

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 984 Session of 2015

INTRODUCED BY BARTOLOTTA, WHITE, VANCE, ALLOWAY, ARGALL, SMUCKER, STEFANO, WAGNER, WARD, McILHINNEY, CORMAN AND MENSCH, SEPTEMBER 8, 2015

AS AMENDED ON SECOND CONSIDERATION, NOVEMBER 23, 2015

AN ACT

1 Amending Titles 53 (Municipalities Generally), 66 (Public
2 Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated
3 Statutes, in taxicabs and limousines in first class cities,
4 further providing for definitions AND FOR CERTIFICATE OF <--
5 PUBLIC CONVENIENCE REQUIRED; in general provisions, further
6 providing for definitions; in powers and duties, providing
7 for power of commission to confiscate, impound and sell
8 vehicles; in contract carrier by motor vehicle and broker,
9 further providing for declaration of policy and definitions;
10 providing for motor carrier regulations and for
11 transportation network service; and, in general provisions,
12 further providing for definitions.

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

15 Section 1. The definitions of "call or demand service" or
16 "taxicab service" and "limousine service" in section 5701 of
17 Title 53 of the Pennsylvania Consolidated Statutes are amended
18 to read:

19 § 5701. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 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 transportation network service as defined in 66 Pa.C.S.  
8 § 102 (relating to definitions) or limousine service.

9 \* \* \*

10 "Limousine service."

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

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

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

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

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

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

25 (i) Taxicab service.

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

30 (iii) Other paratransit service.

1 (iv) Employee commuter van pooling.

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

4 (vi) Transportation network service as defined in 66  
5 Pa.C.S. § 102 (relating to definitions).

6 \* \* \*

7 SECTION 1.1. SECTION 5741(C) OF TITLE 53 IS AMENDED TO READ: <--  
8 § 5741. CERTIFICATE OF PUBLIC CONVENIENCE REQUIRED.

9 \* \* \*

10 (C) RESTRICTIONS.--

11 (1) CERTIFICATES ISSUED PURSUANT TO THIS SUBCHAPTER  
12 SHALL BE NONTRANSFERABLE UNLESS A TRANSFER IS APPROVED BY THE  
13 AUTHORITY.

14 (2) A LIMOUSINE SERVICE PROVIDER OPERATING PURSUANT TO  
15 AN AUTHORITY-ISSUED CERTIFICATE OF PUBLIC CONVENIENCE AND A  
16 FILED TARIFF PERMITTING THE LIMOUSINE SERVICE PROVIDER TO  
17 CHARGE MILEAGE-BASED RATES ON THE EFFECTIVE DATE OF THIS  
18 PARAGRAPH SHALL BE PERMITTED TO CONTINUE TO CHARGE MILEAGE-  
19 BASED RATES AND TO BE REGULATED IN THE SAME MANNER AS  
20 TRADITIONAL LIMOUSINE SERVICE PROVIDERS.

21 \* \* \*

22 Section 2. The definitions of "common carrier" and "motor  
23 carrier" in section 102 of Title 66 are amended, the definition  
24 of "common carrier by motor vehicle" is amended by adding a  
25 paragraph and the section is amended by adding definitions to  
26 read:

27 § 102. Definitions.

28 Subject to additional definitions contained in subsequent  
29 provisions of this part which are applicable to specific  
30 provisions of this part, the following words and phrases when

1 used in this part shall have, unless the context clearly  
2 indicates otherwise, the meanings given to them in this section:

3 \* \* \*

4 "Common carrier." Any and all persons or corporations  
5 holding out, offering, or undertaking, directly or indirectly,  
6 service for compensation to the public for the transportation of  
7 passengers or property, or both, or any class of passengers or  
8 property, between points within this Commonwealth by, through,  
9 over, above, or under land, water, or air, and shall include  
10 forwarders, but shall not include contract carriers by motor  
11 vehicles, or brokers, or any bona fide cooperative association  
12 transporting property exclusively for the members of such  
13 association on a nonprofit basis. The term does not include a  
14 transportation network company or a transportation network  
15 company driver.

16 "Common carrier by motor vehicle." Any common carrier who or  
17 which holds out or undertakes the transportation of passengers  
18 or property, or both, or any class of passengers or property,  
19 between points within this Commonwealth by motor vehicle for  
20 compensation, whether or not the owner or operator of such motor  
21 vehicle, or who or which provides or furnishes any motor  
22 vehicle, with or without driver, for transportation or for use  
23 in transportation of persons or property as aforesaid, and shall  
24 include common carriers by rail, water, or air, and express or  
25 forwarding public utilities insofar as such common carriers or  
26 such public utilities are engaged in such motor vehicle  
27 operations, but does not include:

28 \* \* \*

29 (10) A person or entity that is any of the following:

30 (i) A transportation network company.

1           (ii) A transportation network company driver.

2           \* \* \*

3           "Digital network." Any online-enabled application, software,  
4 website or system offered or utilized by a transportation  
5 network company that enables the prearrangement of rides with  
6 transportation network company drivers.

7           "Dual motor carrier." A call and OR demand carrier operating <--  
8 under a certificate of public convenience and providing  
9 transportation network services pursuant to a license from the  
10 commission. OPERATING IN THIS COMMONWEALTH. THE TERM INCLUDES A <--  
11 COMMON CARRIER, COMMON CARRIER BY MOTOR VEHICLE OR MOTOR  
12 CARRIER, THAT USES A DIGITAL NETWORK TO FACILITATE PREARRANGED  
13 RIDES.

14          ~~"Dual motor carrier driver." An individual who:~~ <--

15           ~~(1) receives connections to potential dual motor carrier~~  
16 ~~passengers in exchange for payment of a fee to the dual motor~~  
17 ~~carrier; and~~

18           ~~(2) uses a personal vehicle to offer or provide a~~  
19 ~~prearranged ride to dual motor carrier passengers.~~

20           \* \* \*

21          "Motor carrier." A common carrier by motor vehicle, and a  
22 contract carrier by motor vehicle. The term does not include a  
23 transportation network company or a transportation network  
24 company driver.

25           \* \* \*

26          ~~"Personal vehicle." A vehicle that is used by a~~ <--  
27 ~~transportation network company driver and is:~~

28           ~~(1) owned, leased or otherwise authorized for use by the~~  
29 ~~transportation network company driver; and~~

30           ~~(2) not:~~

1 "PERSONAL VEHICLE." AS FOLLOWS: <--

2 (1) A VEHICLE THAT IS USED BY A TRANSPORTATION NETWORK  
3 COMPANY DRIVER AND IS OWNED, LEASED OR OTHERWISE AUTHORIZED  
4 FOR USE BY THE TRANSPORTATION NETWORK COMPANY DRIVER.

5 (2) THE TERM DOES NOT INCLUDE:

6 (i) a call or demand service or limousine service as  
7 defined under 53 Pa.C.S. § 5701 (relating to  
8 definitions);

9 (ii) a common carrier, common carrier by motor  
10 vehicle or motor carrier, ~~except a call and demand~~ <--  
11 ~~carrier authorized to utilize a digital network through a~~  
12 ~~license as a transportation network company under Chapter~~  
13 ~~26 (relating to transportation network service);~~

14 (iii) a broker or contract carrier by motor vehicle  
15 as defined under section 2501(b) (relating to declaration  
16 of policy and definitions); or

17 (iv) a driver operating under ridesharing  
18 arrangement or ridesharing operator as defined under the  
19 act of December 14, 1982 (P.L.1211, No.279), entitled "An  
20 act providing for ridesharing arrangements and providing  
21 that certain laws shall be inapplicable to ridesharing  
22 arrangements."

23 "Prearranged ride." The provision of transportation by a  
24 driver to a passenger, beginning when a driver TRANSPORTATION <--  
25 NETWORK COMPANY DRIVER TO A PASSENGER, BEGINNING WHEN A  
26 TRANSPORTATION NETWORK COMPANY DRIVER accepts a ride requested  
27 by a passenger through a digital network, continuing while the  
28 driver transports ~~a requesting~~ THE passenger and ending when the <--  
29 last ~~requesting~~ passenger departs from the personal vehicle. A <--  
30 prearranged ride does not include:

1           (1) transportation provided using a call or demand  
2 service or limousine service as defined under 53 Pa.C.S. §  
3 5701 (relating to definitions) unless the service is provided <--  
4 by a dual motor carrier under a license issued by the  
5 commission;

6           (2) a common carrier, common carrier by motor vehicle or  
7 motor carrier, UNLESS THE SERVICE IS PROVIDED BY A DUAL MOTOR <--  
8 CARRIER;

9           (3) a broker or contract carrier by motor vehicle as  
10 defined under section 2501 (relating to declaration of policy <--  
11 and definitions) 2501(B); or <--

12           (4) a driver operating under ridesharing arrangement or  
13 ridesharing operator.

14 \* \* \*

15 "Transportation network company." A person that meets all of <--  
16 the following:

17           (1) Is licensed by the commission.

18           (2) Operates in this Commonwealth.

19           (3) Uses a digital network to facilitate prearranged  
20 rides.

21           (4) If rides are initiated in a city of the first class,  
22 obtains a certificate to operate from the parking authority  
23 of the city of the first class.

24 "TRANSPORTATION NETWORK COMPANY." AS FOLLOWS: <--

25           (1) A PERSON THAT MEETS ALL OF THE FOLLOWING:

26           (I) IS LICENSED BY THE COMMISSION.

27           (II) OPERATES IN THIS COMMONWEALTH.

28           (III) USES A DIGITAL NETWORK TO FACILITATE  
29 PREARRANGED RIDES.

30           (IV) IF RIDES ARE INITIATED IN A CITY OF THE FIRST

1 CLASS, OBTAINS A CERTIFICATE TO OPERATE FROM THE PARKING  
2 AUTHORITY OF THE CITY OF THE FIRST CLASS.

3 (2) DUAL MOTOR CARRIERS LICENSED BY THE COMMISSION UNDER  
4 SECTION 2604 (RELATING TO LICENSES, CERTIFICATES AND  
5 REGULATIONS) THAT USE A DIGITAL NETWORK TO FACILITATE  
6 PREARRANGED RIDES.

7 "Transportation network company driver." An individual who:

8 (1) receives connections to potential passengers and  
9 related services from a transportation network company, <--

10 INCLUDING A DUAL MOTOR CARRIER LICENSED BY THE COMMISSION, in  
11 exchange for payment of a fee to the transportation network  
12 company; and

13 (2) uses a personal vehicle to offer or provide a  
14 prearranged ride to passengers upon connection through a  
15 digital network controlled by a transportation network  
16 company in return for compensation or payment of a fee.

17 "Transportation network company passenger" or "passenger." A  
18 person who uses a digital network to connect with a  
19 transportation network driver who provides prearranged rides to  
20 the passenger in the driver's personal vehicle between points  
21 chosen by the passenger.

22 "Transportation network service."

23 (1) A service which meets all of the following:

24 (i) Matches a passenger and transportation network  
25 company driver using a digital network in advance of the <--  
26 service being provided A PREARRANGED RIDE. <--

27 (ii) Is rendered on an exclusive basis. For purposes  
28 of this paragraph, the term "exclusive basis" means a  
29 transportation network service on a given trip when each  
30 individual, party or group may not be required to ride



1 with another passenger on that trip unless the  
2 individual, party or group consents to additional  
3 passengers on the trip.

4 (2) The term includes transportation of a passenger  
5 following connection with a transportation network company  
6 driver through a digital network.

7 \* \* \*

8 Section 3. Title 66 is amended by adding a section to read:

9 § 512.1. Power of commission to confiscate, impound and sell  
10 vehicles.

11 (a) Authorization.--The commission is empowered to  
12 confiscate a vehicle and impound and sell a vehicle if the  
13 vehicle is used to provide ~~passenger motor carrier services A~~ <--  
14 PREARRANGED RIDE following disqualification under section  
15 2609(b) (relating to fines and penalties) or suspension or  
16 revocation of a transportation network company's license under  
17 this title.

18 (b) Return of vehicle.--The vehicle may be returned to the  
19 registered owner upon satisfaction of all civil penalties  
20 imposed against the transportation network company and the  
21 driver of a confiscated vehicle and payment of the costs of the  
22 commission associated with confiscation and impoundment. Failure  
23 to pay fines, penalties and costs may result in forfeiture and  
24 sale of the vehicle.

25 (c) Commission duties.--The commission shall establish by  
26 regulation or order the following:

- 27 (1) grounds for confiscation, impoundment or sale;  
28 (2) procedures for satisfaction of outstanding fines,  
29 penalties and costs and notice and hearing; and  
30 (3) if the fines, penalties and costs are not timely

1 paid, the timing of the sale and the allocation of proceeds  
2 from the sale of impounded vehicles.

3 Section 4. The definition of "broker" in section 2501(b) of  
4 Title 66 is amended and paragraph (2) of the definition of  
5 "contract carrier by motor vehicle" is amended by adding a  
6 subparagraph to read:

7 § 2501. Declaration of policy and definitions.

8 \* \* \*

9 (b) Definitions.--The following words and phrases when used  
10 in this part shall have, unless the context clearly indicates  
11 otherwise, the meanings given to them in this subsection:

12 "Broker." Any person or corporation not included in the term  
13 "motor carrier" and not a bona fide employee or agent of any  
14 such carrier, or group of such carriers, who or which, as  
15 principal or agent, sells or offers for sale any transportation  
16 by a motor carrier, or the furnishing, providing, or procuring  
17 of facilities therefor, or negotiates for, or holds out by  
18 solicitation, advertisement, or otherwise, as one who sells,  
19 provides, furnishes, contracts, or arranges for such  
20 transportation, or the furnishing, providing, or procuring of  
21 facilities therefor, other than as a motor carrier directly or  
22 jointly, or by arrangement with another motor carrier, and who  
23 does not assume custody as a carrier. The term does not include  
24 a transportation network company or a transportation network  
25 company driver.

26 "Contract carrier by motor vehicle."

27 \* \* \*

28 (2) The term "contract carrier by motor vehicle" does  
29 not include:

30 \* \* \*

1           (x) A transportation network company or a  
2           transportation network company driver.

3           Section 5. Title 66 is amended by adding chapters to read:

4                                   CHAPTER 24

5                                   MOTOR CARRIER REGULATIONS

6   Sec.

7   2401. Regulation of taxis and limousines.

8   2402. Regulations.

9   2403. Lease to own.

10 ~~2404. Limousines.~~

<--

11 § 2401. Regulation of taxis and limousines.

12     (a) Promulgation.--The commission shall, within 150 days of  
13 the effective date of this section, promulgate temporary  
14 regulations. The temporary regulations shall not be subject to  
15 the following:

16           (1) Sections 201, 202, 203, 204 and 205 of the act of  
17 July 31, 1968 (P.L.769, No.240), referred to as the  
18 Commonwealth Documents Law.

19           (2) Sections 204(b) and 301(10) of the act of October  
20 15, 1980 (P.L.950, No.164), known as the Commonwealth  
21 Attorneys Act.

22           (3) The act of June 25, 1982 (P.L.633, No.181), known as  
23 the Regulatory Review Act.

24     (b) Expiration.--The temporary regulations under subsection  
25 (a) shall expire upon the promulgation of final-form regulations  
26 or two years following the effective date of this section,  
27 whichever is earlier.

28 § 2402. Regulations.

29     The temporary regulations under section 2401 (relating to  
30 regulation of taxis and limousines) shall address all of the

1 following:

2 (1) The use of log sheets and manifests, including the  
3 storage of information on digital or other electronic  
4 devices.

5 (2) Metering addressing the use of a variety of  
6 technologies.

7 (3) Vehicles' age and mileage, including procedures to  
8 petition for exceptions to age and mileage standards.

9 (4) Marking of taxis, including advertising.

10 (5) The operation of lease-to-own taxi and limousine  
11 equipment.

12 (6) Taxi tariffs, including rate and tariff change  
13 procedures for both meters and digital platforms. Regulations  
14 shall address cancellations, no-shows and cleaning fees.  
15 Regulations shall reflect reduced or flexible rates and  
16 tariffs as appropriate.

17 (7) Limousine tariffs, including rate and tariff change  
18 procedures. Regulations shall reflect reduced or flexible  
19 rates and tariffs as appropriate.

20 (8) Driver requirements, including criminal history  
21 background check requirements and driving record  
22 requirements.

23 (9) Vehicle requirements, including compliance with  
24 environmental, cleanliness, safety and customer service  
25 standards, including special safety requirements for  
26 children.

27 (10) Requirements for continuous service and exceptions  
28 for unexpected demand and personal health and safety.

29 (11) Insurance requirements for taxis, limousines and  
30 dual motor carriers. The commission shall take into

1 consideration the amount required for dual motor carriers.

2 § 2403. Lease to own.

3 (a) Insurance.--A taxi or limousine service may enter into  
4 conditional lease or sale agreements with drivers of a vehicle  
5 if the taxi or limousine service does the following:

6 (1) Provides required levels of insurance on the  
7 vehicle.

8 (2) Ensures that the vehicle is subjected to and  
9 complies with all vehicle inspection requirements.

10 (3) Ensures that the driver complies with all the  
11 requirements of this title.

12 (b) Responsibility.--The taxi or limousine service shall not  
13 be required to provide insurance to a driver who completes  
14 purchase of the vehicle and who no longer provides driver  
15 services to the taxi or limousine company.

16 § 2404. Limousines.

<--

17 Any limousine service provider operating pursuant to an  
18 authority issued certificate of public convenience and a filed  
19 tariff permitting the limousine service provider to charge  
20 mileage based rates on the effective date of this section shall  
21 be permitted to continue to charge mileage based rates and to be  
22 regulated in the same manner as traditional limousine service  
23 providers.

24 CHAPTER 26

25 TRANSPORTATION NETWORK SERVICE

26 Sec.

27 2601. Definitions.

28 2602. Exclusions.

29 2603. Applicability of certain laws and prohibition.

30 2603.1. Financial responsibility requirements.

1 2603.2. Disclosures.

2 2604. ~~Service standards and requirements~~ LICENSES, CERTIFICATES <--  
3 AND REGULATIONS.

4 2604.1. Licensure requirements.

5 2604.2. Records.

6 2604.3. Discrimination in service.

7 2604.4. Dual motor carrier authority.

8 2604.5. Lienholder requirements.

9 2605. Transportation network company drivers.

10 2606. Personal vehicle requirements.

11 2607. Rates and forms of compensation.

12 2608. Nondisclosure of passenger information.

13 2609. Fines and penalties.

14 2610. Commission costs.

15 2611. City of the first class.

16 § 2601. Definitions.

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

20 "AUTHORITY." A PARKING AUTHORITY OF A CITY OF THE FIRST <--  
21 CLASS.

22 "Driver." A transportation network company driver.

23 "License." Proof of the commission's approval authorizing a  
24 transportation network company to operate a transportation  
25 network service in this Commonwealth in accordance with this  
26 chapter. The term does not include a certificate of public  
27 convenience as described under Chapter 11 (relating to  
28 certificates of public convenience).

29 § 2602. Exclusions.

30 (a) Ridesharing.--A transportation network company may not

1 be considered a ridesharing arrangement or ridesharing operator  
2 under the act of December 14, 1982 (P.L.1211, No.279), entitled  
3 "An act providing for ridesharing arrangements and providing  
4 that certain laws shall be inapplicable to ridesharing  
5 arrangements."

6 (b) Other sources.--A TRANSPORTATION NETWORK COMPANY MAY NOT <--  
7 BE CONSIDERED A company or service that connects an individual  
8 through a digital network for the purpose of transportation to a  
9 common destination when the transportation service does not  
10 include the services of a driver or where a driver is  
11 compensated only for actual expenses incurred for rental, lease  
12 or fuel costs of the vehicle.

13 (c) Limitation.--A transportation network company shall not  
14 be deemed to control, direct or manage the personal vehicles of  
15 transportation network company drivers that connect to a  
16 transportation network company's network.  
17 § 2603. Applicability of certain laws and prohibition.

18 (a) Motor carrier laws.--Except as otherwise provided UNDER <--  
19 THIS CHAPTER, the following laws and regulations of this  
20 Commonwealth may not apply to a transportation network company  
21 or transportation network company driver:

22 (1) This title, except that the commission may regulate  
23 transportation network companies under Chapters 3 (relating  
24 to public utility commission), 5 (relating to powers and  
25 duties), 7 (relating to procedure on complaints), 15  
26 (relating to service and facilities) and 33 (relating to  
27 violations and penalties) and this chapter. If a subject is  
28 regulated under this chapter in addition to another chapter  
29 under this paragraph, this chapter shall apply.

30 (2) 53 Pa.C.S. (relating to municipalities generally).

1           (3) Laws and regulations containing ~~special~~ insurance <--  
2 requirements for motor carriers, except as provided in  
3 section 2604.1(b) (8) (relating to licensure requirements).

4           (4) Laws and regulations imposing a greater standard of  
5 care on motor carriers than that imposed on other drivers or  
6 owners of motor vehicles.

7           (5) Laws and regulations imposing special equipment  
8 requirements and ~~special~~ accident reporting requirements on <--  
9 motor carriers.

10       (b) Municipal licenses and taxes.--Except as otherwise  
11 provided, a municipality may not impose a tax on or require a  
12 license for a transportation network company or transportation  
13 network service.

14 § 2603.1. Financial responsibility requirements.

15       (a) Requirements.--

16           (1) Upon the effective date of this section, a  
17 transportation network company driver or transportation  
18 network company on the driver's behalf shall maintain primary  
19 automobile insurance that recognizes that the driver is a  
20 transportation network company driver or otherwise uses a  
21 vehicle to transport passengers for compensation and covers  
22 the driver when:

23           (i) the driver is logged on to the digital network;

24       and

25           (ii) the driver is engaged in a prearranged ride.

26           (2) Unless otherwise required by order or regulation of  
27 the commission, the following automobile insurance  
28 requirements shall apply to the transportation network  
29 company driver or the transportation network company on the  
30 driver's behalf while a participating transportation network



1 company driver is logged on to the digital network and is  
2 available to receive transportation requests but is not  
3 engaged in a prearranged ride:

4 (i) Primary automobile liability insurance in the  
5 amount of at least \$50,000 for death and bodily injury  
6 per person, \$100,000 for death and bodily injury per  
7 incident and \$25,000 for property damage.

8 (ii) First-party medical benefits, including \$25,000  
9 for ~~passengers and~~ pedestrians and \$5,000 for a driver. <--

10 (iii) The coverage requirements may be satisfied by  
11 any of the following:

12 (A) automobile insurance maintained by the  
13 transportation network company driver;

14 (B) automobile insurance maintained by the  
15 transportation network company; or

16 (C) any combination of clauses (A) and (B).

17 (3) Unless otherwise required by order or regulation of  
18 the commission, the following automobile insurance  
19 requirements shall apply while a transportation network  
20 company driver is engaged in a prearranged ride:

21 (i) Primary automobile liability insurance that  
22 provides at least \$500,000 for death, bodily injury and  
23 property damage.

24 (ii) First-party medical benefits as required by 75  
25 Pa.C.S. § 1711 (RELATING TO REQUIRED BENEFITS) on a per- <--  
26 incident basis for incidents involving a transportation  
27 network company driver's operation of a personal vehicle  
28 while engaged in a prearranged ride, including \$25,000  
29 for passengers and pedestrians and \$5,000 for a driver.

30 (iii) The coverage requirements may be satisfied by

1           any of the following:

2                   (A) automobile insurance maintained by the  
3                   transportation network company driver;

4                   (B) automobile insurance maintained by the  
5                   transportation network company; or

6                   (C) any combination of clauses (A) and (B).

7           (3.1) Insurance NOTWITHSTANDING PARAGRAPHS (1), (2) AND <--  
8           (3), INSURANCE required for dual motor carriers that are  
9           transportation network company vehicles shall be the same as  
10           rates INSURANCE COVERAGE for taxis. The commission may <--  
11           increase the rate INSURANCE COVERAGE for dual motor carriers <--  
12           and taxis, as appropriate.

13           (4) If insurance maintained by a driver under paragraph  
14           (2) or (3) has lapsed or does not provide the required  
15           coverage, insurance maintained by a transportation network  
16           company shall provide the coverage required by this section  
17           beginning with the first dollar of a claim, and the  
18           transportation network company's insurer shall have the duty  
19           to defend such claim.

20           (5) Coverage under an automobile insurance policy  
21           maintained under this section shall be primary and not be  
22           dependent on a personal automobile insurer first denying a  
23           claim nor shall a personal automobile insurance policy be  
24           required to first deny a claim.

25           (6) The automobile insurance required under this section <--  
26           BY A TRANSPORTATION NETWORK COMPANY UNDER PARAGRAPH (4) shall <--  
27           be evidenced by the filing of a certificate of insurance. The  
28           certificate of insurance must be filed by the insurance  
29           carrier and must be in the form specified by the commission  
30           by order or regulation.

1           (7) Insurance required under this subsection ~~may~~ SHALL <--  
2 be placed with an insurer that has obtained a certificate of  
3 authority under section 208 of the act of May 17, 1921  
4 (P.L.789, No.285), known as The Insurance Department Act of  
5 1921, or a surplus lines insurer eligible under section 1605  
6 of the act of May 17, 1921 (P.L.682, No.284), known as The  
7 Insurance Company Law of 1921.

8           (8) Insurance satisfying the requirements of this  
9 section shall be deemed to satisfy the financial  
10 responsibility requirement for a motor vehicle under 75  
11 Pa.C.S. Ch. 17 (relating to financial responsibility).

12           (9) A transportation network company driver shall carry  
13 proof of coverage satisfying paragraphs (2) and (3) when the  
14 driver uses a vehicle in connection with a digital network.  
15 In the event of an accident, a transportation network company  
16 driver shall provide the proof of insurance coverage to the  
17 directly interested parties, automobile insurers and  
18 investigating police officers under 75 Pa.C.S. § 1786  
19 (relating to required financial responsibility). A  
20 transportation network company driver shall also disclose to  
21 directly interested parties, automobile insurers and  
22 investigating police officers whether the driver was logged  
23 on to the digital network or on a prearranged ride at the  
24 time of an accident.

25           (10) It shall be the sole and exclusive responsibility  
26 of a transportation network company to ensure that automobile  
27 insurance coverage required to be carried by the  
28 transportation network company DRIVER under this section is <--  
29 in force prior to permitting a transportation network company  
30 driver to provide transportation network service.

1 (b) Automobile insurance provisions.--

2 (1) Insurers that write automobile insurance in this  
3 Commonwealth may exclude any and all coverage afforded under  
4 the policy issued to an owner or operator of a personal  
5 vehicle for any loss or injury that occurs while a driver is  
6 logged on to a digital network or while a driver provides a  
7 prearranged ride. The right to exclude all coverage may apply  
8 to any coverage included in an automobile insurance policy,  
9 including, but not limited to:

10 (i) liability coverage for bodily injury and  
11 property damage;

12 (ii) uninsured and underinsured motorist coverage;

13 (iii) medical payments coverage;

14 (iv) comprehensive physical damage coverage;

15 (v) collision physical damage coverage; and

16 (vi) first-party medical benefits required under  
17 subsection (a) (2) (ii).

18 (2) Notwithstanding any requirement under 75 Pa.C.S. Ch.  
19 17, exclusions under paragraph (1) shall apply. Nothing in  
20 this section shall require that a personal automobile  
21 insurance policy provide coverage while the driver is logged  
22 on to a digital network, while the driver is engaged in a  
23 prearranged ride or while the driver otherwise uses a vehicle  
24 to transport passengers for compensation. Nothing in this  
25 subsection shall be deemed to preclude an insurer from  
26 providing coverage for the personal vehicle if the insurer  
27 chooses to do so by contract or endorsement.

28 (3) Automobile insurers that exclude the coverage  
29 described in paragraph (1) shall have no duty to defend or  
30 indemnify any claim expressly excluded under the coverage.

1 Nothing in this section shall be deemed to invalidate or  
2 limit an exclusion contained in a personal insurance policy,  
3 including any policy in use or approved for use in this  
4 Commonwealth prior to the enactment of this section, that  
5 excludes coverage for vehicles used to carry persons or  
6 property for a charge or available for hire by the public.

7 (4) An automobile insurer that defends or indemnifies a  
8 claim against a driver that is excluded under the terms of  
9 its policy shall have a right of contribution against other  
10 insurers that provide automobile insurance to the same driver  
11 in satisfaction of the coverage requirements of subsection  
12 (a) at the time of loss.

13 (5) In a claims coverage investigation, transportation  
14 network companies and any insurer potentially providing  
15 coverage under subsection (a) shall cooperate to facilitate  
16 the exchange of relevant information with directly involved  
17 parties and any insurer of the transportation network company  
18 driver, if applicable, including the precise times that a  
19 transportation network company driver logged on and logged  
20 off of the digital network in the 12-hour period immediately  
21 preceding and in the 12-hour period immediately following the  
22 accident and disclose a clear description of the coverage,  
23 exclusions and limits provided under any automobile insurance  
24 maintained under subsection (a).

25 (c) Waiver of liability prohibited.--

26 (1) A transportation network company or transportation  
27 network company driver may not request or require a passenger  
28 to sign a waiver of potential liability for a loss of  
29 personal property or injury.

30 (2) A transportation network company may not request or

1 require a transportation network company driver to sign a  
2 waiver of potential liability for a loss of personal property  
3 or injury as a condition of entering into a lease agreement. <--

4 (3) For the purposes of this subsection, signing a  
5 waiver shall include requiring a prospective customer to  
6 agree to the terms and conditions required to download a  
7 digital application as a condition for obtaining  
8 transportation network services.

9 § 2603.2. Disclosures.

10 (a) Requirement.--A disclosure under this section shall be  
11 provided in writing to all transportation network company  
12 drivers prior to the designation of an individual as a  
13 transportation network company driver. Transportation network  
14 companies shall retain written or electronic verification  
15 records of the receipt of disclosures required under this  
16 section by the transportation network driver.

17 (b) Insurance and lienholder disclosures.--The  
18 transportation network company shall provide the following  
19 disclosures:

20 (1) Insurance coverage, including the types of coverage  
21 and the limits for each coverage that the transportation  
22 network company provides while the transportation network  
23 company driver uses a vehicle in connection with a digital  
24 network.

25 (2) Notice that the terms of the transportation network  
26 company driver's own automobile insurance policy might not  
27 provide any coverage while the driver is logged on to the  
28 digital network and available to receive transportation  
29 requests or is engaged in a prearranged ride.

30 (3) If a transportation network company driver does not

1 have the type of policy required under section 2603.1  
2 (relating to financial responsibility requirements), notice  
3 that the transportation network company will provide all  
4 required insurance.

5 (4) The accident protocol required under section 2605(b)  
6 (5) (relating to transportation network company drivers).

7 (5) Notice of lienholder requirements under section  
8 2604.5 (relating to lienholder requirements).

9 (6) Notice that the driver must notify the following:

10 (i) The driver's auto insurance company that the  
11 driver will be using the vehicle to provide services  
12 under this chapter.

13 (ii) If the driver will not be using a vehicle owned  
14 and insured by the driver, the disclosures under  
15 paragraphs (b) (1), (2) and (3) shall be provided to the  
16 policyholder and to the owner of the vehicle.

17 § 2604. ~~Service standards and requirements~~ LICENSES,

<--

18 CERTIFICATES AND REGULATIONS.

19 (a) Requirements for transportation network  
20 companies.--A transportation network company may not  
21 operate in this Commonwealth unless it holds and maintains a  
22 license issued by the commission.

23 (b) Certificate of public convenience.--A license under this  
24 chapter shall not act as a certificate of public convenience  
25 under Chapter 11 (relating to certificates of public  
26 convenience). The commission shall provide for all licensure  
27 regulation, policies and orders necessary to regulate  
28 transportation network services under this chapter and to  
29 enforce the provisions of this chapter, including all of the  
30 following:

1       (1) Rights, privileges and duties of transportation  
2 network companies and drivers.

3       (2) Suspension, revocation or renewal requirements for  
4 transportation network companies.

5       (3) Conditions on a license necessary to ensure  
6 compliance with this chapter and the laws of this  
7 Commonwealth.

8       (4) Regulations and orders relating to procedures for  
9 customers to file complaints with the commission.

10       (5) Regulations and orders adopted by the commission  
11 relating to accessibility for individuals with mental or  
12 physical disabilities.

13 § 2604.1. Licensure requirements.

14       (a) Application.--An application for a license under this  
15 chapter must be made to the commission in writing, be verified  
16 by oath or affirmation of an officer of the applicant and be in  
17 a form and contain information required by the commission,  
18 including the following:

19       (1) Proof that the transportation network company is  
20 registered with the Department of State to do business in  
21 this Commonwealth.

22       (2) Proof that the transportation network company  
23 maintains a registered agent in this Commonwealth.

24       (3) Proof that the transportation network company  
25 maintains a website that includes the information required  
26 under subsection (b) (10).

27       (4) Proof that the transportation network company has  
28 secured the insurance policies required under and otherwise  
29 complied with section 2603.1 (relating to financial  
30 responsibility requirements) in the form of a certificate of



1 insurance.

2 (5) A license shall be issued to a transportation  
3 network company applicant if the commission determines that  
4 the applicant will comply with this chapter and any  
5 conditions imposed by the commission and meets all the  
6 requirements of subsection (b). The commission may impose  
7 conditions that are reasonably related to a licensee's  
8 obligations as set forth in this chapter.

9 (6) Proof that the transportation network company meets  
10 all the requirements of subsection (b).

11 (b) Requirements.--An applicant seeking a license under this  
12 section must do all of the following as a condition of receipt  
13 and maintenance of a license:

14 (1) Establish and maintain the following:

15 (i) An agent for service of process in this  
16 Commonwealth.

17 (ii) A website that provides a customer service  
18 telephone number or e-mail address of the transportation  
19 network company and the telephone number and e-mail  
20 address of the commission.

21 (iii) Records required under this chapter at a  
22 location within this Commonwealth and make them available  
23 for inspection by the commission upon request as  
24 necessary for the commission to investigate complaints.

25 (2) Maintain accurate records of each transportation  
26 network company driver providing transportation network  
27 services and the vehicles used to provide the service for no  
28 less than three years or for another period as determined by  
29 the commission. Records retained under this paragraph must  
30 include:

1           (i) Current RECORDS OF ADEQUATE personal automobile <--  
2           insurance information. <--  
3           (ii) Criminal history records checks.  
4           (iii) Driving record checks.  
5           (iv) Vehicle registration and proof of vehicle <--  
6           inspections. VALID DRIVER'S LICENSE AND VEHICLE <--  
7           REGISTRATION AND PROOF OF VEHICLE INSPECTIONS.  
8           (v) Records of consumer complaints.  
9           (vi) Records of suspension or deactivation of  
10          drivers.  
11          (vii) Records of disclosures required to be provided  
12          to drivers under this chapter.  
13          (3) Maintain vehicle records, including the make, model  
14          and license plate number of each personal vehicle used by a  
15          transportation network company driver to provide  
16          transportation network service.  
17          (4) Implement a zero-tolerance policy on the use of  
18          drugs or alcohol while a transportation network company  
19          driver provides transportation network service. A  
20          transportation network company driver who is the subject of a  
21          reasonable passenger complaint alleging a violation of the  
22          zero-tolerance policy shall be immediately suspended. The  
23          suspension shall last until the time the complaint  
24          investigation is complete. The following information shall be  
25          provided on a transportation network company's publicly  
26          accessible Internet website:  
27                (i) Notice of the zero-tolerance policy.  
28                (ii) Procedures to report a complaint about a  
29                transportation network company driver with whom the  
30                passenger was matched and whom the passenger reasonably

1 suspects was under the influence of drugs or alcohol  
2 during the course of the ride.

3 (5) Obtain and review, prior to permitting a person to  
4 act as a transportation network company driver on its digital  
5 network, a background check report that includes a source  
6 review of Federal and State criminal history background  
7 checks. The transportation network company shall disqualify  
8 an applicant convicted of certain crimes in accordance with  
9 the following:

10 (i) An applicant convicted of any of the following  
11 within the preceding seven years:

12 (A) Driving under the influence of drugs or  
13 alcohol.

14 (B) A felony conviction involving theft.

15 (C) A felony conviction for fraud.

16 (D) A felony conviction for a violation of the  
17 act of April 14, 1972 (P.L.233, No.64), known as The  
18 Controlled Substance, Drug, Device and Cosmetic Act.

19 (ii) The applicant has been convicted of any of the  
20 following at any time:

21 (A) A sexual offense under 42 Pa.C.S. §  
22 9799.14(c) or (d) (relating to sexual offenses and  
23 tier system) or similar offense under the laws of  
24 another jurisdiction or under a former law of this  
25 Commonwealth.

26 (B) Use of a motor vehicle to commit a felony.

27 (C) Burglary or robbery.

28 (D) A crime of violence as defined in 18 Pa.C.S.  
29 § 5702 (relating to definitions).

30 (E) An act of terror.

1           (6) Obtain and review, prior to permitting a person to  
2 act as a transportation network company driver on its digital  
3 network, a driving history report for the person from the  
4 Department of Transportation and other relevant sources. A  
5 person with more than three moving violations in the three-  
6 year period prior to the check or a major violation in the  
7 three-year period prior to the check may not be a  
8 transportation network company driver. A transportation  
9 network company shall review the driving history report of  
10 each transportation network company driver not less than  
11 every third year that a driver is acting as a transportation  
12 network company driver. ~~The Department of Transportation~~ <--  
13 ~~shall provide driving records to transportation network~~  
14 ~~companies or the company's designated agent.~~

15           (7) Establish a AND PROVIDE driver training program <--  
16 MATERIALS designed to ensure that each driver understands <--  
17 safety and driving requirements. The ~~program~~ MATERIALS shall <--  
18 be ~~administered~~ PROVIDED prior to the driver being permitted <--  
19 to offer transportation network services through the  
20 transportation network company's ~~platform~~ DIGITAL NETWORK. <--  
21 The program may be provided online.

22           (8) Display, on the digital network, a picture of the  
23 transportation network company driver and a description of  
24 the individual's vehicle used in providing transportation  
25 network service, including the make, model and license plate  
26 number of the vehicle.

27           (9) Maintain insurance as required under section 2603.1  
28 as memorialized by the filing of the appropriate certificates  
29 of insurance with the commission.

30           (10) Establish and maintain a publicly accessible

1 Internet website that provides:

2 (i) A customer service telephone number or e-mail  
3 address.

4 (ii) The telephone number to file a consumer  
5 complaint with the commission.

6 (11) Comply with the commission's regulations and orders  
7 regarding the reporting of motor carrier accidents for any  
8 accidents involving a personal vehicle. Accident reports  
9 shall be maintained for a period of three years from the date  
10 of the accident.

11 (12) Maintain verifiable records regarding its  
12 operations and obligations under this chapter for a minimum  
13 period of three years or as may be required by the commission  
14 by regulation or order.

15 (13) Provide written notice to a driver of the scope and  
16 levels of insurance coverage required under section 2603.1.

17 (14) Provide to transportation network company drivers a  
18 placard or decal for the vehicle that has been approved by  
19 the commission. The decal shall be displayed at any time the  
20 driver anticipates offering IS LOGGED ONTO THE DIGITAL <--  
21 NETWORK or is providing a prearranged ride under this  
22 chapter.

23 § 2604.2. Records.

24 The commission shall be authorized to inspect, audit and  
25 investigate any books, records and facilities of the  
26 transportation network company and any affiliated entities as  
27 necessary to ensure compliance with this chapter. Documents or  
28 records marked as confidential will be treated according to the  
29 commission's practices and regulations regarding confidential  
30 and trade secret information. Information disclosed to the

1 commission under this chapter shall be exempt from disclosure to  
2 a third person, including through a request submitted under the  
3 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-  
4 Know Law.

5 § 2604.3. Discrimination in service.

6 (a) General.--Where TRANSPORTATION NETWORK services are <--  
7 offered, a transportation network company must take reasonable  
8 steps to ensure that the service provided by each transportation  
9 network company driver who utilizes the digital network is safe,  
10 reasonable and adequate. A transportation network company may  
11 not unlawfully discriminate against a prospective passenger or  
12 unlawfully refuse to provide service to a certain class of  
13 passengers or certain localities.

14 (b) Disabled individuals.--Each licensed transportation  
15 network company must:

16 (1) Adopt a policy of nondiscrimination regarding  
17 individuals with physical or mental disabilities in  
18 accordance with this subsection. The following information  
19 shall be provided on the transportation network company's  
20 publicly accessible Internet website:

21 (i) Notice of the nondiscrimination policy.

22 (ii) Procedures to report a complaint to the  
23 COMMISSION OR authority about a transportation network <--  
24 company driver's alleged violation of this subsection.

25 (2) A transportation network company driver must  
26 transport a service animal when accompanying a passenger with  
27 a physical or mental disability for no additional charge  
28 unless the transportation network company driver has a  
29 documented medical allergy on file with the transportation  
30 network company.

1           (3) A transportation network company may not impose  
2 additional charges for service to an individual with a  
3 physical or mental disability.

4           (4) A transportation network company shall provide  
5 passengers with physical or mental disabilities requiring the  
6 use of mobility equipment an opportunity to indicate on its  
7 digital network whether they require a wheelchair accessible  
8 vehicle. A transportation network company or an affiliated  
9 entity must facilitate transportation service for passengers  
10 who require a wheelchair-accessible vehicle by doing one of  
11 the following:

12           (i) connecting the passenger to an available  
13 transportation network company driver or other driver  
14 operating a wheelchair-accessible vehicle; or

15           (ii) directing the passenger to a holder of a  
16 certificate of public convenience issued by the  
17 commission or the authority to provide call or demand  
18 service with the ability to dispatch wheelchair-  
19 accessible vehicle to the passenger.

20 § 2604.4. Dual motor carrier authority.

21 A dual motor carrier that provides call ~~and~~ OR demand service <--  
22 under a certificate of public convenience and that has obtained  
23 a license from the commission to provide transportation network  
24 service may dispatch either a call ~~and~~ OR demand vehicle or a <--  
25 personal vehicle driven by a transportation network company  
26 driver to provide service in its authorized service territory.

27 § 2604.5. Lienholder requirements.

28 If the vehicle utilized by a transportation network company  
29 driver is subject to a lien OR LEASE and the lienholder OR <--  
30 LESSOR requires comprehensive and collision insurance in the

1 lien OR LEASE agreement, the transportation network company <--  
2 shall ~~require~~ NOTIFY the driver to provide ~~an affidavit~~ A SIGNED <--  
3 DOCUMENT that affirms that the driver has the comprehensive and  
4 collision insurance required by the lienholder OR LESSOR. The <--  
5 ~~affidavit~~ DOCUMENT must be updated on an annual basis. The <--  
6 transportation network company shall notify drivers in writing  
7 whether it is providing comprehensive and collision coverage  
8 during service.

9 § 2605. Transportation network company drivers.

10 (a) Separate licenses prohibited.--A separate license may  
11 not be required for a transportation network company driver to  
12 provide transportation network service by an approved  
13 transportation network company. Except as otherwise specifically  
14 provided, a transportation network company driver shall not be  
15 subject to other chapters in this title or 53 Pa.C.S. (relating  
16 to municipalities generally).

17 (b) Requirements for transportation network company  
18 drivers.--A transportation network company driver must:

19 (1) Be at least 21 years of age.

20 (2) Submit to a criminal history record check and an  
21 appropriate driving history record check as specified in  
22 section 2604.1 (relating to licensure requirements).

23 (3) Possess a valid driver's license and proof of the  
24 driver's motor vehicle insurance.

25 (4) Carry proof, either a paper copy or electronic copy,  
26 of the transportation network company's liability insurance  
27 required under section 2603.1(b) (relating to financial  
28 responsibility requirements) for any vehicle used by the  
29 driver.

30 (5) In the case of an accident:



1 (i) Provide the insurance coverage information  
2 required under paragraph (4) to any other party involved  
3 in the accident and, if applicable, to the law  
4 enforcement officer who responds to the scene of the  
5 accident.

6 (ii) Report the accident to the transportation  
7 network company.

8 (iii) Report the accident to the following:

9 (A) the transportation network company driver's  
10 personal automobile insurer if required by the  
11 driver's policy;

12 (B) the owner of the automobile if the driver is  
13 not the owner of the automobile; and <--

14 (C) the insurer providing insurance required  
15 under section 2603.1-; AND <--

16 (D) THE HOLDER OF THE INSURANCE POLICY COVERING  
17 THE AUTOMOBILE IF THE DRIVER IS NOT THE HOLDER OF THE  
18 POLICY.

19 (6) Notify the transportation network company  
20 immediately upon conviction for any offense listed under  
21 section ~~2604.1(b)(6) or (7)~~ 2604.1(B)(5) OR (6) which would <--  
22 disqualify the transportation network company driver from  
23 being eligible to provide transportation network service.

24 (7) Only accept a ride arranged through a digital  
25 network and not solicit or accept street hails or telephone  
26 calls requesting transportation network service.

27 (8) Display a removable placard or decal provided by the  
28 transportation network company that has been approved by the  
29 commission on the automobile at any time the driver  
30 ~~anticipates offering~~ IS LOGGED ONTO THE DIGITAL NETWORK or is <--

1 offering or providing a prearranged ride under this chapter.  
2 PLACARDS OR OTHER MARKINGS MUST BE CLEARLY DISTINGUISHABLE <--  
3 AND CLEARLY VISIBLE FROM THE OUTSIDE OF THE VEHICLE.

4 (c) Driver verification.--

5 (1) A driver shall provide affirmation to the  
6 transportation network company of the following:

7 (i) That the driver is the owner or authorized user  
8 of the vehicle AND HAS RECEIVED NOTIFICATION OF ALL <--  
9 REQUIREMENTS UNDER SECTION 2603.2 (RELATING TO  
10 DISCLOSURES).

11 (ii) That the driver has notified the driver's  
12 personal insurance company OR POLICYHOLDER that the <--  
13 driver will be using the vehicle to provide  
14 transportation network services to the public for  
15 compensation.

16 (iii) If the driver will not be using a vehicle  
17 owned by the driver, that the driver has notified the  
18 owner of the vehicle.

19 (iv) That the driver has received notification of  
20 all requirements under subsection (b) and has complied  
21 with those requirements.

22 (2) The affirmation required under paragraph (1) may be  
23 in a written or an electronic form and shall include the  
24 driver's ELECTRONIC OR WRITTEN signature. <--

25 § 2606. Personal vehicle requirements.

26 (a) Authorized vehicles.--~~Vehicles~~ PERSONAL VEHICLES used by <--  
27 a transportation network company driver to provide  
28 transportation network ~~company~~ service may be a coupe, sedan or <--  
29 other light-duty vehicle, including a van, minivan, sport  
30 utility vehicle, hatchback, convertible or pickup truck that is

1 equipped and licensed for use on a public highway. At no time  
2 may a vehicle used to provide transportation network service  
3 transport a greater number of individuals, including the driver,  
4 than the number of seat belts factory installed in the vehicle.

5 (b) Vehicle requirements.--No vehicle being used to provide  
6 transportation network service may be older than 10 model years  
7 old or 12 model years if the vehicle is an alternative fuel  
8 vehicle as defined in section 2 of the act of November 29, 2004  
9 (P.L.1376, No.178), known as the Alternative Fuels Incentive  
10 Act, and has been driven no more than 350,000 miles. The  
11 commission may adjust the requirements of this subsection by  
12 regulation or order. All vehicles shall be marked as required by  
13 the commission's regulations or orders when providing <--  
14 transportation network service. The use of placards, or other  
15 distinguishable markings, clearly visible from the outside of  
16 the vehicle shall be acceptable. COMMISSION UNDER SECTION <--  
17 2605(B) (8) (RELATING TO TRANSPORTATION NETWORK COMPANY DRIVERS).

18 (c) Inspections required.--

19 (1) An annual certificate of inspection under 75 Pa.C.S.  
20 Ch. 47 (relating to inspection of vehicles) must be obtained  
21 from an inspection station approved by the Department of  
22 Transportation under 67 Pa. Code Ch. 175 (relating to vehicle  
23 equipment and inspection) for each personal vehicle. A valid  
24 certificate of inspection shall be maintained in all  
25 vehicles. For a vehicle registered outside this Commonwealth,  
26 proof of inspection must be obtained from the Department of <--  
27 Transportation or from the appropriate agency in the state in  
28 which the vehicle is inspected. INSPECTION MUST BE CONDUCTED <--  
29 BY A FACILITY APPROVED BY THE DEPARTMENT OF TRANSPORTATION.

30 (2) The transportation network company shall ensure that

1 its drivers' vehicles remain in continuous compliance with  
2 this section and the commission's vehicle standards and are  
3 subject to periodic inspections according to Department of  
4 Transportation inspection standards.

5 (3) A commission officer may inspect a personal vehicle  
6 if there is reason to believe that the vehicle is not in  
7 compliance with the commission's vehicle standards to ensure  
8 compliance with this section.

9 § 2607. Rates and forms of compensation.

10 (a) Passenger receipt.--Upon completion of transportation  
11 under this chapter, each transportation network company shall  
12 transmit an electronic receipt to the passenger's e-mail address  
13 or account on a digital network documenting:

14 (1) The origination, destination, mileage and time  
15 estimated of the trip.

16 (2) The driver's first name.

17 (3) The total amount paid, if any.

18 (b) Tariff and fares.--A transportation network company  
19 shall file and maintain with the commission a tariff that sets  
20 forth the terms and conditions of service, or, in a city of the  
21 first class, with the parking authority of a city of the first  
22 class, including the basis for its fares and its policies  
23 regarding surge pricing. A transportation network company may  
24 offer transportation network service at no charge, suggest a  
25 donation or charge a fare. If a fare is charged, a  
26 transportation network company must disclose the fare  
27 calculation method prior to providing an arranged ride.

28 (c) Estimates.--The transportation network company must  
29 provide estimates upon request for the cost of a trip.

30 (d) Limitation.--When a state of disaster emergency is

1 declared under 35 Pa.C.S. § 7301 (relating to general authority  
2 of Governor), pricing for a transportation network service  
3 within the geographic region that is the subject of the  
4 declaration must comply with the act of October 31, 2006  
5 (P.L.1210, No.133), known as the Price Gouging Act.

6 (e) Review.--The amount of a donation, charge, fare or other  
7 compensation provided or received for transportation network  
8 service shall not be subject to review or approval by the  
9 commission under Chapter 13 (relating to rates and distribution  
10 systems).

11 § 2608. Nondisclosure of passenger information.

12 A transportation network company shall not disclose to a  
13 third party any personally identifiable or financial information  
14 of a transportation network company passenger unless one of the  
15 following applies:

16 (1) The customer knowingly consents.

17 (2) The information is disclosed under subpoena, court  
18 order or other legal obligation.

19 (3) The disclosure is to the commission in the context  
20 of an investigation regarding a complaint filed with the  
21 commission against a transportation network company OR A <--  
22 TRANSPORTATION NETWORK COMPANY DRIVER and the commission  
23 treats the information as proprietary and confidential.

24 (4) The disclosure is required to protect or defend the  
25 terms of use of the service or to investigate violations of  
26 those terms. In addition to the foregoing, a transportation  
27 network company shall be permitted to share a passenger's  
28 name or telephone number with the transportation network  
29 company driver providing transportation network company  
30 service to the passenger in order to:

1 (i) facilitate correct identification of the  
2 passenger by the transportation network company driver;  
3 or

4 (ii) to facilitate communication between the  
5 passenger and the transportation network company driver.

6 § 2609. Fines and penalties.

7 (a) Imposition.--The commission may, after notice and  
8 opportunity to be heard, impose civil fines, penalties, license  
9 suspensions and revocations and other appropriate remedies for  
10 violations of this chapter and commission regulations and  
11 orders. The commission shall adopt a schedule of penalties to be  
12 imposed for specific violations, including multiple violations.  
13 The schedule shall delineate those offenses deemed to be serious  
14 and appropriate penalties.

15 ~~(b) Disqualification. If a driver commits five or more~~ <--  
16 ~~violations under this title or a criminal offense after the~~  
17 ~~effective date of this section, the commission may direct the~~  
18 ~~transportation network company to disqualify the driver from~~  
19 ~~being a transportation network company driver. The commission~~  
20 ~~may adopt regulations to allow for the reinstatement of a driver~~  
21 ~~following an appropriate disqualification period and compliance~~  
22 ~~with any conditions imposed by the commission.~~

23 (B) DISQUALIFICATION.-- <--

24 (1) THE COMMISSION MAY ISSUE AN ORDER TO A  
25 TRANSPORTATION NETWORK COMPANY REQUIRING DISQUALIFICATION OF  
26 A DRIVER FROM BEING A TRANSPORTATION NETWORK COMPANY DRIVER  
27 IF:

28 (I) DURING ANY THREE-YEAR PERIOD THE DRIVER COMMITS  
29 FIVE OR MORE VIOLATIONS UNDER THIS TITLE; OR

30 (II) AT ANY TIME AFTER THE DATE OF ENACTMENT OF THIS

1 ACT, THE DRIVER IS CONVICTED OF ANY CRIMINAL OFFENSE  
2 DESCRIBED UNDER SECTION 2604.1(B) (5) (RELATING TO  
3 LICENSURE REQUIREMENTS).

4 (2) A COMMISSION DIRECTIVE TO THE TRANSPORTATION NETWORK  
5 COMPANY TO DISQUALIFY A DRIVER FROM BEING A TRANSPORTATION  
6 NETWORK COMPANY DRIVER MAY OCCUR ONLY AFTER THE FILING AND  
7 ADJUDICATION OF A FORMAL COMPLAINT PURSUANT TO CHAPTER 7  
8 (RELATING TO PROCEDURE ON COMPLAINTS) AND 52 PA. CODE CH. 5  
9 (RELATING TO FORMAL PROCEEDINGS), BY WHICH THE TRANSPORTATION  
10 NETWORK COMPANY SHALL BE AFFORDED FULL DUE PROCESS, INCLUDING  
11 NOTICE AND OPPORTUNITY TO BE HEARD.

12 (3) THE COMMISSION MAY ADOPT REGULATIONS TO ALLOW FOR  
13 THE REINSTATEMENT OF A DRIVER FOLLOWING AN APPROPRIATE  
14 DISQUALIFICATION PERIOD AND COMPLIANCE WITH ANY CONDITIONS  
15 IMPOSED BY THE COMMISSION.

16 § 2610. Commission costs.

17 The program costs for commission implementation and  
18 enforcement of this chapter shall be included in the  
19 commission's proposed budget and shall be assessed upon  
20 transportation network companies in accordance with section 510  
21 (relating to assessment for regulatory expenses upon public  
22 utilities). For the purposes of section 510 only, the definition  
23 of public utility shall include a transportation network company  
24 and, for purposes of assessment only, may be grouped with other  
25 utilities furnishing the same kind of service. The  
26 transportation network company shall report annually to the  
27 commission the gross intrastate receipts derived from all fares  
28 charged to customers for the provision of transportation network  
29 service regardless of the entity that collects the revenues.  
30 Gross intrastate receipts under this section shall not include

1 ~~amounts~~ GROSS RECEIPTS assessed by a parking authority in a city <--  
2 of the first class under section 2611(d) (relating to city of  
3 the first class).

4 § 2611. City of the first class.

5 (a) Authority.--A transportation network company that has  
6 been licensed by the commission may apply to the parking  
7 authority of a city of the first class for a certificate to  
8 operate in the city of the first class. The certificate shall be  
9 granted to the transportation network company within 90 days if  
10 the parking authority determines that the transportation network  
11 company is in compliance with the following:

12 (1) Section 2603.1 (relating to financial responsibility  
13 requirements).

14 (2) Section 2603.2 (relating to disclosures).

15 (3) Section 2604 (relating to ~~service standards and~~ <--  
16 ~~requirements~~ LICENSES, CERTIFICATES AND REGULATIONS). <--

17 (4) Section 2604.1 (relating to licensure requirements).

18 (5) Section 2604.3 (relating to discrimination in  
19 service).

20 (6) Section 2604.4 (relating to dual motor ~~carriers~~ <--  
21 CARRIER AUTHORITY). <--

22 (7) Section 2604.5 (relating to lienholder  
23 requirements).

24 (8) Section 2605 (relating to transportation network  
25 company drivers).

26 (9) Section 2606 (relating to personal vehicle  
27 requirements).

28 (10) Section 2607 (relating to rates and forms of  
29 compensation).

30 (11) Section 2608 (relating to nondisclosure of



1 passenger information).

2 (b) Regulations.--The parking authority of the city of the  
3 first class may adopt reasonable regulations relating to  
4 enforcement under this section that do not impose additional  
5 burdens on the transportation network company than those imposed  
6 by the commission on transportation network company vehicles  
7 outside the city of the first class.

8 (c) Accessibility.--A transportation network company that  
9 holds a certificate from a parking authority of a city of the  
10 first class shall comply with section 2604.3.

11 (d) Assessment.--A transportation network company operating  
12 in a city of the first class shall pay to that city's parking  
13 authority an amount equal to 1% of the actual amount GROSS <--  
14 RECEIPTS FROM ALL FARES charged to all passengers for  
15 prearranged rides that originate in the city of the first class.  
16 The amount assessed shall be remitted on a quarterly basis and  
17 deposited into a special account in the State Treasury. The  
18 Treasurer shall annually distribute 66.67% to a school district  
19 of the first class and 33.33% to the parking authority of the  
20 city of the first class. Revenues of the transportation network <--  
21 company for prearranged rides in a city of the first class shall  
22 not be part of the commission's assessment under section 2610  
23 (relating to commission costs).

24 (e) Reporting.--Each transportation network company that  
25 collects money under subsection (d) shall report to the parking  
26 authority of the city of the first class on a quarterly basis  
27 all amounts collected and remitted to the parking authority. The  
28 initial report shall be transmitted no later than March 30,  
29 2016, and every March 30 quadrennially thereafter.. INFORMATION <--  
30 REPORTED SHALL NOT BE SUBJECT TO THE ACT OF FEBRUARY 14, 2008

1 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

2 (f) Prohibition.--A transportation network company driver  
3 operating in a city of the first class shall not solicit or  
4 accept a prearranged ride at any of the following locations:

5 (1) A designated taxi stand, no stopping or standing  
6 zone or other area where a personal vehicle may not enter at  
7 an international airport owned by the city of the first class  
8 and located in whole or in part in the city of the first  
9 class.

10 (2) A designated taxi stand, no stopping or standing  
11 zone or other area where a personal vehicle may not enter at  
12 a train station owned by AMTRAK located in the city of the  
13 first class.

14 (3) Organized lines of taxis at hotels utilized to  
15 provide services to patrons and visitors at the hotel.

16 (g) Penalties and enforcement.--The following shall apply:

17 (1) If the parking authority of a city of the first  
18 class has evidence that the appropriate assessment amount is  
19 not being remitted under subsection (d), it shall investigate  
20 the matter and determine if the appropriate amount was  
21 transmitted.

22 (2) A driver found by the parking authority to be in  
23 violation of this section shall be subject to a fine of not  
24 more than \$500 per occurrence for a first or second offense  
25 and not more than \$1,000 for a third or subsequent offense.

26 ~~(3) If a driver commits five or more violations of this~~ <--  
27 ~~title or a criminal offense, the authority may issue an order~~  
28 ~~to the transportation network company requiring~~  
29 ~~disqualification of the driver from being a transportation~~  
30 ~~network company driver. The authority may adopt regulations~~

~~to allow reinstatement of a driver following an appropriate suspension period and compliance with any conditions imposed by the authority. The authority may only confiscate the vehicle of a driver who continues to provide transportation network company service while disqualified or following suspension or revocation of a transportation network company's license.~~

(3) THE FOLLOWING SHALL APPLY: <--

(I) THE AUTHORITY MAY ISSUE AN ORDER TO A TRANSPORTATION NETWORK COMPANY REQUIRING DISQUALIFICATION OF A DRIVER FROM BEING A TRANSPORTATION NETWORK COMPANY DRIVER IF:

(A) DURING ANY THREE-YEAR PERIOD THE DRIVER COMMITS FIVE OR MORE VIOLATIONS UNDER THIS TITLE; OR

(B) AT ANY TIME AFTER THE EFFECTIVE DATE OF THIS ACT, THE DRIVER IS CONVICTED OF A CRIMINAL OFFENSE DESCRIBED UNDER SECTION 2604.1(B)(5) (RELATING TO LICENSURE REQUIREMENTS).

(II) AN AUTHORITY DIRECTIVE TO THE TRANSPORTATION NETWORK COMPANY TO DISQUALIFY A DRIVER FROM BEING A TRANSPORTATION NETWORK COMPANY DRIVER MAY OCCUR ONLY AFTER THE FILING AND ADJUDICATION OF A FORMAL COMPLAINT PURSUANT TO 52 PA. CODE CH. 1005 (RELATING TO FORMAL PROCEEDINGS), BY WHICH THE TRANSPORTATION NETWORK COMPANY SHALL BE AFFORDED FULL DUE PROCESS, INCLUDING NOTICE AND OPPORTUNITY TO BE HEARD.

(III) THE AUTHORITY MAY ADOPT REGULATIONS TO ALLOW REINSTATEMENT OF A DRIVER FOLLOWING AN APPROPRIATE DISQUALIFICATION PERIOD AND COMPLIANCE WITH ANY CONDITIONS IMPOSED BY THE AUTHORITY.

1           (IV) THE AUTHORITY MAY ONLY CONFISCATE THE VEHICLE  
2           OF A DRIVER WHO CONTINUES TO PROVIDE TRANSPORTATION  
3           NETWORK COMPANY SERVICE WHILE DISQUALIFIED OR FOLLOWING  
4           SUSPENSION OR REVOCATION OF A TRANSPORTATION NETWORK  
5           COMPANY'S LICENSE.

6           Section 6. The definition of "bus" in section 102 of Title  
7 75 is amended to read:

8           § 102. Definitions.

9           Subject to additional definitions contained in subsequent  
10 provisions of this title which are applicable to specific  
11 provisions of this title, the following words and phrases when  
12 used in this title shall have, unless the context clearly  
13 indicates otherwise, the meanings given to them in this section:

14           \* \* \*

15           "Bus."

16           (1) a motor vehicle designed to transport 16 or more  
17 passengers, including the driver; or

18           (2) a motor vehicle, other than a taxicab [or],  
19 limousine or personal vehicle as defined in 66 Pa.C.S. § 102  
20 (relating to definitions), designed to transport not more  
21 than 15 passengers, including the driver, and used for the  
22 transportation of persons for compensation.

23 The term does not include a vehicle used in a ridesharing  
24 arrangement, as defined in the act of December 14, 1982  
25 (P.L.1211, No.279), entitled "An act providing for ridesharing  
26 arrangements and providing that certain laws shall be  
27 inapplicable to ridesharing arrangements," or a school bus.

28           \* \* \*

29           Section 7. All acts and parts of acts are repealed insofar  
30 as they are inconsistent with the addition of 66 Pa.C.S. Ch. 26.

1 Section 8. This act shall take effect ~~in 60 days~~

<--

2 IMMEDIATELY.

<--