

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2654 Session of  
2004INTRODUCED BY J. TAYLOR, D. EVANS, KENNEY, PERZEL, COHEN, MYERS,  
HORSEY, KELLER, BUTKOVITZ AND WILLIAMS, MAY 27, 2004AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 14, 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; further providing for contract bids for parking  
9 authorities; further defining "limousine service"; making  
10 legislative findings as to taxicabs in cities of the first  
11 class; further providing, as to taxicabs in cities of the  
12 first class, for rates, for contested complaints, for driver  
13 certification, for budgets and fees, for certificates and  
14 medallions, for contested complaints, for wages, for  
15 regulations and for budget and fees; further providing, as to  
16 limousines in cities of the first class, for certificates of  
17 public convenience and for regulations; and making repeals  
18 related to allocation assessments against public utilities  
19 for regulatory expenses, to certificates of public  
20 convenience for taxicabs and to taxicabs in cities of the  
21 first class.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 Section 1. The definitions of "cash flow deficit," "Federal  
25 agency," "government agency," "government obligations," "obligee  
26 of an authority," "qualified financial institution" and "rating

1 agency" in section 5503 of Title 53 of the Pennsylvania

2 Consolidated Statutes are reenacted to read:

3 § 5503. Definitions.

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

7 \* \* \*

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

13 \* \* \*

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

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

27 "Government obligations."

28 (1) Direct obligations of or obligations the principal  
29 of and interest on which are unconditionally guaranteed by  
30 the Federal Government, including, but not limited to,

1 evidences of a direct ownership interest in future interest  
2 or principal payments on obligations issued or guaranteed by  
3 the Federal Government, which obligations are held in a  
4 custody account by a custodian under the terms of a custody  
5 agreement.

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

14 \* \* \*

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

20 \* \* \*

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

1 or division thereof which may be legally authorized to enter  
2 into the transactions described in this chapter pertaining,  
3 applicable or limited to a qualified financial institution.

4 "Rating agency."

5 (1) The term includes the following:

6 (i) Standard & Poor's Corporation and any successor  
7 thereto.

8 (ii) Moody's Investors Service and any successor  
9 thereto.

10 (iii) Fitch Investors Service, Inc., and any  
11 successor thereto.

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

16 Section 2. Section 5505(d)(9), (22), (23) and (24) of Title  
17 53 are reenacted and the subsection is amended by adding a  
18 paragraph to read:

19 § 5505. Purposes and powers.

20 \* \* \*

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

24 \* \* \*

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

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

12 \* \* \*

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

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

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

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

29 ~~(i) For purposes of the act of October 15, 1980~~ <—

30 ~~(P.L.950, No.164), known as the Commonwealth Attorneys~~

1        Act:-

2                ~~(A) The authority shall not be considered either~~  
3                ~~an executive agency or an independent agency.~~

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

7                ~~(C) Section 204(b) and (f) of the Commonwealth~~  
8                ~~Attorneys Act shall not apply to the authority.~~

9                ~~(ii) Notwithstanding 42 Pa.C.S. § 8525 (relating to~~  
10               ~~legal assistance), the authority, through its counsel,~~  
11               ~~shall defend actions brought against the authority and~~  
12               ~~its officers and employees when acting within the scope~~  
13               ~~of their official duties. THE PROVISIONS OF THE ACT OF~~ <—  
14               ~~OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE~~  
15               ~~COMMONWEALTH ATTORNEYS ACT, SHALL NOT APPLY TO PARKING~~  
16               ~~AUTHORITIES IN CITIES OF THE FIRST CLASS.~~

17        \* \* \*

18        ~~Section 3. Section 5508.1(k) and (o) of Title 53 are~~ <—  
19        ~~reenacted and subsection (q) is amended to read:-~~

20        SECTION 3. SECTION 5508.1(K) OF TITLE 53 IS REENACTED, <—  
21        SUBSECTION (O) IS REENACTED AND AMENDED AND SUBSECTION (Q) IS  
22        AMENDED TO READ:

23        § 5508.1. Special provisions for authorities in cities of the  
24               first class.

25        \* \* \*

26        (k) Compensation.--

27               (1) The chair selected under subsection (1) shall  
28        receive:

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

30        and

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

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

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

\* \* \*

(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~~ [2003] 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),

1 known as the Public School Code of 1949, shall not apply to  
2 amounts transferred to the school district of the first class  
3 under this subsection.]

4 \* \* \*

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

6 § 5508.2. Additional special provisions for authorities in  
7 cities of the first class; mixed-use projects.

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

10 (b) Legislative finding.--It is hereby determined and  
11 declared that:

12 (1) As a matter of legislative finding, the health,  
13 safety and general welfare of the people of this Commonwealth  
14 are directly dependent upon the continual encouragement,  
15 development, growth and expansion of business, industry,  
16 commerce and tourism.

17 (2) Unemployment, the spread of poverty and the heavy  
18 burden of public assistance and unemployment compensation can  
19 be avoided by the promotion, attraction, stimulation,  
20 development and expansion of business, industry, commerce and  
21 tourism in this Commonwealth through the development of  
22 mixed-use projects by parking authorities in cities of the  
23 first class.

24 (3) Due to the size, total population and population  
25 density of a city of the first class, it may be inefficient  
26 to devote property within a city of the first class solely to  
27 parking facilities and that development of mixed-use projects  
28 that include a parking component and a commercial,  
29 industrial, residential or retail component can be an  
30 important factor in the continual encouragement, development,



1 attraction, stimulation, growth and expansion of business,  
2 industry, commerce and tourism within a city of the first  
3 class, the surrounding counties and this Commonwealth as a  
4 whole.

5 (c) Mixed-use projects.--Without limiting the powers set  
6 forth in section 5505 (relating to purposes and powers), an  
7 authority shall have the power to do all acts that, in the  
8 judgment of the board, are necessary, convenient or useful to  
9 the development or operation of one or more mixed-use projects,  
10 including, without limitation, the power to plan, design,  
11 locate, acquire, hold, construct, finance, improve, maintain,  
12 operate, own, lease, either in the capacity of lessor or lessee,  
13 land, buildings, other structures and personal property  
14 necessary, convenient or useful to the development and operation  
15 of a mixed-use project. An authority shall have the power to  
16 finance mixed-use projects by borrowing money and making and  
17 issuing bonds and by making loans which may be evidenced by and  
18 secured as may be provided in loan agreements, mortgages,  
19 security agreements or any other contracts, instruments or  
20 agreements which may contain such provisions as the authority  
21 shall deem necessary, convenient or useful for the security or  
22 protection of the authority or its bondholders. An authority may  
23 pledge, mortgage, hypothecate or otherwise encumber all or any  
24 part of its property, real or personal, constituting all or part  
25 of a mixed-use project, including, but not limited to, the  
26 revenues or receipts of the authority from one or more mixed-use  
27 projects, for all or any of the obligations, including bonds, of  
28 the authority incurred in connection with the development or  
29 operation of a mixed-use project. An authority shall not have  
30 the power to engage in business, trade or commerce for a profit

1 as an owner or lessee of a mixed-use project or otherwise. An  
2 authority shall have and may exercise the powers set forth in  
3 this section notwithstanding any other provision of law or any  
4 provisions of its articles of incorporation.

5 (d) Definition.--As used in this section, the term "mixed-  
6 use project" means any project that includes a public parking  
7 garage component and a commercial, industrial, residential or  
8 retail component. In addition to a public parking garage, which  
9 shall be a required component of all mixed-use projects, a  
10 mixed-use project may also include public parking lots. The  
11 commercial, industrial, residential or retail component of a  
12 mixed-use project must be located within, above, below or  
13 contiguous to the parking garage.

14 Section 5. Title 53 is amended by adding a section to read:  
15 § 5508.3. Restrictions on authorities in cities of the first  
16 class.

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

19 (1) The following apply:

20 (i) The provisions of the following statutes are  
21 specifically applicable to board members, officers and  
22 employees of the authority:

23 (A) The provisions of 65 Pa.C.S. Ch. 11  
24 (relating to ethics standards and financial  
25 disclosure).

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

28 (ii) For the purposes of application of statutes  
29 pursuant to subparagraph (i), employees of the authority  
30 shall be regarded as public employees of the

1 Commonwealth, and officers or board members of the  
2 authority shall be regarded as public officials of the  
3 Commonwealth, whether or not they receive compensation.

4 (2) The authority shall be subject to and treated as a  
5 Commonwealth agency for purposes of the act of June 21, 1957  
6 (P.L.390, No.212), referred to as the Right-to-Know Law.

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

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

13 "Infamous crime." Any of the following:

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

18 (2) Any conviction for a violation of 18 Pa.C.S. § 4113  
19 (relating to misapplication of entrusted property and  
20 property of government or financial institutions) or 18  
21 Pa.C.S. Ch. 47 (relating to bribery and corrupt influence),  
22 49 (relating to falsification and intimidation), 51 (relating  
23 to obstructing governmental operations) or 53 (relating to  
24 abuse of office).

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

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

1 Section 6. Sections 5510.1, 5510.2, 5510.3, 5510.4, 5510.5,  
2 5510.6, 5510.8, 5510.9, 5510.10 and 5510.11 of Title 53 are  
3 reenacted to read:

4 § 5510.1. Management of authority funds in cities of the first  
5 class.

6 (a) General rule.--

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

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

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

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

1 of the treasurer to any check or draft for payment of  
2 salaries or wages and for the payment of any other obligation  
3 of not more than \$100,000.

4 (b) Management of funds.--

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

17 (2) In the case of money collected or received by the  
18 authority on behalf of a municipality under section  
19 5505(d)(21) (relating to purposes and powers), the money  
20 shall be pledged to the use of the municipality and disbursed  
21 to the municipality as provided by ordinance or resolution.

22 (3) Subject to the provisions of any agreements with  
23 obligees of the authority, the authority shall have full  
24 power to invest and reinvest its funds as provided in this  
25 chapter, subject, however, to the exercise of that degree of  
26 judgment and care under the circumstances then prevailing  
27 which persons of prudence, discretion and intelligence who  
28 are familiar with such matters exercise in the management of  
29 their own affairs, not in regard to speculation, but in  
30 regard to the permanent disposition of the funds, considering

1 the probable income to be derived and the probable safety of  
2 the capital.

3 (4) The board shall provide for an investment program  
4 subject to restrictions contained in this chapter and in any  
5 other applicable statute and any resolutions on this subject  
6 adopted by the board.

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

9 (1) Government obligations.

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

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

29 (4) Rights to receive the principal of or the interest  
30 on obligations of states, political subdivisions, agencies or

1       instrumentalities meeting the requirements set forth in  
2       paragraphs (2) and (3), whether through direct ownership as  
3       evidenced by physical possession of the obligations or  
4       unmatured interest coupons or by registration as to ownership  
5       on the books of the issuer or its duly authorized paying  
6       agent or transfer agent or through the purchase of  
7       certificates or other instruments evidencing an undivided  
8       ownership interest in payments of the principal of or  
9       interest on the obligations.

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

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

27       (7) Investment agreements with qualified financial  
28       institutions.

29       (8) Commercial paper rated in the highest rating  
30       category, without reference to subcategories, by a rating

1 agency.

2 (9) Shares or certificates in any short-term investment  
3 fund rated in the highest rating category, without reference  
4 to subcategories, by a rating agency, which short-term  
5 investment fund invests solely in obligations described in  
6 paragraphs (1) and (2).

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

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

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

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



1 state laws and regulations.

2 (2) The collateral shall have an aggregate market value,  
3 calculated not less frequently than monthly, at least equal  
4 to the principal amount (less any portion insured by the  
5 Federal Deposit Insurance Corporation or any comparable  
6 insurance corporation chartered by the United States of  
7 America) or the repurchase price secured thereby, as the case  
8 may be. The instruments governing the issuance of and  
9 security for the Investment Securities shall designate the  
10 person responsible for making the foregoing calculations.

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

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

1 regulations.

2 (e) Audit.--An authority shall have at least an annual  
3 examination of its books, accounts and records by a certified  
4 public accountant. A copy of the audit shall be delivered to the  
5 parent municipality, the Governor, the Secretary of the Senate  
6 and the Chief Clerk of the House of Representatives. If the  
7 authority fails to have an audit, then the controller, auditor  
8 or accountant designated by the municipality is authorized to  
9 perform an examination at the expense of the authority. The  
10 examination may include the receipts, disbursements, contracts,  
11 leases, sinking funds, investments and other matters relating to  
12 the finances, operation and affairs of the authority.

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

19 (g) Attorney General.--The Attorney General shall have the  
20 right to examine the books, accounts and records of an  
21 authority.

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

24 § 5510.2. Special funds in cities of the first class.

25 (a) General rule.--An authority, under resolutions adopted  
26 from time to time by the board, may establish and create such  
27 special funds as may be found desirable by the board and, in and  
28 by such resolutions, may provide for payments into all special  
29 funds from specified sources with such preferences and  
30 priorities as may be deemed advisable and may provide for the

1 custody, disbursement and application of any moneys in any such  
2 special funds consistent with the provisions of this chapter and  
3 consistent with generally accepted accounting principles. The  
4 authority shall maintain the First Class City Taxicab Regulatory  
5 Fund as a separate fund from all other funds.

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

8 § 5510.3. Bonds in cities of the first class.

9 (a) General rule.--

10 (1) The bonds of the authority shall be authorized by  
11 resolution of the board. The resolution shall specify all of  
12 the following:

13 (i) Series.

14 (ii) Date or dates of maturity.

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

18 (iv) Denominations.

19 (v) Form, either coupon or fully registered without  
20 coupons.

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

22 (vii) Registration and exchangeability and  
23 interchangeability privileges.

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

25 (ix) Terms of redemption.

26 (x) Priorities of payment in the revenues or  
27 receipts of the authority as the resolution or trust  
28 indenture adopted or approved by the authority may  
29 provide.

30 (2) The bonds shall be signed by or shall bear the

1 facsimile signatures of such officers as the board shall  
2 determine, and coupon bonds shall have attached thereto  
3 interest coupons bearing the facsimile signature of the  
4 treasurer of the authority, and all bonds shall be  
5 authenticated by an authenticating agent, fiscal agent or  
6 trustee, all as may be prescribed in the resolution or trust  
7 indenture.

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

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

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

1 the final payment of the grant.

2 (c) Sale.--

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

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

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

18 (e) Refunding.--

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

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

1 issuance as the authority shall determine by resolution.

2 (f) Credit of Commonwealth and political subdivisions not  
3 pledged.--Under no circumstances shall any bonds issued by the  
4 authority or any other obligation of the authority be or become  
5 an indebtedness or liability of the Commonwealth or of any  
6 government agency, provided that any government agency may  
7 guarantee bonds of an authority to the extent and for the  
8 purposes for which the government agency may make loans or  
9 grants to an authority.

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

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

21 (i) Notice and challenges.--

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

1 and that any action or proceeding of any kind or nature in  
2 any court questioning the validity or proper authorization of  
3 bonds provided for by the resolution or the validity of any  
4 covenants, agreements or contract provided for by such  
5 resolution shall be commenced within 20 days after the  
6 publication of the notice.

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

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

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

30 § 5510.4. Contracts with obligees of an authority in cities of

1           the first class.

2       (a) General rule.--Except as otherwise provided in any  
3 resolution of an authority authorizing or awarding bonds, the  
4 terms thereof and of this chapter as in effect when the bonds  
5 were authorized shall constitute a contract between the  
6 authority and obligees of the authority, subject to modification  
7 in such manner as the resolution, the trust indenture securing  
8 such bonds or the bonds shall provide.

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

11 § 5510.5. Commonwealth pledges in cities of the first class.

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

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

29           (2) Any person who, as owner thereof, leases or  
30 subleases property to or from an authority that the



1 Commonwealth will not limit or alter the rights and powers  
2 hereby vested in the authority or otherwise created by this  
3 chapter in any manner which impairs the obligations of the  
4 authority until all obligations of the authority under the  
5 lease or sublease are fully met and discharged.

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

8 § 5510.6. Provisions of bonds and trust indentures in cities of  
9 the first class.

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

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

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

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

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

26 (5) Covenant against pledging or granting a lien on or  
27 security interest in all or any part of its revenues or all  
28 or any part of its real or personal property to which its  
29 right or title exists or may thereafter come into existence  
30 or against permitting or suffering any lien on the revenues

1 or property, covenant with respect to limitations on its  
2 right to sell, lease or otherwise dispose of any of its real  
3 property and covenant as to which other or additional debts  
4 or obligations may be incurred by it.

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

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

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

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

30 (10) Covenant as to the rights, liabilities, powers and

1 duties arising upon the breach by it of any covenant,  
2 condition or obligation.

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

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

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

24 (14) Exercise all or any part or combination of the  
25 powers granted in this section to make covenants other than  
26 and in addition to the covenants expressly authorized in this  
27 section, to make such covenants and to do any and all such  
28 acts and things as may be necessary or convenient or  
29 desirable in order to secure its bonds or, in the absolute  
30 discretion of the authority, as will tend to accomplish the

1 purposes of this chapter by making the bonds more marketable,  
2 notwithstanding that such covenants, acts or things may not  
3 be specifically enumerated in this section.

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

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

12 § 5510.8. Bonds to be legal investments.

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

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

1 § 5510.9. Validity of pledge.

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

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

19 § 5510.10. Security interest in funds and accounts.

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

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

§ 5510.11. Limitation on authority under Federal bankruptcy  
code.

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

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

Section 6.1. Section 5511(a)(1), (b) and (h) of Title 53 are  
amended and the section is amended by adding a subsection to  
read:

§ 5511. Competition in award of contracts.

(a) Services.--

(1) Except as set forth in paragraph (2), all  
construction, reconstruction, repair or work of any nature  
made by an authority if the entire cost, value or amount,  
including labor and materials, exceeds [\$10,000] \$25,000  
shall be done only under contract to be entered into by the  
authority with the lowest responsible bidder upon proper  
terms after public notice asking for competitive bids as  
provided in this section.

\* \* \*

(b) Supplies and materials.--All supplies and materials  
costing at least [\$10,000] \$25,000 shall be purchased only after

1 advertisement as provided in this section. The authority shall  
2 accept the lowest bid, kind, quality and material being equal,  
3 but the authority shall have the right to reject any or all bids  
4 or select a single item from any bid. The provisions as to  
5 bidding shall not apply to the purchase of patented and  
6 manufactured products offered for sale in a noncompetitive  
7 market or solely by a manufacturer's authorized dealer.

8 \* \* \*

9 (h) Evasion.--

10 (1) An authority may not evade the provisions of this  
11 section as to bids or purchasing materials or contracting for  
12 services piecemeal for the purpose of obtaining prices under  
13 [\$10,000] \$25,000 upon transactions which should, in the  
14 exercise of reasonable discretion and prudence, be conducted  
15 as one transaction amounting to more than [\$10,000] \$25,000.

16 \* \* \*

17 (i) Procurement.--Notwithstanding any provision of this  
18 chapter or of Title 62 (relating to procurement) to the  
19 contrary, an authority shall be considered a State-affiliated  
20 entity for purposes of compliance with Title 62.

21 Section 6.2. Section 5701 of Title 53 is reenacted and ~~the~~ <—  
22 ~~definition of "limousine service" is~~ amended to read:

23 § 5701. Definitions.

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

27 "Authority." A parking authority in a city of the first  
28 class.

29 "First Class City Taxicab Regulatory [Fund" or "fund.] FUND." <—  
30 A fund FORMERLY administered by the [authority to which all <—

1 moneys collected pursuant to the requirements of this chapter  
2 shall be deposited and from which all expenses and costs  
3 associated with administration and enforcement of this chapter  
4 shall be paid. Money deposited in the fund shall not be used for  
5 any purpose not specified in this chapter] PENNSYLVANIA PUBLIC <—  
6 UTILITY COMMISSION UNDER THE FORMER 66 PA.C.S. CH. 24 (RELATING  
7 TO TAXICABS IN FIRST CLASS CITIES).

8 ["Limousine service." Local, nonscheduled common carrier  
9 service for passengers on an exclusive basis for compensation.  
10 The term does not include taxicab service, paratransit service  
11 or employee commuter van pooling.]

12 "Limousine service."

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

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

17 (ii) Common carrier service for passengers for  
18 compensation:

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

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

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

27 (i) Taxicab service.

28 (ii) Service that was otherwise exempt from the  
29 jurisdiction of the commission prior to the effective  
30 date of this subparagraph.



1           (iii) Other paratransit service.

2           (iv) Employee commuter van pooling.

3           "PHILADELPHIA TAXICAB AND LIMOUSINE REGULATORY FUND" OR           <—  
4           "FUND." A FUND ADMINISTERED BY THE AUTHORITY ESTABLISHED BY  
5           SECTION 5708 (RELATING TO FUND) FOR FULFILLING THE PURPOSES OF  
6           THIS CHAPTER TO REGULATE TAXICABS AND LIMOUSINES IN A CITY OF  
7           THE FIRST CLASS.

8           "Taxi driver's certificate." A certificate or permit to  
9           drive a taxicab issued pursuant to section 5719 (relating to  
10          driver certification program).

11          "Taxicab." A motor vehicle designed for carrying no more  
12          than eight passengers, exclusive of the driver, on a call or  
13          demand basis and used for the transportation of persons for  
14          compensation.

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

16          § 5701.1. Legislative findings.

17          The General Assembly finds and declares as follows:

18               (1) The health, safety and general welfare of the people  
19               of this Commonwealth are directly dependent upon the  
20               continual encouragement, development, growth and expansion of  
21               business, industry, commerce and tourism.

22               (2) Unemployment, the spread of poverty, and the heavy  
23               burden of public assistance and unemployment compensation can  
24               be avoided by the promotion, attraction, stimulation,  
25               development and expansion of business, industry, commerce and  
26               tourism in this Commonwealth through the development of a  
27               clean, safe, reliable, and well regulated taxicab and  
28               limousine industry locally regulated by parking authorities  
29               in cities of the first class.

30               (3) Due to the size, total population, population

1 density and volume of both tourism and commerce of a city of  
2 the first class, it may be more efficient to regulate the  
3 taxicab and limousine industries through an agency of the  
4 Commonwealth with local focus than an agency with diverse  
5 Statewide regulatory duties. Well regulated local focus on  
6 improving those industries can be an important factor in the  
7 continual encouragement, development, attraction,  
8 stimulation, growth and expansion of business, industry,  
9 commerce and tourism within a city of the first class, the  
10 surrounding counties and this Commonwealth as a whole.

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

12 § 5702. Advisory committee.

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

28 (b) Membership.--

29 (1) The advisory committee shall consist of the  
30 following members:

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

3           (A) One taxi driver.

4           (B) One medallion owner.

5           (C) One dispatch owner.

6           (D) One member of the public who utilizes  
7 taxicabs or limousines.

8           (E) One limousine owner.

9           (F) One representative of the hospitality  
10 industry from a list of five nominees assembled by  
11 the Philadelphia Convention and Visitors Bureau.

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

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

14           (I) One representative of the Philadelphia  
15 International Airport.

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

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

20           (iii) One member appointed by the Public Utility  
21 Commission.

22           (2) The advisory committee may consist of up to ten  
23 additional members appointed by the chairman of the authority  
24 or his designee.

25           (c) Terms.--The members shall serve two-year terms, except  
26 that one half of the initial appointees shall be appointed for a  
27 one-year term and one half of the initial appointees shall be  
28 appointed for a two-year term. No member shall serve more than  
29 three consecutive terms.

30           (d) Officers.--The authority shall designate a chairman,

1 vice chairman and secretary of the advisory committee from the  
2 members of the advisory committee.

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

5 (f) Compensation.--Members of the advisory committee shall  
6 not receive any compensation for the performance of their  
7 duties.

8 Section 9. Section 5703 of Title 53 is reenacted and amended  
9 to read:

10 § 5703. Rates.

11 (a) Rates to be just and reasonable.--Every rate made,  
12 [demanded or received by a] for authority-certified taxicab  
13 [or], limousine or medallion taxicab service shall be just and  
14 reasonable and in conformity with regulations or orders of the  
15 authority.

16 (b) Tariffs.--Under regulations as the authority may  
17 prescribe, every taxicab or limousine service shall file with  
18 the authority, within the time and in the form as the authority  
19 may designate, tariffs showing all rates established by it and  
20 collected or enforced or to be collected or enforced within  
21 cities of the first class. Every taxicab or limousine service  
22 shall keep copies of tariffs open to public inspection under  
23 rules and regulations as the authority may prescribe. Upon  
24 request, the taxicab or limousine service shall make available  
25 at least one copy of any rate filing at a convenient location  
26 and for a reasonable length of time within a city of the first  
27 class for inspection and study by customers.

28 (c) Adherence to tariffs.--No taxicab or limousine service  
29 shall, directly or indirectly, by any device whatsoever or in  
30 any way, demand or receive from any person, corporation or

1 municipal corporation a greater or lesser rate for any service  
2 rendered or to be rendered by the taxicab or limousine service  
3 than that specified in the tariffs of the taxicab or limousine  
4 service.

5 (d) Discrimination in rates.--No taxicab or limousine  
6 service shall make or grant any unreasonable preference or  
7 advantage to any person, corporation or municipal corporation or  
8 subject any person, corporation or municipal corporation to any  
9 unreasonable prejudice or disadvantage concerning its rate. No  
10 taxicab or limousine service shall establish or maintain any  
11 unreasonable difference as to rates. This subsection shall not  
12 prohibit the establishment of reasonable zone or group systems  
13 or classifications of rates.

14 (e) Voluntary changes in rates.--

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

30 (2) Whenever there is filed with the authority by any

1 taxicab or limousine service any tariff stating a new rate,  
2 the authority may, either upon complaint or upon its own  
3 motion and upon reasonable notice, conduct a hearing  
4 concerning the lawfulness of the rate. Pending the hearing  
5 and its outcome, the authority, upon filing the tariff and  
6 delivering to the taxicab or limousine service affected a  
7 statement in writing of its reasons may, at any time before  
8 it becomes effective, suspend the operation of the rate for a  
9 period not longer than nine months from the time it would  
10 otherwise become effective. The rate in force when the tariff  
11 stating the new rate was filed shall continue in force during  
12 the period of suspension unless the authority shall establish  
13 a temporary rate. The authority shall consider the effect of  
14 the suspension in finally determining and prescribing the  
15 rates to be charged and collected by the taxicab or limousine  
16 service.

17 (3) If, after the hearing conducted pursuant to  
18 paragraph (2), the authority finds any rate to be unjust or  
19 unreasonable or in any way in violation of law, it shall  
20 determine the just and reasonable rate to be charged or  
21 applied by the taxicab or limousine service for the service  
22 in question and shall fix the rate by order to be served upon  
23 the taxicab or limousine service. The rate shall then be  
24 observed until changed.

25 (f) Temporary rates.--The authority may, in any proceeding  
26 involving the rates of a taxicab or limousine service, after  
27 reasonable notice and hearing and, if the public interest  
28 requires, immediately fix, determine and prescribe temporary  
29 rates to be charged by a taxicab or limousine service, pending  
30 the final determination of the rate proceeding.

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

6 (h) Refunds.--If, in any proceeding involving rates, the  
7 authority determines that any rate received by a taxicab or  
8 limousine service was unjust or unreasonable or was in violation  
9 of any regulation or order of the authority or was in excess of  
10 the applicable rate contained in an existing and effective  
11 tariff of the taxicab or limousine service, the authority shall  
12 have the power to make an order requiring the public utility to  
13 refund the amount of any excess paid by any patron.

14 Section 10. Section 5704 of Title 53 is reenacted to read:

15 § 5704. Power of authority to require insurance.

16 The authority may, by regulation or order, prescribe for a  
17 taxicab or limousine service requirements as it may deem  
18 necessary for the protection of persons or property of their  
19 patrons and the public, including the filing of surety bonds,  
20 the carrying of insurance or the qualifications and conditions  
21 under which carriers may act as self-insurers with respect to  
22 the requirements.

23 Section 10.1. Title 53 is amended by adding sections to  
24 read:

25 § 5705. Contested complaints.

26 (a) Adjudication.--Contested complaints brought before the  
27 authority alleging violations of this chapter or rules and  
28 regulations promulgated by the authority pursuant to this  
29 chapter shall be assigned by the authority to a hearing officer  
30 for adjudication. Hearing officers assigned to cases pursuant to

this chapter may be removed by the authority only for good cause shown. Following the taking and receiving of evidence, the hearing officer shall issue a decision which determines the merits of the complaint and assesses a penalty if warranted. The hearing officer may require the filing of briefs prior to issuing a decision. The hearing officer's decision shall not be subject to exception or administrative appeal. In its discretion, the authority may exercise review of a hearing officer's decision within 15 days of the date of issuance. If the authority does not perform a timely review of a hearing officer's decision, the decision will become a final order without further authority action. The authority may establish orders or regulations which designate rules and procedures for the adjudication of complaints brought pursuant to this chapter.

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

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

(2) A complaint which:

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

(ii) is brought before the commission to enforce commission regulations for taxicab or limousine service.



1     (c) Other penalties.--Nothing in this section shall be  
2     deemed to limit the ability of any city of the first class to  
3     prosecute violations and seek criminal penalties in a court of  
4     law.

5     § 5706. Driver certification program.

6     (a) General rule.--The authority shall provide for the  
7     establishment of a driver certification program for drivers of  
8     taxicabs and limousines within cities of the first class.  
9     Standards for fitness of all drivers shall be established under  
10    such rules and regulations as the authority may prescribe. The  
11    authority may revoke or suspend a driver's certificate upon a  
12    finding that the individual is not fit to operate a taxicab or  
13    limousine, as applicable. Each applicant for a driver's  
14    certificate shall pay a fee in an amount to be determined  
15    pursuant to the requirements of section 5707 (relating to budget  
16    and fees). Upon approval, a picture driver's certificate will be  
17    issued to an applicant. No individual shall operate a taxicab or  
18    limousine at any time unless the individual is certified as a  
19    driver as by the authority. Each certified driver shall carry  
20    and display in full view a driver's certificate at all times of  
21    operation of a taxicab or limousine. The authority may establish  
22    orders or regulations which designate additional requirements  
23    governing the certification of drivers and the operation of  
24    taxicabs or limousines by drivers, including, but not limited  
25    to, dress codes for drivers.

26    (b) Violations.--Operating a taxicab OR limousine without a  
27    driver's certificate or authorizing or permitting the operation  
28    of a taxicab or limousine by a driver who is not certified as a  
29    driver by the authority within cities of the first class is a  
30    nontraffic summary offense in the first instance and a

<—

misdemeanor of the third degree for each offense thereafter. The authority may, by regulation, provide for suspension and revocation of drivers' certificates for violations of this chapter and authority regulations.

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

§ 5707. Budget and fees.

(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.

(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

1 Representatives. Unless either the Senate or the House of  
2 Representatives acts to disapprove through adoption of a  
3 resolution by April 15 of each year, the authority fee schedule  
4 shall become effective. The authority shall notify all  
5 certificate holders of the fee schedule for the coming fiscal  
6 year. The procedure for notifying certificate holders must be  
7 specified in the regulations of the authority. If either the  
8 Senate or the House of Representatives acts to disapprove the  
9 authority's fee schedule and budget, the authority may submit a  
10 revised budget and fee schedule to the Appropriations Committee  
11 of the Senate and the Appropriations Committee of the House of  
12 Representatives within 15 days of such disapproval or shall  
13 utilize the fee schedule and budget for the prior year. Unless  
14 either the Senate or the House of Representatives acts to  
15 disapprove, through adoption of a resolution within ten  
16 legislative days from the date of submission of the revised  
17 budget and fee schedule, the revised budget and fee schedule of  
18 the authority shall become effective.

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

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

1     ~~Section 10.2. Sections 5711, 5712 and 5713 of Title 53 are~~ <—  
2     ~~reenacted to read:~~  
3     § 5708. FUND. <—

4     (A) ESTABLISHMENT.--THE PHILADELPHIA TAXICAB AND LIMOUSINE  
5     REGULATORY FUND IS ESTABLISHED. THE FUND SHALL CONSIST OF TWO  
6     ACCOUNTS, WHICH SHALL BE KEPT SEPARATE AND NOT COMMINGLED:

7         (1) TAXICAB ACCOUNT.

8         (2) LIMOUSINE ACCOUNT.

9     (B) USE OF FUNDS.--MONEY IN THE FUND MAY BE USED AS FOLLOWS:

10        (1) EXCEPT AS PROVIDED BY SUBSECTION (C), MONEY  
11        DEPOSITED IN THE TAXICAB ACCOUNT IS SPECIFICALLY APPROPRIATED  
12        FOR THE PURPOSES OF THIS CHAPTER ONLY AS IT RELATES TO THE  
13        REGULATION OF TAXICABS AND SHALL NOT BE USED FOR LIMOUSINE  
14        REGULATION AND FOR ANY PURPOSE NOT SPECIFIED BY THIS CHAPTER.

15        (2) EXCEPT AS PROVIDED BY SUBSECTION (C), MONEY  
16        DEPOSITED IN THE LIMOUSINE ACCOUNT IS SPECIFICALLY  
17        APPROPRIATED FOR THE PURPOSES OF THIS CHAPTER ONLY AS IT  
18        RELATES TO THE REGULATION OF LIMOUSINES AND SHALL NOT BE USED  
19        FOR TAXICAB REGULATION AND FOR ANY PURPOSE NOT SPECIFIED BY  
20        THIS CHAPTER.

21     (C) SHARED REGULATORY EXPENSES.--EXPENSES TO THE FUND THAT  
22     ARE NOT EXCLUSIVELY RELATED TO EITHER TAXICABS OR LIMOUSINES  
23     SHALL BE DIVIDED AS FOLLOWS:

24        (1) EXCEPT AS PROVIDED BY PARAGRAPH (2), ANY EXPENSE  
25        INCURRED BY THE AUTHORITY FOR THE REGULATION OF TAXICABS AND  
26        LIMOUSINES WHICH IS NOT EXCLUSIVELY RELATED TO EITHER  
27        TAXICABS OR LIMOUSINES SHALL BE DIVIDED AND CHARGED TO BOTH  
28        THE TAXICAB ACCOUNT AND THE LIMOUSINE ACCOUNT IN A FAIR AND  
29        EQUITABLE MANNER CONSISTENT WITH THE PROPORTIONAL SHARE OF  
30        THE INCURRED COSTS AS DETERMINED BY THE AUTHORITY.

1           (2) ANY EXPENSE INCURRED BY THE AUTHORITY FOR THE  
2           REGULATION OF TAXICABS AND LIMOUSINES WHICH IS NOT  
3           EXCLUSIVELY RELATED TO EITHER TAXICABS OR LIMOUSINES AND THE  
4           RELATIVE SHARE OF THOSE COSTS CANNOT BE DETERMINED SHALL BE  
5           DIVIDED IN A FAIR AND EQUITABLE MANNER BETWEEN THE TAXICAB  
6           ACCOUNT AND THE LIMOUSINE ACCOUNT BASED ON SOME OBJECTIVE  
7           MEASURE, SUCH AS MARKET SHARE SIZE, AS DETERMINED BY THE  
8           AUTHORITY; AND THE AUTHORITY MAY ADJUST THIS MEASURE FROM  
9           TIME TO TIME TO ENSURE ITS FAIRNESS.

10          (D) REVENUES.--ALL SOURCES OF REVENUE, INCLUDING FEES AND  
11          OTHER REVENUES, INTEREST EARNED BY THE FUND, REFUNDS, REPAYMENTS  
12          AND OTHER DEPOSITS, SHALL BE CREDITED AS FOLLOWS:

13               (1) ALL REVENUES EXCLUSIVELY RELATED TO TAXICABS SHALL  
14               BE DEPOSITED IN THE TAXICAB ACCOUNT.

15               (2) ALL REVENUES EXCLUSIVELY RELATED TO LIMOUSINES SHALL  
16               BE DEPOSITED IN THE LIMOUSINE ACCOUNT.

17               (3) ALL REVENUES THAT ARE NOT EXCLUSIVELY RELATED TO  
18               EITHER TAXICABS OR LIMOUSINES SHALL BE DIVIDED IN A MANNER  
19               DETERMINED BY THE AUTHORITY TO BE FAIR AND EQUITABLE.

20          (E) BORROWING FROM THE ACCOUNT.--AS MAY BE NECESSARY TO  
21          FULFILL ITS DUTY IN CARRYING OUT THIS CHAPTER, THE AUTHORITY MAY  
22          BORROW MONEY FROM ONE ACCOUNT ESTABLISHED BY THIS SECTION FOR  
23          THE PURPOSE OF THE OTHER ACCOUNT ESTABLISHED BY THIS SECTION  
24          PROVIDED THAT THE BORROWED AMOUNT IS REPAYED.

25          § 5709. TRANSFER OF MONEY FROM FUND.

26          ALL MONEY IN THE FIRST CLASS CITY TAXICAB REGULATORY FUND IS  
27          APPROPRIATED TO THE TAXICAB ACCOUNT UNDER SECTION 5708(A)(1)  
28          (RELATING TO FUND) UPON THE EFFECTIVE DATE OF THIS SECTION.  
29          OBLIGATIONS OF THE FIRST CLASS CITY TAXICAB REGULATORY FUND  
30          SHALL BE CHARGED TO THE TAXICAB ACCOUNT. REVENUE DUE TO THE

1 FIRST CLASS CITY TAXICAB REGULATORY FUND SHALL BE TRANSFERRED  
2 AND DEPOSITED TO THE TAXICAB ACCOUNT.

3 SECTION 10.2. SECTION 5711 OF TITLE 53 IS REENACTED AND  
4 AMENDED TO READ:

5 § 5711. Power of authority to issue certificates of public  
6 convenience.

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

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

15 (c) Procedure.--

16 (1) A certificate of public convenience to provide  
17 taxicab service within cities of the first class shall be  
18 granted by order of the authority without proof of the need  
19 for the service if the authority finds or determines that the  
20 applicant is capable of providing dependable taxicab service  
21 to the public according to the rules and regulations of the  
22 authority.

23 (2) The authority is authorized to issue a maximum of  
24 1,600 certificates of public convenience for ~~citywide~~ taxicab <—  
25 service ~~and no more than five certificates of public~~ <—  
26 ~~convenience for limited service~~ AND NO MORE THAN FIVE <—  
27 CERTIFICATES OF PUBLIC CONVENIENCE FOR LIMITED SERVICE in any  
28 city of the first class.

29 (3) It is hereby declared to be the policy of the  
30 General Assembly to regulate the provision of taxicab service

1 within cities of the first class in such a manner that any  
2 certificate of public convenience hereinafter granted by  
3 order of the authority shall, in addition to any other  
4 conditions imposed by the authority, require that at least  
5 40% of such trips of such taxicab service shall be derived  
6 from such service provided to and from points within specific  
7 geographical areas to be determined by the authority as being  
8 in the public interest. The authority shall have the power to  
9 rescind or revoke any certificate of public convenience  
10 granted to any existing holder or any new recipient for the  
11 operation of taxicabs within a city of the first class  
12 whenever it is shown that the holder of the certificate is  
13 not operating the taxicabs on an average of 50% of the time  
14 over any consecutive three-month period.

15 (4) The authority shall have the authority to grant  
16 immediate temporary certificates of public convenience for  
17 taxicab service within cities of the first class. Such  
18 temporary certificates are subject to further investigation  
19 before a permanent certificate shall be granted by the  
20 authority.

21 (5) The transfer of a certificate of public convenience,  
22 by any means or device, shall be subject to the prior  
23 approval of the authority which may, in its sole or peculiar  
24 discretion as it deems appropriate, attach such conditions,  
25 including the appropriate allocation of proceeds, as it may  
26 find to be necessary or proper.

27 (6) A certificate of public convenience to convey or  
28 transmit to and from taxicabs messages or communications  
29 within cities of the first class through the use of  
30 centralized dispatch systems shall be granted by order of the

1 authority if the authority finds that the applicant is  
2 capable of providing dependable service according to the  
3 rules and regulations of the authority.

4 SECTION 10.3. SECTIONS 5712 AND 5713 OF TITLE 53 ARE

<—

5 REENACTED TO READ:

6 § 5712. Medallion system.

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

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

23 § 5713. Property and licensing rights.

24 (a) Property rights.--Medallions are property and may not be  
25 revoked or canceled by the authority. Medallions may be pledged  
26 to lenders or creditors as security on debt. All lenders or  
27 creditors who, after the effective date of this section, accept  
28 a medallion as security shall do so in conformance with 13  
29 Pa.C.S. (relating to commercial code). If a lender or creditor  
30 executes on or seizes a medallion, it shall immediately notify



1 the authority in writing. Any sale of the medallion, upon  
2 seizure or execution, shall occur at authority offices pursuant  
3 to the requirements of section 5718 (relating to restrictions)  
4 within one year of the seizure or execution. If the medallion is  
5 not sold within one year, the medallion will become  
6 nontransferable, and possession must be surrendered to the  
7 authority unless the authority finds exigent circumstances exist  
8 which warrant extending the one-year period.

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

27 Section 11. Section 5714 of Title 53 is reenacted and  
28 amended to read:

29 § 5714. Certificate and medallion required.

30 (a) Procedure.--A vehicle may not be operated as a taxicab

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

25 (b) Protective barrier.--Each taxicab within cities of the  
26 first class shall be equipped with a protective barrier for the  
27 protection of the driver, separating the front seat from the  
28 back seat. The authority may provide for additional driver  
29 protection measures by order or regulation.

30 (c) Service.--A vehicle authorized by a certificate to

1 provide call or demand service within cities of the first class  
2 may transport persons and their baggage upon call or demand and  
3 parcels, packages and property at the same basic metered rates  
4 charged to passengers:

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

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

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

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

17 (d) Other vehicles.--

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

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

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

1 service.

2 (2) Carriers currently authorized to provide service to  
3 designated areas within cities of the first class on a non-  
4 citywide basis shall retain their authorization ~~through the~~ <—  
5 ~~authority~~ THROUGH THE AUTHORITY. The authority shall not <—  
6 grant additional rights to new or existing carriers to serve  
7 designated areas within cities of the first class on a non-  
8 citywide basis.

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

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

26 ~~(g) Confiscation and impoundment of vehicles. In addition~~ <—  
27 ~~to penalties provided for in subsection (f), the authority is~~  
28 ~~empowered to confiscate and impound vehicles and equipment which~~  
29 ~~are utilized to provide call or demand service without a proper~~  
30 ~~certificate of public convenience in cities of the first class~~

~~1 or which are in violation of regulations of the authority. Upon~~  
~~2 satisfaction of all penalties imposed and all outstanding fines~~  
~~3 assessed against the owner or operator of the unauthorized~~  
~~4 vehicle and payment of the authority's costs associated with~~  
~~5 confiscation and impoundment, the vehicle and equipment shall be~~  
~~6 returned to its owner. Failure to timely satisfy these~~  
~~7 conditions within [90] 45 days of impoundment may result in the~~  
~~8 sale of confiscated property by the authority at public auction.~~  
~~9 Proceeds received from the sale of confiscated property, after~~  
~~10 payment of the authority's costs associated with confiscation~~  
~~11 and impoundment shall be deposited into the fund.~~

12 (G) CONFISCATION AND IMPOUNDMENT OF VEHICLES.--

<—

13 (1) IN ADDITION TO PENALTIES PROVIDED FOR IN SUBSECTION  
14 (F), POLICE OFFICERS IN CITIES OF THE FIRST CLASS ARE  
15 EMPOWERED TO CONFISCATE AND IMPOUND VEHICLES [AND EQUIPMENT],  
16 AND EQUIPMENT WHICH ARE UTILIZED TO PROVIDE CALL OR DEMAND  
17 SERVICE WITHOUT A PROPER CERTIFICATE OF PUBLIC CONVENIENCE  
18 [AND A MEDALLION.] IN CITIES OF THE FIRST CLASS OR WHICH ARE  
19 IN VIOLATION OF REGULATIONS OF THE AUTHORITY. UPON  
20 SATISFACTION OF ALL PENALTIES IMPOSED AND ALL OUTSTANDING  
21 FINES ASSESSED AGAINST THE OWNER OR OPERATOR OF THE  
22 [UNAUTHORIZED] CONFISCATED VEHICLE AND PAYMENT OF THE  
23 [CITY'S] COSTS OF THE AUTHORITY ASSOCIATED WITH CONFISCATION  
24 AND IMPOUNDMENT, THE VEHICLE AND EQUIPMENT SHALL BE RETURNED  
25 TO ITS [OWNER. FAILURE TO TIMELY SATISFY THESE CONDITIONS  
26 WITHIN 90 DAYS OF IMPOUNDMENT MAY RESULT IN THE SALE OF  
27 CONFISCATED PROPERTY BY A CITY OF THE FIRST CLASS AT AUCTION.  
28 PROCEEDS RECEIVED FROM THE SALE OF CONFISCATED PROPERTY,  
29 AFTER PAYMENT OF THE CITY'S COSTS ASSOCIATED WITH  
30 CONFISCATION, SHALL BE DEPOSITED INTO THE FUND.] REGISTERED

1 OWNER OR REGISTERED LIENHOLDER.

2 (2) (I) IF AN OWNER OR OPERATOR DOES NOT SATISFY ALL  
3 PENALTIES IMPOSED AND ALL OUTSTANDING FINES ASSESSED  
4 WITHIN 45 DAYS OF THE DATE OF IMPOUNDMENT, THE AUTHORITY  
5 MAY PUBLICLY AUCTION ALL CONFISCATED PROPERTY.

6 (II) THE AUTHORITY SHALL, AT LEAST 30 DAYS BEFORE  
7 THE DATE OF THE PUBLIC AUCTION, PROVIDE NOTICE BY REGULAR  
8 MAIL TO THE REGISTERED OWNER AND ANY REGISTERED  
9 LIENHOLDER OF THE PUBLIC AUCTION OF CONFISCATED VEHICLES  
10 AND EQUIPMENT. THE NOTICE REQUIRED UNDER THIS  
11 SUBPARAGRAPH MAY BE PROVIDED WITHIN THE PERIOD OF 45 DAYS  
12 OF THE DATE OF IMPOUNDMENT.

13 (3) THE AUTHORITY SHALL APPLY THE PROCEEDS FROM THE SALE  
14 OF ALL CONFISCATED PROPERTY IN THE FOLLOWING ORDER:

15 (I) TO THE COSTS OF THE AUTHORITY ASSOCIATED WITH  
16 THE CONFISCATION, IMPOUNDMENT AND AUCTION.

17 (II) TO ALL PENALTIES IMPOSED AND ALL OUTSTANDING  
18 FINES ASSESSED AGAINST THE OWNER AND OPERATOR OF THE  
19 CONFISCATED PROPERTY.

20 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (V), TO THE  
21 LIEN OF ANY REGISTERED LIENHOLDER OF THE CONFISCATED  
22 PROPERTY UPON DEMAND.

23 (IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (V), TO THE  
24 REGISTERED OWNER OF THE CONFISCATED PROPERTY UPON DEMAND.

25 (V) WHEN NOT CLAIMED BY ANY REGISTERED LIENHOLDER OR  
26 REGISTERED OWNER WITHIN ONE YEAR OF THE AUCTION DATE,  
27 REMAINING PROCEEDS SHALL BE DEPOSITED INTO THE FUND.

28 (G.1) ASSESSMENT.--AFTER APPLICATION OF THE PROCEEDS FROM  
29 THE SALE OF CONFISCATED PROPERTY UNDER SUBSECTION (F), THE  
30 UNCOMPENSATED COSTS OF THE AUTHORITY ASSOCIATED WITH THE

1 CONFISCATION, IMPOUNDMENT AND AUCTION AND ALL OUTSTANDING  
2 PENALTIES IMPOSED AND ALL OUTSTANDING FINES ASSESSED AGAINST THE  
3 REGISTERED OWNER OR OPERATOR OF THE CONFISCATED PROPERTY MAY BE  
4 ASSESSED AGAINST THE REGISTERED OWNER OR OPERATOR OF THE  
5 CONFISCATED PROPERTY AS THE AUTHORITY MAY PRESCRIBE BY  
6 REGULATION.

7 (h) Counterfeit medallions.--The manufacture or possession  
8 of a counterfeit medallion is a misdemeanor of the third degree  
9 for each offense.

10 Section 11.1. Section 5715 of Title 53 is amended to read:  
11 [§ 5715. Contested complaints.

12 (a) Adjudication.--Contested complaints brought before the  
13 authority alleging violations of this subchapter or rules and  
14 regulations promulgated by the authority pursuant to this  
15 subchapter shall be assigned by the authority to a hearing  
16 officer for adjudication. Hearing officers assigned to cases  
17 pursuant to this subchapter may be removed by the authority only  
18 for good cause shown. Following the taking and receiving of  
19 evidence, the hearing officer shall issue a decision which  
20 determines the merits of the complaint and assesses a penalty if  
21 warranted. In extraordinary circumstances, the hearing officer  
22 may require the filing of briefs prior to issuing a decision.  
23 The hearing officer's decision shall not be subject to exception  
24 or administrative appeal. In its discretion, the authority may  
25 exercise review of a hearing officer's decision within 15 days  
26 of the date of issuance. If the authority does not exercise its  
27 authority to review a hearing officer's decision, the decision  
28 will become a final order without further authority action. The  
29 authority may establish orders or regulations which designate  
30 rules and procedures for the adjudication of complaints brought

1 pursuant to this subchapter.

2 (b) Commencement of complaints.--Authority enforcement  
3 officers, Pennsylvania Public Utility Commission enforcement  
4 officers and police officers or licensing officials within  
5 cities of the first class may commence and prosecute complaints  
6 brought before the authority pursuant to this subchapter and  
7 authority regulations applicable to taxicab operations in cities  
8 of the first class.

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

13 ~~Section 11.2. Sections 5716, 5717 and 5718 of Title 53 are~~ <—  
14 ~~reenacted to read:~~

15 SECTION 11.2. SECTION 5716 OF TITLE 53 IS REENACTED TO READ: <—  
16 § 5716. Reissuance of medallion.

17 Within 30 days of the close of each fiscal year, a medallion  
18 holder shall apply to obtain from the authority a reissued  
19 medallion for a fee in an amount to be determined pursuant to  
20 the requirements of section 5723 (relating to budget and fees).  
21 Each year's medallion shall designate the year of issuance and  
22 shall be identifiable by a distinctive tint or color and shape  
23 to be determined by the authority. A medallion may not be issued  
24 by the authority unless all outstanding authority fines,  
25 penalties and fees have been paid in full and unless all  
26 insurance, tariff and vehicle inspection filings are current.  
27 Immediately prior to reissuance of a medallion, a medallion  
28 holder shall remove the prior year's medallion from the hood of  
29 its taxicab and surrender it to the authority. Upon reissuance,  
30 the new medallion shall be immediately attached to the vehicle.



1 SECTION 11.3. SECTION 5717 OF TITLE 53 IS REENACTED AND

<—

2 AMENDED TO READ:

3 § 5717. Additional certificates and medallions.

4 Subject to the limits established in section 5711(c)  
5 (relating to power of authority to issue certificates of public  
6 convenience), the authority may increase the number of  
7 certificates and medallions if it finds a need for additional  
8 taxicab service in cities of the first class by issuing  
9 certificates and corresponding medallions to applicants on a  
10 first-come-first-served basis. Each applicant shall pay a fee in  
11 an amount equal to the reasonable market value of the medallions  
12 at the time of issuance as determined by the authority. The fee  
13 is payable prior to the time of issuance. In determining the  
14 reasonable market value of a medallion, the authority shall  
15 consider the purchase price in medallion transactions over the  
16 prior year as reflected in authority records. The authority in  
17 its discretion may hold hearings to determine the reasonable  
18 market value of a medallion. In no case shall the number of  
19 ~~citywide call or demand service taxicab~~ CITYWIDE CALL OR DEMAND  
20 SERVICE TAXICAB certificates and medallions issued by the  
21 authority exceed 1,600 each.

<—

22 SECTION 11.4. SECTION 5718 OF TITLE 53 IS REENACTED TO READ:

<—

23 § 5718. Restrictions.

24 (a) Place of transaction.--A medallion may not be sold or  
25 transferred to another party unless the closing of the sales  
26 transaction occurs at authority offices in the presence of a  
27 designated authority staff member. The authority staff member  
28 shall witness the execution of each contract of sale to evidence  
29 staff presence at the execution. All contracts for the sale of  
30 medallions which are not executed at authority offices and

1 witnessed by an authority staff member are void by operation of  
2 law. All sales contracts shall conform to such rules and  
3 regulations as the authority may prescribe. Prior to each  
4 closing, the buyer of the medallion shall pay a fee in an amount  
5 to be determined pursuant to the requirements of section 5723  
6 (relating to budget and fees).

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

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

1 certificate.

2 Section ~~11.3~~ 11.5. Section 5719 of Title 53 is amended to <—  
3 read:

4 [§ 5719. Driver certification program.

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

24 (b) Violations.--Operating a taxicab without a taxi driver's  
25 certificate or authorizing or permitting the operation of a  
26 taxicab by a driver who is not certified as a taxi driver within  
27 cities of the first class is a nontraffic summary offense in the  
28 first instance and a misdemeanor of the third degree for each  
29 offense thereafter. The authority may, by regulation, provide  
30 for suspension and revocation of taxi drivers' certificates for

1 violations of this subchapter and authority regulations.

2 (c) Agreements delegating responsibilities.--The authority  
3 is hereby authorized to enter into agreements or contracts  
4 delegating the duties and responsibilities designated in  
5 subsection (a) to a different governmental entity or to another  
6 party.]

7 Section ~~11.4~~ 11.6. Section 5720 of Title 53 is reenacted and <—  
8 amended to read:

9 § 5720. Wages.

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

16 ~~(b) Uniform rates. All taxicabs with citywide call and <—~~  
17 ~~demand [service] rights in cities of the first class shall~~  
18 ~~charge a uniform rate to passengers, as determined by the~~  
19 ~~authority upon investigation.~~

20 ~~(c) Reopen investigations. Any holder of a certificate of~~  
21 ~~public convenience or [licensed] certified driver may petition~~  
22 ~~the authority to reopen the investigations addressed by~~  
23 ~~subsections (a) and (b) no less than 18 months after the close~~  
24 ~~of the preceding investigation.~~

25 (B) UNIFORM RATES.--ALL TAXICABS [WITHIN] WITH CITYWIDE CALL <—  
26 AND DEMAND RIGHTS IN CITIES OF THE FIRST CLASS SHALL CHARGE A  
27 UNIFORM RATE TO PASSENGERS, AS DETERMINED BY THE AUTHORITY UPON  
28 INVESTIGATION.

29 (C) REOPEN INVESTIGATIONS.--ANY [MEDALLION HOLDER OR  
30 LICENSED] HOLDER OF A CERTIFICATE OF PUBLIC CONVENIENCE OR

1 CERTIFIED DRIVER MAY PETITION THE AUTHORITY TO REOPEN THE  
2 INVESTIGATIONS ADDRESSED BY SUBSECTIONS (A) AND (B) NO LESS THAN  
3 18 MONTHS AFTER THE CLOSE OF THE PRECEDING INVESTIGATION.

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

5 § 5721. Centralized dispatcher.

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

17 Section 13. Section 5722 of Title 53 is reenacted and  
18 amended to read:

19 § 5722. Regulations.

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

26 Section 13.1. Section 5723 of Title 53 is amended to read:

27 [§ 5723. Budget and fees.

28 (a) Initial budget and fees.--The authority shall complete  
29 an initial budget and fee schedule. The fee schedule shall  
30 identify the initial fees for initial issuance of a medallion,

1 transfer of a medallion and issuance of a taxi driver's license.  
2 The authority's initial budget and fee schedule shall be  
3 submitted to the Appropriations Committee of the Senate and the  
4 Appropriations Committee of the House of Representatives. Unless  
5 either the Senate or the House of Representatives acts to  
6 disapprove through adoption of a resolution within ten  
7 legislative days from the date of submittal, the authority's fee  
8 schedule shall become effective, and the authority shall notify  
9 each medallion holder by certified letter of the initial fee  
10 schedule.

11 (b) Fiscal year budget and fees.--The fiscal year for the  
12 fund shall commence on July 1 of each year. Before March 15 of  
13 each year, the authority shall submit a budget and proposed fee  
14 schedule for the coming fiscal year along with comprehensive  
15 financial data from the past fiscal year to the Appropriations  
16 Committee of the Senate and the Appropriations Committee of the  
17 House of Representatives. Unless either the Senate or the House  
18 of Representatives acts to disapprove through adoption of a  
19 resolution by June 15 of each year, the authority fee schedule  
20 shall become effective. The authority shall notify all medallion  
21 holders of the fee schedule for the coming fiscal year by  
22 certified letter. If either the Senate or the House of  
23 Representatives acts to disapprove the authority's fee schedule  
24 and budget, the authority shall utilize the fee schedule and  
25 budget for the prior year.

26 (c) First Class City Taxicab Regulatory Fund.--Money  
27 deposited in the First Class City Taxicab Regulatory Fund is  
28 hereby specifically appropriated for the purposes of this  
29 chapter and shall not be used for any purpose not specified in  
30 this chapter. All interest earned by the fund and all refunds or

1 repayments shall be credited to the fund.

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

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

10 § 5724. Criminal penalties.

11 For the purpose of this subchapter, any person or corporation  
12 convicted of:

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

16 (2) a misdemeanor shall be sentenced to pay a fine of  
17 \$2,500 and may be sentenced to a term of imprisonment not to  
18 exceed one year or both.

19 § 5725. Civil penalties.

20 (a) General rule.--If any person or corporation subject to  
21 this subchapter shall violate any of the provisions of this  
22 subchapter or shall do any matter or thing prohibited under this  
23 subchapter; or shall fail, omit, neglect or refuse to perform  
24 any duty enjoined upon it by this subchapter; or shall fail,  
25 omit, neglect or refuse to obey, observe and comply with any  
26 regulation or final direction, requirement, determination or  
27 order made by the authority or to comply with any final  
28 judgment, order or decree made by any court, the person or  
29 corporation for the violation, omission, failure, neglect or  
30 refusal shall forfeit and pay to the Commonwealth a sum not

1 exceeding \$1,000 to be recovered by an action of assumpsit  
2 instituted in the name of the Commonwealth. In construing and  
3 enforcing the provisions of this section, the violation,  
4 omission, failure, neglect or refusal of any officer, agent or  
5 employee acting for or employed by the person or corporation  
6 shall in every case be deemed to be the violation, omission,  
7 failure, neglect or refusal of the person or corporation.

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

19 Section 15. Section 5741 of Title 53 is reenacted and  
20 amended to read:

21 § 5741. Certificate of public convenience required.

22 (a) General rule.--In order to operate a limousine service  
23 within a city of the first class, a certificate of public  
24 convenience must be issued [by the authority.] under section  
25 5741.1 (relating to power of authority). The authority may grant  
26 a certificate of public convenience to provide limousine service  
27 if the authority determines that the applicant is capable of  
28 providing safe, adequate, lawful and dependable service to the  
29 public.

30 (a.1) Service.--A vehicle authorized by a certificate issued



1 by the authority to provide limousine service within a city of  
2 the first class may transport persons and their baggage upon  
3 advance reservation:

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

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

9 (3) from any point in this Commonwealth to any point in  
10 the city of the first class for which its certificate issued;  
11 and

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

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

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

24 (2) from any point in a city of the first class to any  
25 point in this Commonwealth beyond the city of the first class  
26 upon advance reservation in accordance with the service  
27 authorized under its certificate of public convenience.

28 (b) Enforcement.--

29 (1) The provisions of this subchapter and the rules and  
30 regulations promulgated by the authority pursuant to this

subchapter shall be enforced within cities of the first class  
by authority personnel.

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

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

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

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

~~(f) Confiscation and impoundment of vehicles. In addition~~ <—

(F) CONFISCATION AND IMPOUNDMENT OF VEHICLES.-- <—

(1) 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

1 convenience in a city of the first class or which are in  
2 violation of ~~applicable~~ regulations OF THE AUTHORITY. Upon <—  
3 satisfaction of all penalties imposed and all outstanding  
4 finances assessed against the owner or operator of the  
5 ~~unauthorized~~ CONFISCATED vehicle and EQUIPMENT AND payment of <—  
6 the authority's costs associated with confiscation and  
7 impoundment, the vehicle and equipment shall be returned to  
8 its ~~owner~~. REGISTERED OWNER OR REGISTERED LIENHOLDER. <—

9 (2) (I) IF AN OWNER OR OPERATOR DOES NOT SATISFY ALL  
10 PENALTIES IMPOSED AND ALL OUTSTANDING FINES ASSESSED  
11 WITHIN 45 DAYS OF THE DATE OF IMPOUNDMENT, THE AUTHORITY  
12 MAY PUBLICLY AUCTION ALL CONFISCATED PROPERTY.

13 (II) THE AUTHORITY SHALL, AT LEAST 30 DAYS BEFORE  
14 THE DATE OF THE PUBLIC AUCTION, PROVIDE NOTICE BY REGULAR  
15 MAIL TO THE REGISTERED OWNER AND ANY REGISTERED  
16 LIENHOLDER OF THE PUBLIC AUCTION OF CONFISCATED VEHICLES  
17 AND EQUIPMENT. THE NOTICE REQUIRED UNDER THIS  
18 SUBPARAGRAPH MAY BE PROVIDED WITHIN THE PERIOD OF 45 DAYS  
19 OF THE DATE OF IMPOUNDMENT.

20 (3) THE AUTHORITY SHALL APPLY THE PROCEEDS FROM THE SALE  
21 OF ALL CONFISCATED PROPERTY IN THE FOLLOWING ORDER:

22 (I) TO THE COSTS OF THE AUTHORITY ASSOCIATED WITH  
23 THE CONFISCATION, IMPOUNDMENT AND AUCTION.

24 (II) TO ALL PENALTIES IMPOSED AND ALL OUTSTANDING  
25 FINES ASSESSED AGAINST THE OWNER AND OPERATOR OF THE  
26 CONFISCATED PROPERTY.

27 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (V), TO THE  
28 LIEN OF ANY REGISTERED LIENHOLDER OF THE CONFISCATED  
29 PROPERTY UPON DEMAND.

30 (IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (V), TO THE

1           REGISTERED OWNER OF THE CONFISCATED PROPERTY UPON DEMAND.

2           (V) WHEN NOT CLAIMED BY ANY REGISTERED LIENHOLDER OR  
3           REGISTERED OWNER WITHIN ONE YEAR OF THE AUCTION DATE,  
4           REMAINING PROCEEDS SHALL BE DEPOSITED INTO THE FUND.

5           (F.1) ASSESSMENT.--AFTER APPLICATION OF THE PROCEEDS FROM  
6           THE SALE OF CONFISCATED PROPERTY UNDER SUBSECTION (F), THE  
7           UNCOMPENSATED COSTS OF THE AUTHORITY ASSOCIATED WITH THE  
8           CONFISCATION, IMPOUNDMENT AND AUCTION AND ALL OUTSTANDING  
9           PENALTIES IMPOSED AND ALL OUTSTANDING FINES ASSESSED AGAINST THE  
10          REGISTERED OWNER OR OPERATOR OF THE CONFISCATED PROPERTY MAY BE  
11          ASSESSED AGAINST THE REGISTERED OWNER OR OPERATOR OF THE  
12          CONFISCATED PROPERTY AS THE AUTHORITY MAY PRESCRIBE BY  
13          REGULATION.

14          Section 16. Title 53 is amended by adding a section to read:  
15          § 5741.1. Power of authority.

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

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

24          (c) Procedure.--

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

29                  (2) The authority has the power to grant immediate  
30                  temporary certificates of convenience for limousine service

1     within cities of the first class. Temporary certificates are  
2     subject to further investigation before a permanent  
3     certificate shall be granted by the authority.

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

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

9     § 5742. Regulations.

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

17     Section 18. Section 5743 of Title 53 is amended to read:

18     [§ 5743. Budget and fees.

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

1 schedule.

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

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

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

29 Section 18.1. Sections 5744 and 5745 of Title 53 are  
30 reenacted to read:

1 § 5744. Criminal penalties.

2 For the purpose of this subchapter, any person or corporation  
3 convicted of:

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

7 (2) a misdemeanor shall be sentenced to pay a fine of  
8 \$2,500 and may be sentenced to a term of imprisonment not to  
9 exceed one year or both.

10 § 5745. Civil penalties.

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

29 (b) Continuing offenses.--Each and every day's continuance  
30 in the violation of any regulation or final direction,

1 requirement, determination or order of the authority, or of any  
2 final judgment, order or decree made by any court, shall be a  
3 separate and distinct offense. If any interlocutory order of  
4 supersedeas or a preliminary injunction be granted, no penalties  
5 shall be incurred or collected for or on account of any act,  
6 matter or thing done in violation of such final direction,  
7 requirement, determination, order or decree so superseded or  
8 enjoined for the period of time such order of supersedeas or  
9 injunction is in force.

10 Section 19. The provisions of 66 Pa.C.S. §§ 510(b)(5) AND <—  
11 1103(c) and 66 PA.C.S Ch. 24 are repealed. <—

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

- 16 (1) The reenactment of 53 Pa.C.S. § 5505(d)(23).
- 17 (2) The reenactment of 53 Pa.C.S. § 5508.1(o).
- 18 (2.1) The reenactment of 53 Pa.C.S. § 5508.2.
- 19 (3) The reenactment of 53 Pa.C.S. §§ 5510.1 through  
20 5510.11.
- 21 (4) The reenactment, amendment or addition of 53 Pa.C.S.  
22 §§ 5701, 5701.1, 5702, 5703, 5704, 5705, 5706, 5707, 5711,  
23 5712, 5713, 5714, 5715, 5716, 5717, 5718, 5719, 5720, 5721,  
24 5722, 5723, 5724, 5725, 5741, 5741.1, 5742, 5743, 5744 and  
25 5745.
- 26 (5) Section 19 of this act.
- 27 (6) Section 21 of this act.
- 28 (7) Section 22 of this act.
- 29 (8) Section 24 of this act.

30 Section 21. The following provisions do not affect any act



1 done, liability incurred or right accrued or vested or affect  
2 any civil or criminal proceeding pending or to be commenced to  
3 enforce any right or penalty or punish any offense under any  
4 provision of law repealed by section 4 of this act:

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

6 (2) The reenactment of 53 Pa.C.S. § 5508.2.

7 (3) The reenactment of 53 Pa.C.S. §§ 5510.1 through  
8 5510.11.

9 (4) The reenactment, amendment or addition of 53 Pa.C.S.  
10 §§ 5701, 5701.1, 5702, 5703, 5704, 5705, 5706, 5707, 5711,  
11 5712, 5713, 5714, 5715, 5716, 5717, 5718, 5719, 5720, 5721,  
12 5722, 5723, 5724, 5725, 5741, 5741.1, 5742, 5743, 5744 and  
13 5745.

14 (5) The provisions of 66 Pa.C.S. §§ 510(b)(5) and  
15 1103(c) and Ch.24.

16 (6) Section 20 of this act.

17 (7) Section 22 of this act.

18 (8) Section 24 of this act.

19 Section 22. The following shall apply:

20 (1) The Pennsylvania Public Utility Commission's  
21 appropriations, allocations, documents, records, equipment,  
22 materials, powers, duties, contracts, rights and obligations  
23 which are utilized or accrue in connection with the functions  
24 under 66 Pa.C.S. Ch. 24 and in connection with limousine  
25 regulation in cities of the first class shall be transferred  
26 to the Philadelphia Parking Authority in accordance with an  
27 agreement between the commission and the authority.

28 (2) Regulations, orders, programs and policies of the  
29 commission under 66 Pa.C.S. Ch. 24 and concerning limousine  
30 service regulation within cities of the first class shall

1 remain in effect until specifically amended, rescinded or  
2 altered by the authority.

3 (3) The State Treasurer shall coordinate with the  
4 authority and transfer the First Class City Taxicab  
5 Regulatory Fund to the authority. Upon transfer, fiduciary  
6 responsibility over the fund shall pass from the State  
7 Treasurer to the authority.

8 (4) The commission shall assist the authority to prepare  
9 for the transfer and to ensure a smooth transition with as  
10 little disruption as possible to public safety, consumer  
11 convenience and the impacted industries. The commission and  
12 the authority are empowered to resolve by mutual agreement  
13 any jurisdictional issues that may be associated with the  
14 transfer. Any agreement shall be reported to the  
15 Appropriations Committee of the Senate and the Appropriations  
16 Committee of the House of Representatives and will be  
17 considered effective unless either the Senate or the House of  
18 Representatives rejects the submitted agreement by resolution  
19 within ten legislative days of submission. Upon becoming  
20 effective, an agreement shall be published in the  
21 Pennsylvania Bulletin.

22 (4.1) Any revenues generated by a taxicab or limousine  
23 while operating under the jurisdiction of the authority shall  
24 be exempt from assessment by the commission. The provisions  
25 of this paragraph shall have no effect on the fees allowed to  
26 be charged by the authority in accordance with the provisions  
27 of section 5707.

28 (5) As soon as is practical but no later than 60 days  
29 after the effective date of this paragraph, subject to  
30 negotiations between the commission and the authority, the

1 authority shall notify all current employees of the  
2 commission whose jobs would be impacted by the transfer of  
3 its intention to hire. All employees who receive and accept  
4 offers to be transferred shall be employees of the authority  
5 and the authority shall make provisions to transfer longevity  
6 credits, payroll credits and other personnel benefits, except  
7 for retirement accounts, in a fair and reasonable manner.

8 Notwithstanding the provisions of 53 Pa.C.S. §§ 5505(d)(8)  
9 and (20) and 5508.1(1), any ordinance of any city of the  
10 first class or any agreement or contract between a city of  
11 the first class and the authority, the pension and retirement  
12 rights of employees of the commission at the time of the  
13 transfer whose jobs are impacted by the transfer and who  
14 receive and accept offers to be transferred and be employees  
15 of the authority upon the transfer of the funds and programs  
16 pursuant to this section shall be determined by the  
17 provisions of 71 Pa.C.S. Pt. XXV, known as the State  
18 Employees' Retirement Code, and for such employees the  
19 authority shall have the obligations and duties of employers  
20 under the State Employees' Retirement Code. The authority  
21 shall make every reasonable effort to provide a position  
22 similar to that held with the commission.

23 ~~(6) Reasonable costs of transfer shall be paid by the~~ <—  
24 ~~fund.~~

25 ~~(7)~~ (6) Employees of the Philadelphia Parking Authority <—  
26 who were employees of the Pennsylvania Public Utility  
27 Commission immediately prior to becoming employees of the  
28 Philadelphia Parking Authority and who have been continuously  
29 employed by the Philadelphia Parking Authority since the time  
30 of becoming an employee of the Philadelphia Parking Authority

1 shall not, after termination of service from the Philadelphia  
2 Parking Authority, be considered to be State employees or  
3 performing State service if subsequently reemployed as an  
4 officer or employee of the Philadelphia Parking Authority.

5 Section 23. The following shall apply:

6 (1) A sum of \$1,500,000 is hereby appropriated to the  
7 authority from the First Class City Taxicab Regulatory Fund  
8 under 66 Pa.C.S. Ch. 24 (relating to taxicabs in first class  
9 cities) for reasonable costs of transfer, including  
10 reasonable costs of transfer incurred prior to the effective  
11 date of this section. On August 31, 2005, money not  
12 encumbered under this appropriation shall lapse into the  
13 First Class City Taxicab Regulatory Fund. Additional  
14 reasonable costs of transfer shall be paid by the fund upon  
15 completion of the transfer.

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

24 Section 24. The Pennsylvania Public Utility Commission shall  
25 transmit notice of the entry into the agreement under section  
26 7(1) of this act to the Legislative Reference Bureau for  
27 publication in the Pennsylvania Bulletin.

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

29 (1) The following provisions shall take effect  
30 immediately:

