fiscal year.

(ii) Money deposited into the regulatory fund as payment for assessments, fees or penalties and any other moneys collected pursuant to this chapter but not allocated during a prior fiscal year. Unallocated assessment revenue from a prior fiscal year shall be applied to reduce the portion of the total assessment applicable to the utility group from which the unallocated assessment originated.

(iii) Money budgeted for disbursement from the medallion fund, if any, as part of the authority's estimated budget.

(3) The remainder so determined, herein called the total assessment, shall be allocated to and paid by the utility groups identified in subsection (c) in the manner prescribed.

(4) If the authority's budget is not approved by March 30, the authority may assess the utility groups on the basis of the last approved operating budget. At the time the budget is approved, the authority shall make any necessary adjustments in the assessments to reflect the approved budget. If, subsequent to the approval of the budget, the authority determines that a supplemental budget is needed, the authority shall submit its request for that supplemental budget simultaneously to the Governor and the chairman of the Appropriations Committee of the Senate and the chairman of the Appropriations Committee of the House of Representatives.

(b) [Fiscal year budget and fees.--The fiscal year for the fund shall commence on July 1 of each year. Before March 15 of each year, the authority shall submit a budget and proposed fee schedule, necessary to advance the purposes of this chapter, for the coming fiscal year along with comprehensive financial data from the past fiscal year to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives. Unless either the Senate or the House of Representatives acts to disapprove through adoption of a resolution by April 15 of each year, the authority fee schedule shall become effective. The authority shall notify all certificate holders of the fee schedule for the coming fiscal year. The procedure for notifying certificate holders must be specified in the regulations of the authority. If either the Senate or the House of Representatives acts to disapprove the authority's fee schedule and budget, the authority may submit a revised budget and fee schedule to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives within 15 days of such disapproval or shall utilize the fee schedule and budget for the prior year. Unless either the Senate or the House of Representatives acts to disapprove, through adoption of a resolution within ten legislative days from the date of submission of the revised budget and fee schedule, the revised budget and fee schedule of the authority shall become effective.] **Records.--The authority shall keep records of the costs incurred in connection with the administration and enforcement of this chapter. The authority shall also keep a record of the manner in which it determined the amount assessed against every utility group. Such records shall be open to inspection by all interested parties. The records of the authority shall be considered prima facie evidence of the facts and data therein represented, and, in a proceeding instituted to challenge the reasonableness or correctness of any assessment under this section, the party challenging the same shall have the burden of proof.**

(c) [Philadelphia Taxicab and Limousine Regulatory Fund.--Money deposited in the Philadelphia Taxicab and Limousine Regulatory Fund is hereby specifically appropriated for the purposes of this chapter and shall not be used for any purpose not specified in this chapter. All interest earned by the fund and all refunds or repayments shall be credited to the fund.] **Assessments.--**

(1) The following relate to assessments for taxicabs:

(i) The taxicab utility group shall be comprised of each taxicab authorized by the authority pursuant to sections 5711(c) (relating to power of authority to issue

certificates of public convenience) and 5714(a) and (d)(2) (relating to certificate and medallion required).

(ii) On or before March 31 of each year, each owner of a taxicab authorized by the authority to provide taxicab service on a non-citywide basis shall file with the authority a statement under oath estimating the number of taxicabs it will have in service in the next fiscal year.

(iii) The portion of the total assessment allocated to the taxicab utility group shall be divided by the number of taxicabs estimated by the authority to be in service during the next fiscal year, and the quotient shall be the taxicab assessment. The taxicab assessment shall be applied to each taxicab in the taxicab utility group and shall be paid by the owner of each taxicab on that basis.

(iv) The authority may not make an additional assessment against a vehicle substituted for another already in taxicab service during the fiscal year and already subject to assessment as provided in subparagraph (iii). The authority may, by order or regulation, provide for reduced assessments for taxicabs first entering service after the initiation of the fiscal year.

(v) The taxicab assessment for fiscal years ending June 30, 2013, and June 30, 2014, shall be \$1,250.

(2) The following relate to assessments for limousines:

(i) The limousine utility group shall be comprised of each limousine service authorized by the authority pursuant to section 5741(a) (relating to certificate of public convenience required). Vehicles approved by the authority to provide limousine service pursuant to section 5741(a.3)(2) shall not be considered part of the limousine utility group for assessment purposes but may be required to pay fees as provided in section 5710.

(ii) On or before March 31 of each year, each limousine service owner shall file with the authority a statement under oath estimating the number of limousines it estimates to have in service in the next fiscal year.

(iii) The portion of the total assessment allocated to the limousine utility group shall be divided by the number of limousines estimated by the authority to be in service during the next fiscal year, and the quotient shall be the limousine assessment. The limousine assessment shall be applied to each limousine in the limousine utility group and shall be paid by the owner of each limousine on that basis.

(iv) The authority may not make an additional assessment against a vehicle substituted for another already in limousine service during the fiscal year and already subject to assessment as provided in subparagraph (iii). The authority may, by order or regulation, provide for reduced assessments for limousines first entering service after the initiation of the fiscal year.

(v) The limousine assessment for fiscal years ending June 30, 2013, and June 30, 2014, shall be \$350. By order or regulation, the authority may discount the limousine assessment for each limousine service owner operating 16 or more limousines authorized by the authority.

(3) The following relate to assessments for dispatchers:

(i) The dispatcher utility group shall be comprised of each centralized dispatch system authorized by the authority as provided in section 5711(c)(6).

(ii) The portion of the total assessment allocated to the dispatcher utility group shall be divided by the number of dispatchers estimated by the authority to be in service during the next fiscal year, and the quotient shall be the dispatcher assessment. The dispatcher assessment shall be applied to each dispatcher in the dispatcher utility group and shall be paid by the owner of each dispatcher on that basis.

(iii) The dispatcher assessment for fiscal years ending June 30, 2013, and June 30, 2014, shall be \$2,750.

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

(d.1) Enforcement.--If a payment prescribed by this section is not made as aforesaid, the authority may suspend or revoke certificates of public convenience and driver certificates, may certify automobile registrations to the Department of Transportation for suspension or revocation or may institute an enforcement action or appropriate action at law for the amount lawfully assessed, together with any additional cost incurred by the authority by virtue of such failure to pay. The penalties prescribed in this subsection shall be in addition to other penalties that may be imposed by the authority as provided in this chapter.

Section 3. Title 53 is amended by adding a section to read:
§ 5707.1. Assessment notice and hearings.

(a) Notice of assessment and payment.--

(1) The authority shall serve notice of the assessment determined pursuant to section 5707 (relating to budget and assessments) to each owner by electronic mail, as provided in 52 Pa. Code § 1001.51(b) (relating to service by the authority). The authority shall post the assessment for each utility group on its Internet website.

(2) Except as provided in paragraph (3), an assessment must be paid within 30 days of service as provided in 52 Pa. Code § 1001.54(a)(4) (relating to date of service).

(3) The authority may provide by regulation for the payment of an assessment in scheduled installments.

(b) Assessment hearings.--

(1) Within 15 days after service of notice of assessment, an owner may file a petition with the authority which specifically avers the reason that the assessment is excessive, erroneous, unlawful or otherwise invalid. The authority may prescribe filing procedures and the form for the petition.

(2) The authority shall fix the time and place for a hearing on a properly filed petition and shall serve notice thereof upon parties in interest. After the conclusion of the hearing, the authority shall issue a decision and findings in sufficient detail to enable a court to determine, on appeal, the controverted question presented by the proceeding and whether proper weight was given to the evidence.

(3) The filing of a petition under this subsection does not relieve the owner of the obligation to pay the assessment within the specified time frame. If a refund due from the

authority to the objecting owner or an additional assessment payment due from the objecting owner to the authority is required, the payment must be made within ten days after notice of the findings of the authority.

(c) Appeals.--A suit or proceeding may not be commenced or maintained in a court for the purpose of restraining or delaying the collection or payment of an assessment made under this chapter. A person aggrieved by an order of the authority entered under this section may appeal as provided in section 5705(d) (relating to contested complaints).

Section 4. Sections 5708 and 5709 of Title 53 are amended to read:

§ 5708. [Fund] **Funds.**

(a) [Establishment] **Regulatory Fund.**--The Philadelphia Taxicab and Limousine Regulatory Fund is established[. The fund shall consist of the following accounts, which shall be kept separate and not commingled:

(1) Taxicab Account.

(2) Limousine Account.

(3) Other accounts as determined by the authority.]

as a special fund in the State Treasury. A balance remaining in the regulatory fund and previously held by the authority shall be transferred to the special fund in the State Treasury upon the effective date of section 5710 (relating to fees). The regulatory fund shall be the primary operating fund of the authority for the administration and enforcement of this chapter and shall be administered as follows:

(1) Except as provided in subsection (a.1), the assessments, fees, penalties and other revenues, interest earned by the regulatory fund, refunds and repayments related to the administration and enforcement of this chapter shall be deposited into the regulatory fund.

(2) Money deposited in the regulatory fund is reserved for the use of the authority and shall be transferred in equal amounts each month by the State Treasurer to the authority for the purposes of administering and enforcing this chapter.

(3) Upon the effective date of this paragraph, the money in the regulatory fund shall be held and maintained as provided in paragraph (2).

(a.1) **Medallion Fund.**--The Philadelphia Taxicab Medallion Fund is established as a special fund in the State Treasury.

(1) The consideration, revenue, fees, interest earned by the medallion fund, refunds, repayments and other deposits related to the sale of medallions as provided in section 5717(b) (relating to additional certificates and medallions), shall be deposited into the medallion fund.

(2) Money deposited in the medallion fund is reserved for the use of the authority and shall be transferred in equal amounts each month by the State Treasurer to the authority solely for the purposes of administering and enforcing taxicab regulation under this chapter.

(b) [Use of funds.--Money in the fund may be used as follows:

(1) Except as provided by subsection (c), money deposited in the Taxicab Account is specifically appropriated for the purposes of this chapter only as it relates to the regulation of taxicabs and shall not be used for limousine regulation and for any purpose not specified by this chapter.

(2) Except as provided by subsection (c), money deposited in the Limousine Account is specifically appropriated for the purposes of this chapter only as it

relates to the regulation of limousines and shall not be used for taxicab regulation and for any purpose not specified by this chapter.] **(Reserved)**.

(c) [Shared regulatory expenses.--Expenses to the fund that are not exclusively related to either taxicabs or limousines shall be divided as follows:

(1) Except as provided by paragraph (2), any expense incurred by the authority for the regulation of taxicabs and limousines which is not exclusively related to either taxicabs or limousines shall be divided and charged to both the Taxicab Account and the Limousine Account in a fair and equitable manner as determined by the authority.

(2) Any expense incurred by the authority for the regulation of taxicabs and limousines which is not exclusively related to either taxicabs or limousines and the relative share of those costs cannot be determined shall be divided in a fair and equitable manner between the Taxicab Account and the Limousine Account as determined by the authority, and the authority may adjust this measure from time to time.] **(Reserved)**.

(c.1) Audit.--The authority shall have at least one annual examination of its books, accounts and records related to each of the funds established by this section by a certified public accountant.

(d) [Revenues.--All sources of revenue, including fees and other revenues, interest earned by the fund, refunds, repayments and other deposits, shall be credited as follows:

(1) All revenues exclusively related to taxicabs shall be deposited in the Taxicab Account.

(2) All revenues exclusively related to limousines shall be deposited in the Limousine Account.

(3) All revenues that are not exclusively related to either taxicabs or limousines shall be divided in a manner determined by the authority to be fair and equitable.]

(Reserved).

(e) [Borrowing from the account.--As may be necessary to fulfill its duty in carrying out this chapter, the authority may borrow money from one account established by this section for the purpose of the other account established by this section provided that the borrowed amount is repaid.] **(Reserved)**.

(f) [Allocation of revenue and expenses.--The authority, at its discretion, may allocate expenses and revenues to the appropriate accounts.] **(Reserved)**.

§ 5709. [Transfer of money from fund.

All money in the First Class City Taxicab Regulatory Fund is appropriated to the Taxicab Account under section 5708(a) (1) (relating to fund) upon the effective date of this section. Obligations of the First Class City Taxicab Regulatory Fund shall be charged to the Taxicab Account. Revenue due to the First Class City Taxicab Regulatory Fund shall be transferred and deposited to the Taxicab Account.] **(Reserved)**.

Section 5. Title 53 is amended by adding a section to read:
§ 5710. **Fees.**

(a) Fees authorized.--The authority may collect fees necessary for the administration and enforcement of this chapter. Payment of fees may be enforced in the same manner and to the extent provided for the payment of assessments under section 5707 (relating to budget and assessments). Fees collected under this section must be deposited into the regulatory fund. The authority shall post the current fee schedule on its Internet website.

(b) Fee schedule.--Upon the effective date of this section, the following fee schedule is adopted for fiscal years ending June 30, 2013, and June 30, 2014:

(1) A fee of \$50 to place either a medallion or certificate of public convenience voluntarily out of service as provided in 52 Pa. Code §§ 1011.14 (relating to voluntary suspension of certificate) and 1051.13 (relating to voluntary suspension of certificate).

(2) A fee of \$10 for a replacement of a taxicab posting required by 52 Pa. Code § 1017.12(b) (relating to required markings and information).

(3) A fee of \$200 if a check submitted to the authority for payment is declined.

(4) For a vehicle inspection required by section 5714 (a) (relating to certificate and medallion required) and 52 Pa. Code §§ 1017.31 (relating to biannual inspections by authority) and 1055.11 (relating to scheduled compliance inspections) fees are as follows:

(i) One hundred dollars for a scheduled vehicle inspection.

(ii) Seventy-five dollars for a scheduled inspection of a wheelchair-accessible vehicle or a vehicle that presents for inspection with less than 200,000 miles.

(iii) One hundred twenty-five dollars for a scheduled vehicle inspection after the vehicle failed two authority inspections.

(iv) One hundred dollars for the emission inspection waiver fee.

(v) One hundred fifty dollars for a scheduled offsite vehicle inspection as provided in 52 Pa. Code § 1055.12 (relating to offsite inspections).

(5) A fee of \$200 for the initial inspection and processing of a vehicle upon entry into a taxicab service or limousine service as provided in 52 Pa. Code §§ 1017.2 (relating to preservice inspection) and 1055.3(c)(3) (relating to limousine age and mileage parameters).

(6) A fee of \$30 for a replacement limousine rights sticker issued by the authority as provided in 52 Pa. Code § 1055.2 (relating to limousine rights sticker).

(7) A fee of \$15 for a vehicle registered as a remote carrier as provided in 52 Pa. Code § 1053.43(f) (relating to certain limousine requirements).

(8) A fee of \$2,000 or 3% of the purchase price, whichever is greater, to administer the transfer of a medallion or a certificate of public convenience as provided in sections 5711(c)(5) (relating to power of authority to issue certificates of public convenience), 5718 (relating to restrictions) and 5741.1(c) (relating to power of authority).

(9) A fee of \$15,000 for a new centralized dispatcher certificate of public convenience as provided in section 5711(c)(6).

(10) A fee of \$12,000 for a new limousine certificate of public convenience for one class of limousine service and \$3,000 for each additional classification of limousine service as provided in sections 5741(a) (relating to certificate of public convenience required) and 5741.1. The fee applies to a new applicant for limousine service rights in a city of the first class.

(11) A fee of \$6,000 for an additional limousine certificate of public convenience for one class of limousine service as provided in section 5741(a). The fee applies to

an application by a current owner of a limousine service in a city of the first class.

(12) A fee of \$2,500 to file a protest as provided in 52 Pa. Code § 1003.54 (relating to protests).

(13) A fee of \$25 to replace a driver's certificate issued under section 5706 (relating to driver certification program).

(14) A fee of \$130 for a new driver application submitted under 52 Pa. Code § 1021.5 (relating to standards for obtaining a taxicab driver's certificate).

(15) A fee of \$100 for a new driver application submitted under 52 Pa. Code § 1057.5 (relating to standards for obtaining a limousine driver's certificate).

(16) A fee of \$500 to process and review a change to a centralized dispatcher's approved colors and markings as provided in 52 Pa. Code § 1019.7 (relating to name, colors and markings review).

(17) A fee of \$1,200 for brokers registered as provided in 52 Pa. Code §§ 1029.5 (relating to broker registration) and 1061.1 (relating to broker registration) for initial application and annual renewal.

(18) A fee of \$20 to process a vehicle registration change.

(19) A fee of \$80 to review and process a driver certificate renewal application as provided in section 5706(a) and 52 Pa. Code §§ 1011.4(f) (relating to annual assessments and renewal fees) and 1051.4(c) (relating to annual assessments and renewal fees).

(20) A fee of \$200 to file a petition seeking action by the authority as provided in 52 Pa. Code § 1005.21 (relating to petitions generally).

(21) A fee of \$75 for administrative hearing costs upon determination of liability for an enforcement action as provided in section 5705(a) (relating to contested complaints).

(22) A fee of \$200 to process the return of a medallion after levy by the sheriff as provided in section 5713 (relating to property and licensing rights).

Section 6. Sections 5510.2, 5711(c)(2.1) and 5718(a) of Title 53 are amended to read:

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

(a) General rule.--An authority, under resolutions adopted from time to time by the board, may establish and create such special funds as may be found desirable by the board and, in and by such resolutions, may provide for payments into all special funds from specified sources with such preferences and priorities as may be deemed advisable and may provide for the custody, disbursement and application of any moneys in any such special funds consistent with the provisions of this chapter and consistent with generally accepted accounting principles. [The authority shall maintain the Philadelphia Taxicab and Limousine Regulatory Fund as a separate fund from all other funds.]

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

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

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(c) Procedure.--

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(2.1) [There may be] **The authority may issue** no more than six certificates of public convenience for non-citywide

call or demand service in any city of the first class,
subject to the exclusive jurisdiction of the authority.

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§ 5718. Restrictions.

(a) Place of transaction.--A medallion may not be sold or transferred to another party unless the closing of the sales transaction occurs at authority offices in the presence of a designated authority staff member. The authority staff member shall witness the execution of each contract of sale to evidence staff presence at the execution. All contracts for the sale of medallions which are not executed at authority offices and witnessed by an authority staff member are void by operation of law. All sales contracts shall conform to such rules and regulations as the authority may prescribe. Prior to each closing, the buyer of the medallion shall pay a fee [in an amount to be determined] pursuant to the requirements of section [5707 (relating to budget and fees)] **5710 (relating to fees)**.

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Section 7. The sum of \$5,874,399 is hereby appropriated to the Philadelphia Parking Authority from the Philadelphia Taxicab and Limousine Regulatory Fund for the fiscal period July 1, 2013, to June 30, 2014, to implement and administer the provisions of this act.

Section 8. This act shall take effect immediately.

APPROVED--The 9th day of July, A.D. 2013.

TOM CORBETT