

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2390 Session of
2012

INTRODUCED BY MICCARELLI, BISHOP, TURZAI, PARKER, REED, ADOLPH, BARRAR, BOYD, K. BOYLE, CALTAGIRONE, CHRISTIANA, COX, CRUZ, DAY, DePASQUALE, DiGIROLAMO, DONATUCCI, D. EVANS, FARRY, GEIST, GILLEN, GODSHALL, HACKETT, HARRIS, HESS, W. KELLER, KILLION, KOTIK, MALONEY, MANN, MICOZZIE, MURT, M. O'BRIEN, PETRI, PYLE, QUIGLEY, QUINN, SABATINA, STEPHENS, TAYLOR, VEREB, WATERS AND GINGRICH, MAY 21, 2012

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 23, 2012

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in taxicabs and limousines in cities
3 of the first class, further providing for definitions, for
4 contested complaints, for driver certification program, for
5 power of authority to issue certificates of public
6 convenience, for certificate and medallion required, for
7 additional certificates and medallions, for wages and for
8 civil penalties.

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

11 Section 1. The definitions of "limousine service" and
12 "taxicab" in section 5701 of Title 53 of the Pennsylvania
13 Consolidated Statutes are amended and the section is amended by
14 adding definitions to read:

15 § 5701. Definitions.

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

1 * * *

2 "Call or demand service" or "taxicab service." Local common
3 carrier service for passengers, rendered on either an exclusive
4 or nonexclusive basis, where the service is characterized by the
5 fact that passengers normally hire the vehicle and its driver
6 either by telephone call or by hail, or both. The term does not
7 include limousine service.

8 * * *

9 "Limousine service."

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

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

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

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

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

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

24 (i) Taxicab service.

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

29 (iii) Other paratransit service.

30 (iv) Employee commuter van pooling.

1 (v) A vehicle with a seating capacity of 16 or more
2 persons, including the driver.

3 * * *

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

8 (1) a citywide basis as authorized by a certificate of
9 public convenience and a corresponding medallion issued by
10 the authority; or

11 (2) a non-citywide basis as authorized by a certificate
12 of public convenience issued by the authority and without a
13 corresponding medallion.

14 The term includes a wheelchair-accessible taxicab.

15 "Wheelchair-accessible taxicab." A taxicab authorized by the
16 authority pursuant to this chapter:

17 (1) to provide call or demand service;

18 (2) that can accommodate at least one person in a
19 wheelchair without the person having to transfer from the
20 wheelchair to another seat; and

21 (3) meets requirements established pursuant to the
22 Americans With Disabilities Act of 1990 (Public Law 101-336,
23 104 Stat. 327) or requirements that are a functional
24 equivalent and approved by the authority, or both.

25 ~~Section 2. Section 5705 of Title 53 is amended by adding a~~ ←
26 ~~subsection to read:~~

27 SECTION 2. SECTIONS 5705 AND 5706(C) OF TITLE 53 ARE AMENDED ←
28 AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO READ:

29 § 5705. Contested complaints.

30 * * *

1 (d) Appeals generally.--A person aggrieved by an order of
2 the authority entered pursuant to this chapter may appeal the
3 order to the Court of Common Pleas of Philadelphia County. All
4 such appeals shall be governed by 2 Pa.C.S. Ch. 7 (relating to
5 judicial review) and Chapter 15 of the Pennsylvania Rules of
6 Appellate Procedure.

7 ~~Section 3. Section 5706(c) of Title 53 is amended and the~~ ←
8 ~~section is amended by adding a subsection to read:~~

9 § 5706. Driver certification program.

10 * * *

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

12 (1) In addition to the requirements of subsection (a),
13 the authority shall provide for the establishment of a driver
14 certification program and special certification for drivers
15 of wheelchair-accessible taxicabs within cities of the first
16 class.

17 (2) Upon issuance of a wheelchair-accessible taxicab
18 driver certificate, the certificated driver shall be issued a
19 one-time stipend in the amount of \$50 for each full day of
20 training attended or such other amount as the authority may
21 in its discretion decide by order or regulation.

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

28 (4) All costs associated with this subsection shall be
29 paid from the proceeds of the sale of medallions authorized
30 by section 5711(c).

1 * * *

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)] subsections (a) and (a.1) to a different
6 governmental entity or to another party.

7 ~~Section 4. Sections 5711(a) and (c) and 5714(a), (b), (d)~~ ←
8 ~~and (g)(1) of Title 53 are amended to read:~~

9 SECTION 3. SECTIONS 5711(A) AND (C), 5714(A), (B), (D) AND ←
10 (G) (1), 5717, 5720(A) AND (B), 5725(A) AND 5745(A) OF TITLE 53
11 ARE AMENDED TO READ:

12 § 5711. Power of authority to issue certificates of public
13 convenience.

14 (a) General rule.--In addition to the powers conferred upon
15 the authority by other provisions of this title, the authority
16 is empowered to issue, suspend, cancel or revoke certificates of
17 public convenience in accordance with this subchapter and orders
18 or regulations of the authority.

19 * * *

20 (c) Procedure.--

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

28 (2) The authority is authorized to issue [a maximum of
29 1,600 certificates of public convenience for taxicab service
30 and no more than five certificates of public convenience for

1 limited service in any city of the first class.] the
2 following:

3 (i) Subject to the provisions of subparagraph (ii),
4 a maximum of 1,600 certificates of public convenience
5 corresponding medallions for citywide call or demand
6 service and an additional 15 certificates of public
7 convenience and corresponding medallions restricted to
8 wheelchair-accessible taxicab service as provided in this
9 chapter.

10 (ii) Beginning June 1, 2013, and each June 1
11 thereafter until there is a total of 1,750 certificates
12 of public convenience and corresponding medallions, the
13 maximum number of certificates of public convenience and
14 corresponding medallions for citywide call or demand
15 service shall be increased by 15. The authority, in its
16 discretion, may issue the certificates and medallions
17 authorized by this subparagraph with special rights,
18 privileges and limitations applicable to issuance and use
19 as it determines necessary to advance the purposes of
20 this chapter and may issue the certificates and
21 medallions authorized by this subparagraph in stages.

22 (2.1) There may be no more than six certificates of
23 public convenience for non-citywide call or demand service in
24 any city of the first class, subject to the exclusive
25 jurisdiction of the authority.

26 (3) It is hereby declared to be the policy of the
27 General Assembly to regulate the provision of taxicab service
28 within cities of the first class in such a manner that any
29 certificate of public convenience hereinafter granted by
30 order of the authority [shall] may, in addition to any other

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

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

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

24 (6) A certificate of public convenience to convey or
25 transmit to and from taxicabs messages or communications
26 within cities of the first class through the use of
27 centralized dispatch systems shall be granted by order of the
28 authority if the authority finds that the applicant is
29 capable of providing dependable service according to the
30 rules and regulations of the authority.

1 § 5714. Certificate and medallion required.

2 (a) [Procedure] Vehicles generally.--

3 (1) A vehicle may not be operated as a taxicab with
4 citywide call or demand rights in cities of the first class
5 unless a certificate of public convenience is issued by [an]
6 the authority authorizing the operation of the taxicab and a
7 medallion is attached to the hood of the vehicle. Prior to
8 the issuance of a medallion, the certificate holder shall
9 have its vehicle inspected by the authority.

10 (2) The authority shall require, by order or regulation,
11 that each [medallion holder] vehicle within its jurisdiction
12 pursuant to this chapter submit to [a periodic vehicle
13 inspection of its taxicab] periodic inspections by authority
14 personnel to ensure that the vehicle meets the requirements
15 of this subchapter and authority regulations.

16 (3) Authority inspection requirements for vehicles
17 within its jurisdiction pursuant to this chapter shall be in
18 addition to the vehicle requirements set forth in Title 75
19 (relating to vehicles) and may include vehicle age and
20 mileage limitations. Authority inspection and recording
21 requirements shall be established by regulations.

22 (4) No vehicle which is more than eight years old shall
23 continue in operation as a taxicab. Notwithstanding the
24 foregoing, the authority may authorize the operation of
25 antique vehicles in call or demand service in such
26 circumstances as the authority may deem appropriate.

27 (5) Each [medallion] taxicab certificate holder's tariff
28 rates shall be clearly and visibly displayed in each taxicab.

29 (6) A medallion shall not be removed from a vehicle
30 without prior notification to and permission of the

1 authority.

2 (7) A medallion authorizes operation of a vehicle as a
3 taxicab only for the fiscal year for which the medallion is
4 issued.

5 (b) [Protective barrier] Driver security devices.--Each
6 [taxicab within cities of the first class] vehicle authorized to
7 provide taxicab service shall be equipped with [a protective
8 barrier for the protection of the driver, separating the front
9 seat from the back seat. The authority may provide for
10 additional driver protection measures] such security devices as
11 the authority may, in its discretion, require by order or
12 regulation.

13 * * *

14 (d) Other vehicles.--

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

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

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

29 (2) Carriers [currently] authorized by the authority to
30 provide taxicab service to designated areas within cities of

1 the first class on a non-citywide basis pursuant to section
2 5711(e)(2) 5711(C)(2.1) (relating to power of authority to ←
3 issue certificates of public convenience) shall retain their
4 authorization [through the authority] in those areas of a
5 city of the first class subject to the exclusive jurisdiction
6 of the authority and orders and regulations of the authority
7 issued under this chapter. The authority shall not grant
8 additional rights to new or existing carriers to serve
9 designated areas within cities of the first class on a non-
10 citywide basis.

11 * * *

12 (g) Confiscation and impoundment of vehicles.--

13 (1) [In addition to penalties provided for in subsection
14 (f), the] The authority is empowered to confiscate and
15 impound vehicles, medallions and equipment which are utilized
16 to provide call or demand service in cities of the first
17 class without a proper certificate of public convenience [in
18 cities of the first class] issued by the authority or which
19 are 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 confiscated vehicle and payment of the costs of the authority
23 associated with confiscation and impoundment, the vehicle,
24 medallion and equipment shall be returned to its registered
25 owner or registered lienholder.

26 * * *

27 ~~Section 5. Sections 5717, 5720(a) and (b), 5725(a) and~~ ←
28 ~~5745(a) of Title 53 are amended to read:~~

29 § 5717. Additional certificates and medallions.

30 (a) Limitation on number.--Subject to the limits established

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

18 (b) Medallion issuance.--

19 (1) Medallions shall be sold to the highest bidder after
20 due notice by advertisement for bids or for public auction in
21 the Pennsylvania Bulletin. The advertisement shall be
22 published once not less than 60 days before public auction,
23 and the date for public auction shall be announced in the
24 advertisement.

25 (2) The medallion sale price shall be payable prior to
26 the time of issuance.

27 (3) In the event the authority determines that a
28 successful bidder of a medallion is not qualified to own a
29 medallion pursuant to this chapter and the orders and
30 regulations of the authority, the medallion at issue shall be

1 subject again to sale as provided in this section.

2 (4) The authority may establish, by order, rules related
3 to a medallion bid or public auction.

4 (5) (i) The authority may, by order, limit the number
5 of medallions that a person may purchase at any bid or
6 public auction.

7 (ii) For purposes of this paragraph, "person"
8 includes an individual or entity with a controlling
9 interest in a bidder as the authority may define by order
10 or regulation.

11 (c) Wheelchair-accessible taxicabs medallions.--

12 (1) In addition to other terms and conditions of use,
13 the authority may restrict a medallion to wheelchair-
14 accessible taxicabs use.

15 (2) wheelchair-accessible taxicab medallions issued
16 pursuant to this section may only be attached to wheelchair-
17 accessible taxicabs.

18 (3) A wheelchair-accessible taxicab may not be operated
19 with citywide call or demand rights in cities of the first
20 class unless a certificate of public convenience is issued by
21 the authority and a medallion is attached to the hood of the
22 vehicle.

23 (4) wheelchair-accessible taxicabs shall comply with the
24 requirements of this chapter and the rules and regulations of
25 the authority related to taxicab service.

26 (5) The authority may, by order or regulation, provide
27 for special rules and regulations related to the operation of
28 wheelchair-accessible taxicabs.

29 § 5720. Wages.

30 (a) Minimum wage.--Each [medallion] certificate holder shall

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

7 (b) Uniform rates.--All taxicabs [with citywide call and
8 demand rights] authorized to provide call or demand service in
9 cities of the first class shall charge a uniform rate to
10 passengers, as determined by the authority upon investigation.

11 * * *

12 § 5725. Civil penalties.

13 (a) General rule.--If any person or corporation subject to
14 this subchapter shall violate any of the provisions of this
15 subchapter or shall do any matter or thing prohibited under this
16 subchapter; or shall fail, omit, neglect or refuse to perform
17 any duty enjoined upon it by this subchapter; or shall fail,
18 omit, neglect or refuse to obey, observe and comply with any
19 regulation or final direction, requirement, determination or
20 order made by the authority or to comply with any final
21 judgment, order or decree made by any court, the person or
22 corporation for the violation, omission, failure, neglect or
23 refusal shall forfeit and pay to the [Commonwealth] authority a
24 sum not exceeding \$1,000 to be recovered by [an action of
25 assumpsit instituted in the name of the Commonwealth] a
26 complaint as provided in section 5705(b) (relating to contested
27 complaints). In construing and enforcing the provisions of this
28 section, the violation, omission, failure, neglect or refusal of
29 any officer, agent or employee acting for or employed by the
30 person or corporation shall in every case be deemed to be the

1 violation, omission, failure, neglect or refusal of the person
2 or corporation.

3 * * *

4 § 5745. Civil penalties.

5 (a) General rule.--If any person or corporation subject to
6 this subchapter shall violate any of the provisions of this
7 subchapter or shall do any matter or thing prohibited under this
8 subchapter; or shall fail, omit, neglect or refuse to perform
9 any duty enjoined upon it by this subchapter; or shall fail,
10 omit, neglect or refuse to obey, observe and comply with any
11 regulation or final direction, requirement, determination or
12 order made by the authority or to comply with any final
13 judgment, order or decree made by any court, the person or
14 corporation for the violation, omission, failure, neglect or
15 refusal shall forfeit and pay to the [Commonwealth] the
16 authority a sum not exceeding \$1,000 to be recovered by [an
17 action of assumpsit instituted in the name of the Commonwealth]
18 a complaint as provided in section 5705(b) (relating to
19 contested complaints). In construing and enforcing the
20 provisions of this section, the violation, omission, failure,
21 neglect or refusal of any officer, agent or employee acting for
22 or employed by the person or corporation shall in every case be
23 deemed to be the violation, omission, failure, neglect or
24 refusal of the person or corporation.

25 * * *

26 Section 6 4. This act shall take effect immediately.

