
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2473 Session of
2018

INTRODUCED BY GODSHALL, DAY, DELOZIER, DeLUCA, HAHN, HELM,
KEEFER AND THOMAS, JUNE 7, 2018

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 7, 2018

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in taxicabs and limousines in first
3 class cities, establishing a Taxicab Medallion Account and
4 Limousine Account within the Philadelphia Taxicab and
5 Limousine Regulatory Fund; and further providing for budget
6 and assessments and for funds.

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

9 Section 1. Sections 5707(c)(2) and 5708 of Title 53 of the
10 Pennsylvania Consolidated Statutes are amended to read:

11 § 5707. Budget and assessments.

12 * * *

13 (c) Assessments.--

14 * * *

15 (2) The following relate to assessments for limousines:

16 (i) The limousine utility group shall be comprised
17 of each limousine service authorized by the authority
18 pursuant to section 5741(a) (relating to certificate of
19 public convenience required). Vehicles approved by the
20 authority to provide limousine service pursuant to

1 section 5741(a.3) (2) shall not be considered part of the
2 limousine utility group for assessment purposes but may
3 be required to pay fees as provided in section 5710.

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

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

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

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

28 (vi) For fiscal year 2018 and each fiscal year
29 thereafter, annual assessments issued by the authority to
30 limousine owners shall not exceed 1% of the annual gross

1 revenue of a limousine owner generated within a city of
2 the first class or an airport located, in whole or in
3 part, within a city of the first class for the
4 provisioning of limousine service. Assessments may only
5 be made upon the rates collected for the provisioning of
6 limousine service within a city of the first class or an
7 airport located, in whole or in part, within a city of
8 the first class and may not include tips or tolls.

9 (vii) Assessments may be payable to the authority in
10 a lump sum or on a quarterly basis. The first quarter
11 shall begin on July 1 and end on September 30. The second
12 quarter shall begin on October 1 and end on December 31.
13 The third quarter shall begin on January 1 and end on
14 March 31. The fourth quarter shall begin on April 1 and
15 end on June 30. The assessment payment shall be due
16 within 30 days after service of the notice of assessment
17 from the authority.

18 * * *

19 § 5708. Funds.

20 (a) Regulatory Fund.--The Philadelphia Taxicab and Limousine
21 Regulatory Fund is established as a special fund in the State
22 Treasury. [A balance remaining in the regulatory fund and
23 previously held by the authority shall be transferred to the
24 special fund in the State Treasury upon the effective date of
25 section 5710 (relating to fees).] A Taxicab Medallion Account
26 and Limousine Account are established within the regulatory fund
27 and shall be kept separate and not commingled. The regulatory
28 fund shall be the primary operating fund of the authority for
29 the administration and enforcement of this chapter and Chapter
30 57B (relating to regulation of taxicabs and limousines in cities

1 of the first class) and shall be administered as follows:

2 (1) Except as provided in subsection (a.1), the
3 assessments, fees, penalties and other revenues, interest
4 earned by the regulatory fund, refunds and repayments related
5 to the administration and enforcement of this chapter and
6 Chapter 57B shall be deposited into the regulatory fund.

7 (2) Money deposited in the regulatory fund is reserved
8 for the use of the authority and shall be transferred in
9 equal amounts each month by the State Treasurer to the
10 authority for the purposes of administering and enforcing
11 this chapter and Chapter 57B.

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

15 (a.1) Taxicab Medallion [Fund] Account.--[The Philadelphia
16 Taxicab Medallion Fund is established as a special fund in the
17 State Treasury.

18 (1)] The consideration, revenue, fees, interest earned
19 by the taxicab medallion [fund] account, refunds, repayments
20 and other deposits related to the sale of medallions as
21 provided in section 5717(b) (relating to additional
22 certificates and medallions), shall be deposited into the
23 medallion [fund] account.

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

29 (b) [(Reserved).] Use of funds.--The following apply:

30 (1) Except as provided under subsection (c), money

1 deposited in the Taxicab Medallion Account is appropriated
2 for the purposes specified under this chapter only as it
3 relates to the regulation of taxicab medallions and shall not
4 be used for the regulation of limousines or transportation
5 network companies established under Chapter 57A (relating to
6 transportation network companies) or for any purpose not
7 specified under this chapter.

8 (2) Except as provided under subsection (c), money
9 deposited in the Limousine Account is appropriated for the
10 purposes specified under this chapter only as it relates to
11 the regulation of limousines and shall not be used for the
12 regulation of taxicab medallions or transportation network
13 companies established under Chapter 57A or for any purpose
14 not specified under this chapter.

15 (c) [(Reserved).] Shared regulatory expenses.--Expenses from
16 the Philadelphia Taxicab and Limousine Regulatory Fund that are
17 not exclusively related to taxicab medallions or limousines
18 shall be divided as follows:

19 (1) Expenses incurred by the authority for the
20 regulation of taxicab medallions and limousines that are not
21 exclusively related to either taxicab medallions or
22 limousines shall be allocated to the Taxicab Medallion
23 Account and the Limousine Account based upon the proportion
24 to which the gross operating revenue of taxicab medallions
25 and the applicable gross operating revenue of limousines bear
26 to the total gross operating revenues for the fiscal year.

27 (2) If the relative share of the expenses under
28 paragraph (1) cannot be determined, the expenses shall be
29 shared equally between the Taxicab Medallion Account and the
30 Limousine Account.

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

5 (c.2) Auditor General duties.--The following apply:

6 (1) Within 30 days of the effective date of this
7 subsection, the Department of the Auditor General shall
8 investigate and audit the authority's use of the Philadelphia
9 Taxicab and Limousine Regulatory Fund and the assessment
10 formulas, processes and procedures imposed by the authority
11 for fiscal years ending June 30, 2015, June 30, 2016, and
12 June 30, 2017, to determine whether:

13 (i) The regulatory fund was used solely for the
14 regulation of taxicab medallions and limousines under
15 this chapter.

16 (ii) Expenses from the regulatory fund were used by
17 the authority to regulate transportation network
18 companies operating within a city of the first class or
19 an airport located, in whole or in part, within a city
20 of the first class before and after the effective date of
21 the amendatory act of November 4, 2016 (P.L.1222,
22 No.164).

23 (iii) Expenses or transfers from the regulatory fund
24 were made by the authority for unrelated purposes and the
25 amount or extent of the expenses or transfers.

26 (iv) Increased assessments imposed on taxicab
27 medallion owners and limousine operators were just and
28 reasonable.

29 (v) Increased assessments and fees imposed on
30 taxicab medallion owners and limousine operators were

1 utilized by the authority to pay operational or
2 administrative expenses unrelated to the regulation of
3 taxicab medallions and limousines.

4 (vi) Increased assessments imposed on taxicab
5 medallion owners and limousine operators were used for
6 pay raises, bonuses, fringe benefits or lobbying services
7 authroized by the authority and the amount or extent of
8 the pay raises, bonuses, fringe benefits or lobbying
9 services.

10 (vii) The authority's statutory authorization to
11 regulate limousines within a city of the first class or
12 an airport located, in whole or in part, within a city of
13 the first class should be transferred to the Pennsylvania
14 Public Utility Commission and if so, the estimated costs
15 associated with the transfer.

16 (2) The Auditor General shall issue its findings under
17 paragraph (1) in a report to the chair of the Consumer
18 Protection and Professional Licensure Committee of the Senate
19 and the chair of the Consumer Affairs Committee of the House
20 of Representatives within 180 days of the effective date of
21 this subsection.

22 (d) (Reserved).

23 (e) (Reserved).

24 (f) (Reserved).

25 Section 2. The following apply:

26 (1) The authority shall, within 30 days of the effective
27 date of this section, promulgate temporary regulations to
28 effectuate the amendment of 53 Pa.C.S. §§ 5707(c)(2) and
29 5708. The temporary regulations shall not be subject to the
30 following:

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

4 (ii) Sections 204(b) and 301(10) of the act of
5 October 15, 1980 (P.L.950, No.164), known as the
6 Commonwealth Attorneys Act.

7 (iii) The act of June 25, 1982 (P.L.633, No.181),
8 known as the Regulatory Review Act.

9 (2) The temporary regulations shall expire upon the
10 promulgation of final-form regulations or two years following
11 the effective date of this section, whichever is later.

12 Section 3. This act shall take effect in 60 days.