

PROPOSED RULEMAKINGS

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Hunting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2013, meeting to amend Chapter 141, Appendix G (relating to hunting hours) by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2013-2014 hunting license year. The Commission is also proposing to amend § 141.4 (relating to hunting hours) to add feral swine and wild boar to the list of species that may be lawfully taken during the regular antlered and antlerless deer seasons and expand references to the seasons during which coyotes may be hunted to "big game."

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2013, meeting of the Commission. Comments can be sent until April 12, 2013, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Each year there is a shift in calendar days for each month. As a result of this occurrence, the time tables in Appendix G must be amended and updated on an annual basis to accurately reflect the upcoming year's dates and hours for legal hunting. The Commission is proposing to amend Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2013-2014 hunting license year. The Commission is also proposing to amend § 141.4 to add feral swine and wild boar to the list of species that may be lawfully taken during the regular antlered and antlerless deer seasons and expand references to the seasons during which coyotes may be hunted to "big game" to maintain consistency with § 139.4 (relating to seasons and bag limits for the license year).

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.4 and Appendix G were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend Appendix G by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2013-2014 hunting license year. The proposed rulemaking will also amend § 141.4 by adding feral swine and wild boar to the list of species that may be lawfully taken during the regular antlered and antlerless deer seasons and expand references to the seasons during which coyotes may be hunted to "big game."

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2013-2014 hunting year will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The effective dates of the replacement of the current hunting hours table and migratory bird hunting hours table in Appendix G are July 1, 2013, to June 30, 2014. The proposed amendments to § 141.4 will be effective upon final-form publication in the *Pennsylvania Bulletin* and remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-352. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

Except as otherwise provided, wild birds and [**animals**] **mammals** may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

(1) During the regular antlered and antlerless deer seasons, it is unlawful to take or attempt to take other wild birds or mammals except game birds on regulated hunting grounds, migratory waterfowl, coyotes, **feral swine, wild boar** and bear. Coyotes may be hunted from the first day to the last day inclusive of any [**deer or bear**] **big game** season only by persons who possess a valid furtaker's license, or by persons lawfully engaged in hunting [**deer or bear**] **big game** who have a valid tag. **Feral swine and wild boar may be taken from the first day to the last day inclusive of any big game season only by persons lawfully engaged in hunting big game who have a valid tag.**

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APPENDIX G. HUNTING HOURS

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete the text of the tables which appear in 58 Pa. Code pages 141-33—141-35, serial pages (361987)—(361989) and replace them with the following tables.)

**HUNTING HOURS TABLE
FOR JUNE 30, 2013 THROUGH JULY 5, 2014**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 30—July 6	5:09	9:02
July 7—13	5:13	8:59
July 14—20	5:19	8:55
July 21—27	5:25	8:49
July 28—Aug. 3	5:31	8:42
Aug. 4—10	5:38	8:33
Aug. 11—17	5:44	8:24
Aug. 18—24	5:51	8:14
Aug. 25—31	5:58	8:03
Sept 1—7	6:04	7:52
Sept. 8—14	6:11	7:41
Sept. 15—21	6:17	7:29
Sept. 22—28	6:24	7:17
Sept. 29—Oct. 5	6:31	7:06
Oct. 6—12	6:38	6:55
Oct. 13—19	6:45	6:45
Oct. 20—26	6:53	6:35
Oct. 27—Nov. 2	7:01	6:27
Nov. 3— 9 *Ends	6:09	5:21
Nov. 10—16	6:17	5:13
Nov. 17—23	6:25	5:09
Nov. 24—30	6:32	5:06
Dec. 1—7	6:39	5:05
Dec. 8—14	6:45	5:04
Dec. 15—21	6:49	5:09
Dec. 22—28	6:52	5:11
Dec. 29—Jan. 4	6:53	5:14
Jan. 5—11	6:53	5:20
Jan. 12—18	6:51	5:27
Jan. 19—25	6:49	5:35
Jan. 26—Feb. 1	6:44	5:43
Feb. 2—8	6:38	5:51
Feb. 9—15	6:31	6:00
Feb. 16—22	6:22	6:08
Feb. 23—Mar. 1	6:13	6:14
Mar. 2—8	6:02	6:24
Mar. 9—15 *Begins	6:52	7:31
Mar. 16—22	6:41	7:38
Mar. 23—29	6:29	7:46
Mar. 30—Apr. 5	6:18	7:53

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Apr. 6—12	6:07	8:00
Apr. 13—19	5:56	8:07
Apr. 20—26	5:46	8:14
Apr. 27—May 3	5:36	8:20
May 4—10	5:27	8:28
May 11—17	5:19	8:35
May 18—24	5:13	8:42
May 25—31	5:08	8:48
June 1—7	5:04	8:53
June 8—14	5:02	8:58
June 15—21	5:02	9:01
June 22—28	5:04	9:03
June 29—July 5	5:08	9:02
*Daylight Saving Time		

MIGRATORY GAME BIRD HUNTING HOURS TABLE

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Sept. 1—7	6:04	7:22
Sept. 8—14	6:11	7:11
Sept. 15—21	6:17	6:59
Sept. 22—28	6:24	6:47
Sept. 29—Oct. 5	6:31	6:36
Oct. 6—12	6:38	6:25
Oct. 13—19	6:45	6:15
Oct. 20—26	6:53	6:05
Oct. 27—Nov. 2	7:01	5:57
Nov. 3—9 *Ends	6:09	4:51
Nov. 10—16	6:17	4:43
Nov. 17—23	6:25	4:39
Nov. 24—30	6:32	4:36
Dec. 1—7	6:39	4:35
Dec. 8—14	6:45	4:34
Dec. 15—21	6:49	4:39
Dec. 22—28	6:52	4:41
Dec. 29—Jan. 4	6:53	4:44
Jan. 5—11	6:53	4:50
Jan. 12—18	6:51	4:57
Jan. 19—25	6:49	5:05
Jan. 26—Feb. 1	6:44	5:13
Feb. 2—8	6:38	5:21
Feb. 9—15	6:31	5:30
Feb. 16—22	6:22	5:38
Feb. 23—Mar. 1	6:13	5:44
Mar. 2—8	6:02	5:54
Mar. 9—15 *Begins	6:52	7:01
Mar. 16—22	6:41	7:08
Mar. 23—29	6:29	7:16

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Mar. 30—Apr. 5	6:18	7:23
Apr. 6—12	6:07	7:30
Apr. 13—19	5:56	7:37

*Daylight Saving Time

[Pa.B. Doc. No. 13-561. Filed for public inspection March 29, 2013, 9:00 a.m.]

[58 PA. CODE CH. 139]
Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2013, meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2013-2014 hunting license year.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2013, meeting of the Commission. Comments can be sent until April 12, 2013, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2013-2014 seasons and daily season and possession limits are similar to those set in 2012-2013, the 2013-2014 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth.

Due to a shift in the 2013 calendar dates season opening dates are about 1 week later than in 2012. Proposed changes to small game seasons include reopening snowshoe hare hunting Statewide with a daily bag of one hare.

In regard to wild turkey season changes, 2013 marks the third year of the hen harvest rate and survival study. The study design provided for 2 years (2011 and 2012) of a 2-week fall season in Study Area 1 (wildlife management units (WMU) 2C, 2E, 4A, 4B and 4D) and a 3-week fall season in Study Area 2 (WMUs 2F and 2G), followed by switching season lengths between study areas and maintaining this structure for 2 additional years (2013 and 2014). The proposed changes to these seven WMUs accomplish the purposes of the “cross-over” design. Simultaneously increasing the season length in Study Area 1 and shortening the season length in Study Area 2 will allow the Commission to detect differences in harvest rates within study areas, as well as any differences in the pattern of change between study areas, thereby improving the management of the wild turkey.

Four changes to the extended bear hunting season are proposed: 1) add a Wednesday—Saturday extended season in WMU 4B; 2) move the opening day of the extended in WMU 3D from Wednesday to Monday; 3) eliminate the Monday—Saturday extended season in portions of WMUs 3B and 2G and replace them with a Monday—Saturday extended season open in WMU 3B; and 4) eliminate separate opening days that occur in different portions of WMU 4E and implement a Wednesday—Saturday extended season in WMU 4E.

Concerning furbearer seasons, the Commission is proposing to increase the daily and season bag limit for beaver to 20 daily, 20 per season in WMUs 2C and 5C. Increases in nuisance complaints warrant this change which is consistent with the Beaver Management Plan. Also, the numbers and density of incidental fisher captures during the past 2 years in WMUs 3A, 3D and 4E are comparable to those observed in WMUs currently open to harvest and would warrant adding these WMUs to the list of WMUs with an established fisher trapping season.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking. . . .” The amendments to § 139.4 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2013-2014 license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2013-2014 license year will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The effective dates of the proposed rulemaking are July 1, 2013, to June 30, 2014.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-350. No fiscal impact; (8) recommends adoption.

(Editor’s Note: As part of this proposed rulemaking, the Commission is replacing the table which appears in 58 Pa. Code pages 139-3—139-14, serial pages (361953)—(361964) with the following table.)

Annex A
 TITLE 58. RECREATION
 PART III. GAME COMMISSION
 CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

(SEASONS AND BAG LIMITS TABLE)
 2013-2014 OPEN HUNTING AND FUR TAKING SEASONS, DAILY LIMIT,
 FIELD POSSESSION LIMIT AND SEASON LIMIT
 OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Sept. 7	Sept. 13	6	12
Squirrels—(Combined species)	Sept. 14	Nov. 30	6	12
	and			
	Dec. 16	Dec. 24		
	and			
	Dec. 26	Feb. 22, 2014		
Ruffed Grouse	Oct. 19	Nov. 30	2	4
	and			
	Dec. 16	Dec. 24		
	and			
	Dec. 26	Jan. 25, 2014		
Rabbits, Cottontail— Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12	Oct. 19	4	8
Rabbits, Cottontail	Oct. 26	Nov. 30	4	8
	and			
	Dec. 16	Dec. 24		
	and			
	Dec. 26	Feb. 22, 2014		
Ring-necked Pheasant—There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit.				
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12	Oct. 19	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12	Oct. 19	2	4
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B	Oct. 26	Nov. 30	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D	Oct. 26	Nov. 30	2	4
	and			
	Dec. 16	Dec. 24		
	and			
	Dec. 26	Feb. 1, 2014		
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C and 5D where the season is closed.	Oct. 26	Nov. 30	4	8

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Hares (Snowshoe Rabbits) or Varying Hares in WMUs 3B, 3C and 3D	Dec. 26	Dec. 28	1	2
Hares (Snowshoe Rabbits) or Varying Hares—in WMUs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C and 5D	Dec. 26	Jan. 1, 2014	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons. Hunting on Sundays is prohibited.		Unlimited	
Porcupines Season closed during the overlap with the regular firearms deer seasons.	Sept. 1	Mar. 31, 2014	3	10
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female			1	1
WMU 2B (Shotgun, Bow and Arrow only)	Nov. 2	Nov. 22		
	Nov. 28	Nov. 30		
WMU 1B	Nov. 2	Nov. 9		
	Nov. 28	Nov. 30		
WMUs 1A, 2A and 2D	Nov. 2	Nov. 16		
	Nov. 28	Nov. 30		
WMUs 2C, 2E, 4A, 4B and 4D	Nov. 2	Nov. 22		
	Nov. 28	Nov. 30		
WMUs 2F and 2G	Nov. 2	Nov. 16		
	Nov. 28	Nov. 30		
WMUs 3A, 3B, 3C, 3D, 4C and 4E	Nov. 2	Nov. 22		
	Nov. 28	Nov. 30		
WMU 5A	Nov. 5	Nov. 7		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
Turkey (Spring Gobbler) Statewide ¹ Bearded Bird only	May 3, 2014	May 17, 2014	1	2
			May be hunted 1/2 hour before sunrise to 12 noon	
	May 19, 2014	May 31, 2014		
			May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	
Turkey (Spring Gobbler) Statewide Youth Hunt ¹ Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 26, 2014		1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about August 27 and September 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 5	April 6, 2014	Unlimited	
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons.		Unlimited	

FALCONRY

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2014	6	12
Quail	Sept. 1	Mar. 31, 2014	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2014	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2014	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2014	1	2
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2014	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) ² (Statewide)	Oct. 5	Nov. 16	One antlered and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 11, 2014	
Deer, Archery (Antlerless) WMUs 2B, 5C and 5D	Sept. 21	Oct. 4	An antlerless deer with each required antlerless license.
	Nov. 18	Nov. 30	
Deer, Archery (Antlered and Antlerless) ² WMUs 2B, 5C and 5D	Jan. 13, 2014	Jan. 25, 2014	One antlered and with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 1A, 1B, 2B, 3A, 3D, 4A, 4C, 5A, 5B, 5C and 5D	Dec. 2	Dec. 14	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) ² WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Dec. 2	Dec. 6	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Dec. 7	Dec. 14	One antlered, and an antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) (Statewide) Only Junior and Senior License Holders, ³ Commission Disabled Person Permit Holders (to use a vehicle as a blind) and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, with required antlerless license	Oct. 24	Oct. 26	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 19	Oct. 26	An antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Flintlock (Antlered or Antlerless) ² (Statewide)	Dec. 26	Jan. 11, 2014	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² WMUs 2B, 5C and 5D	Dec. 26	Jan. 25, 2014	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26	Jan. 25, 2014	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

BLACK BEAR

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Bear, any age (Archery only) ⁴ (Statewide)	Nov. 18	Nov. 22	1	1
Bear, any age (Archery only) ⁴ WMUs 2B, 5C and 5D	Sept. 21	Nov. 16	1	1
Bear, any age (Archery only) ⁴ WMU 5B	Oct. 5	Nov. 16	1	1
Bear, any age (Muzzleloader) ⁴ WMUs 2B, 5B, 5C and 5D	Oct. 19	Oct. 26	1	1
Bear, any age (Special Firearms) ⁴ WMUs 2B, 5B, 5C and 5D Junior and Senior License holders, disabled and Pennsylvania residents on active duty in armed services	Oct. 24	Oct. 26	1	1
Bear, any age (Regular Firearms) ⁴ (Statewide)	Nov. 23	Nov. 27	1	1
Bear, any age, Extended Firearms ⁴ WMUs 4B, 4C, 4D and 4E	Dec. 4	Dec. 7	1	1
Bear, any age, Extended Firearms ⁴ WMUs 2B, 5B, 5C and 5D	Dec. 2	Dec. 14	1	1
Bear, any age, Extended Firearms ⁴ WMUs 3A, 3B, 3C and 3D	Dec. 2	Dec. 7	1	1

ELK

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Elk, Special Conservation ⁵ (Antlered and Antlerless)	Sept. 2	Nov. 9	1	One elk with required license
Elk, Regular ⁵ (Antlered and Antlerless)	Nov. 4	Nov. 9	1	One elk with required license
Elk, Extended ⁵ (Antlered and Antlerless)	Nov. 11	Nov. 16	1	One elk with required license

FUR TAKING—TRAPPING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Minks and Muskrats (Statewide)	Nov. 23	Jan. 5, 2014	Unlimited	
Beaver (Statewide)	Dec. 26	Mar. 31, 2014		
WMUs 1A, 1B and 3C (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)			20	20
WMUs 2G, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)			5	5
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 27	Feb. 23, 2014	Unlimited	
Coyotes & Foxes—(Statewide) (Cable restraint devices may be used)	Dec. 26	Feb. 23, 2014	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 21	Jan. 12, 2014	1	1
Fisher (with appropriate permit) WMUs 2C, 2D, 2E, 2F, 2G, 3A, 3D, 4D and 4E	Dec. 21	Dec. 26	1	1

FUR TAKING—HUNTING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyotes—(Statewide)			Unlimited	
Coyotes—(During any big game season)				
Opossums, Skunks, Weasels (Statewide)				
Raccoons and Foxes—(Statewide)	Oct. 26	Feb. 22, 2014	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 21	Feb. 11, 2014	1	1

No open seasons on other wild birds or wild mammals.

¹ Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

² Only one antlered deer (buck) may be taken during the hunting license year.

³ Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

⁴ Only one bear may be taken during the hunting license year.

⁵ Only one elk may be taken during the hunting license year.

[58 PA. CODE CH. 139]

Seasons and Bag Limits; Wildlife Management Units

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2013, meeting to amend § 139.17 (relating to wildlife management units) to provide updated wildlife management unit (WMU) boundaries.

The proposed rulemaking will not have adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2013, meeting of the Commission. Comments can be sent until April 12, 2013, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

A uniform system of WMUs was implemented in 2003 to replace the system of multiple species-specific management units. The primary objective of this new WMU system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiographic, land cover and use, human population density and land ownership. WMU boundaries were defined using readily recognizable features on the landscape rather than hard to identify political boundaries. In 2008, the Commission conducted a 5-year evaluation of the structure of the WMU system which resulted in the development and implementation of four WMU map revisions. The Commission again conducted a 5-year evaluation of the structure of the WMU system and developed two WMU map revisions: 1) split current WMU 2G into WMU 2G (eastern part) and WMU 2H (western part) on a line from Coudersport (RT 6) to DuBois (I-80) following RT 872 to RT 607 to RT 155 to RT 120 to RT 555 to RT 255 to RT 80; and 2) modify the description of the boundary line between WMUs 3C and 3D to differentiate RT 6 from Industrial RT 6 to clarify that in the Scranton area, Industrial RT 6, the Casey Highway, is used as the boundary between these WMUs. The proposed amendments to WMU boundary lines will have minimal impact on wildlife databases. Therefore, the Commission is proposing to amend § 139.17 to provide updated WMU boundaries.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the Commission to "Define geographic limitations or restrictions." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such

regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 139.17 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 139.17 to provide updated WMU boundaries.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the Pennsylvania Bulletin and remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE, Executive Director

Fiscal Note: 48-354. No fiscal impact; (8) recommends adoption.

Editor's Note: As part of this proposed rulemaking, the Commission is replacing the map which appears in 58 Pa. Code page 139-18, serial page (340220) with the following map.)

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

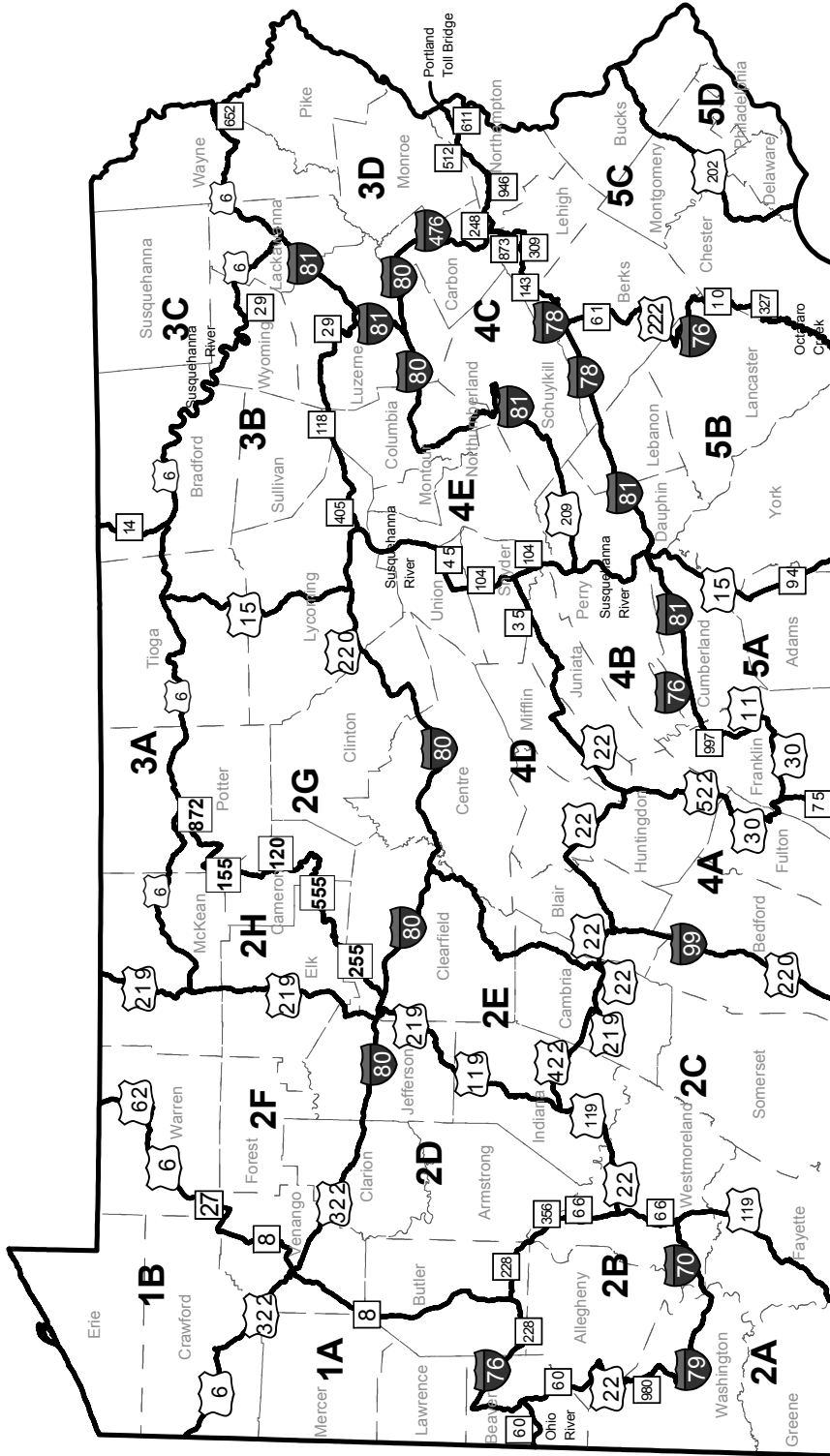
§ 139.17. Wildlife management units.

* * * * *

(b) The outline map of Pennsylvania [found in Appendix B] sets forth wildlife management units.

[APPENDIX B]

Wildlife Management Units



10 P.A. Traffic Route

1 U.S. Traffic Route

476 Interstate Highway

[Pa.B. Doc. No. 13-563. Filed for public inspection March 29, 2013, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

[52 PA. CODE CHS. 1017 AND 1055] Impoundment of Vehicles and Equipment

The Philadelphia Parking Authority (Authority), on January 28, 2013, adopted a proposed rulemaking order which modifies regulations related to the impoundment of taxicab, limousines and related property in Philadelphia, in furtherance of the Authority's regulatory functions. The regulation identified impoundable offenses and provides for prompt post-impoundment due process.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 15, 2013, the Authority submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Authority, the General Assembly and the Governor of comments, recommendations or objections raised.

Proposed Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-3

Proposed Rulemaking Order

By the Authority:

In accordance with of the act of July 16, 2004, (P. L. 758, No. 94), as amended, 53 Pa.C.S. §§ 5701 et seq., (the "act"),¹ the Authority formally commences its rulemaking process to promulgate regulations to provide more specific procedures related to the impoundment of vehicles, equipment and medallions by the Authority pursuant to the act. The Authority seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order.

A. Background

Pursuant to Section 23 of the Act, the Authority initiated regulatory oversight of taxicab and limousine service providers in Philadelphia on April 10, 2005. The Authority's regulations may be found at 52 Pa. Code Part II. On January 6, 2012, the Commonwealth Court of Pennsylvania determined that the Authority was not authorized to impound a vehicle acting as a taxicab in Philadelphia without rights to do so, provided that the vehicle was authorized to be a taxicab elsewhere in the Commonwealth.² Thereafter, the Legislature enacted the act of July 5, 2012, (P. L. 1022, No. 119) ("Act 119")

specifically amending the provisions of the act relied upon by the Commonwealth Court in *Sawink*, among other things.

Discussion

The Authority has been granted broad powers by the Legislature to regulate the operation of taxicabs and limousines in Philadelphia. Among those powers is the ability to immediately impound vehicles, equipment or medallions used to provide taxicab or limousines service in violation of the act or orders or regulations of the Authority.³ Such impoundments are from time-to-time the only way to provide for "a clean, safe, reliable, and well regulated taxicab and limousine industry . . ." in Philadelphia. 53 Pa.C.S. § 5701.1(2).

The manner in which taxicabs and limousines intimately and continuously interact with the public has long necessitated the ambient regulation of these industries. Nevertheless, due process rights certainly apply in these cases, particularly after the threat to public safety has abated.

The Legislature has enabled the Authority to both conduct these impoundments and promulgate regulations to assure public safety and the property rights of regulated parties are duly protected. Members of the regulated community have noted the need for a clarification of the criteria that may lead to a regulatory impoundment. We agree. Also, while the Authority has always permitted immediate emergency hearings related to the justification of an impoundment and to review the need to continue an impoundment, we believe it is crucial to indentify a clear process for such prompt post-impoundment hearings through regulation. We believe this proposed regulation provides these important safeguards and now propose the following changes to the Authority's regulations at 52 Pa. Code §§ 1017.51, 1017.52, 1055.31 and 1055.32 in order to implement the Authority's statutory impoundment powers as modified by Act 119.

B. The regulation.

§ 1017.51. General.

We proposed adding two additional definitions to this subsection. The definition of "impoundable offense" identifies only five scenarios in which an impoundment may be made as provided in § 1717.52. These limited circumstances pose immediate and potentially irreparable harm to the public.

In *Sawink*, the Commonwealth Court agreed that even the pre-Act 119 version of the section 5714(g) of the act permitted the impoundment of unauthorized taxicabs as identified in section 5714(f). The use of unapproved or manipulated taxicab meters also represents the type of grave malfeasance necessitating immediate impoundment to stop further public abuses. Permitting the offending taxicab to simply drive off with a citation and the bad meter would undermine public confidence in all fares charged by taxicabs and permit, if not encourage, the continued abuse by the offending party and others. Meter rigging is exactly the type of egregious conduct that merits immediate impoundment.

Similarly, the determination by the Enforcement Department officer that a vehicle's condition or the condition, or behavior of a driver, will create an immediate threat to public safety if permitted to continue operation merits impoundment. This is a high standard for impoundment and exceeds the standard employed in the

¹ See 53 Pa.C.S. §§ 5722 and 57.

² *Sawink, Inc. et al., v. Philadelphia Parking Authority*, 34 A.3d 926 (Pa. Cmwlth. 2012), *affirmed*, 2012 Pa. LEXIS 2897 (Pa. 2012)

³ See 53 Pa.C.S. §§ 5714(g) and 5741(f).

existing “out of service” designation process founded on a “public safety concern.” See 52 Pa. Code § 1003.31.

Finally, the use of a counterfeit medallion constitutes a serious regulatory infraction and is a crime. See 53 Pa.C.S. § 5714(h). Given the statutorily limited number of authorized taxicab medallions and the importance placed on the health of the medallion system by the Legislature, this violation merits immediate impoundment. See 53 Pa.C.S. § 5712.

The definition of “unauthorized taxicab” is necessary because the term is used in the definition of “impoundable offense.” The fact that every taxicab that is authorized to provide call or demand service within Philadelphia must have a current TLD inspection sticker attached by the Authority creates a bright-line distinction between authorized taxicabs and all other vehicles on the road. See 52 Pa. Code § 1017.32. An exception to this condition is made for PUC authorized taxicabs observed operating in Philadelphia as permitted by section 5714(d)(1) of the act. A vehicle observed providing or attempting to provide taxicab service although it, or the certificate through which it is authorized to provide taxicab service, has already been placed out of service by the Authority is also an unauthorized taxicab.

§ 1017.52. *Impoundment of vehicles and equipment.*

We propose the deletion of the language previously provided in this section and the insertion of provisions which take into account the new definitions provided in section 1017.51 and more detailed post-impoundment hearing deadlines and procedures. The new language will restrict impoundments to impoundable offenses only. A specific impoundment notice process is also included.

The registered owner of the impounded vehicle may petition for an impoundment hearing at any time to contest the validity of the impoundment. The hearing must be immediately scheduled by the Clerk to occur within two days of the petition, although from past experience hearings of this nature are often conducted on the same day that the petition for hearing is filed, which is often the date of impoundment. An Authority presiding officer may determine that the impoundment was appropriate, but order the release of the impounded property upon certain terms and conditions. If dissatisfied with the presiding officer’s decision, the registered owner may seek interlocutory review as provided in § 1005.131.

The Enforcement Department must initiate a formal complaint in furtherance of the violation necessitating the impoundment within five days. If the impounded property remains in the Authority’s custody, the respondent’s filing of an answer or request for a hearing, as appropriate, will automatically stay the auction deadlines provided for in the impoundment notice. A registered lienholder or medallion lienholder may seek to intervene as provided in § 1005.31, a process that will permit the registered owner to contest either the intervention or the proposed intervenor’s request for relief.

If the presiding officer determines that the respondent is liable for a violation issued in relation to the impoundment, the impounded property will be scheduled for auction after notice of the time, date and location of the auction is duly provided. This notification process often takes approximately 30 days to complete. Upon a determination that the respondent is not liable for the violation, the impounded property will be available to be reclaimed without payment of any fee, penalty or cost.

The registered owner may reclaim the impounded property at any time by paying the penalty demanded in the Enforcement Department’s complaint or the presiding officer’s final adjudication.

§§ 1055.31 and 1055.32.

The changes to sections 1055.31 and 1055.32, relating to limousines, are identical to those applicable to taxicabs in sections 1017.51 and 1017.52, except that references to medallions have been removed and language applicable to limousines has been inserted in place of that related to taxicabs.

Conclusion

The Authority, therefore, formally commences its rulemaking process to promulgate this regulation to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on this proposed body of regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the web site of the Independent Regulatory Review Commission, which may be reached at (717) 783-5417.

Accordingly, under sections 13 and 17 of the Act, 53 Pa.C.S. §§ 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P. L. 287, No. 22), as amended, 53 Pa.C.S. §§ 5505(d)(17), (d)(23), (d)(24); sections 201 and 202 of the Act of July 31, 1968 (P. L. 769, No. 240) 45 P. S. §§ 1201—1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P. S. § 732.204(b); section 745.5 of the Regulatory Review Act, 71 P. S. § 745.5 we are considering adopting the proposed regulations set forth in Annex A⁴; *Therefore,*

It Is Ordered That:

1. A proposed rulemaking be opened to consider the regulation set forth in Annex A.
2. The Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.
3. The Executive Director shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. The Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. An original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: General Counsel, 3101 Market Street, 2nd Floor, Philadelphia, PA 19104.
6. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority’s web site at www.philapark.org/tld.

⁴ The Authority does not receive money from the State Treasury and is, therefore, not subject to section 612 of the Administrative Code of 1929, 71 P. S. § 232.

7. The contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

VINCENT J. FENERTY, Jr.,
Executive Director

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart B. TAXICABS

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter E. IMPOUNDMENT OF VEHICLES AND EQUIPMENT

§ 1017.51. [General] Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Impoundable offense—The Authority may immediately confiscate and impound a vehicle, equipment or medallion under section 5714(g) of the act (relating to certificate and medallion required) when used in any of the following circumstances:

(i) An unauthorized taxicab provides, or attempts to provide, call or demand service in Philadelphia.

(ii) A taxicab provides, or attempts to provide, call or demand service in Philadelphia through the use of a meter not approved by the Authority as provided in § 1017.23 (relating to approved meters) or a meter that has been manipulated to charge a fare not authorized by the Authority as provided in section 5703 or 5720 of the act (relating to rates; and wages), or both.

(iii) The condition of a taxicab will create an immediate threat to public safety if permitted to continue operation.

(iv) The continued operation of a taxicab by the driver will create an immediate threat to public safety except when the certificate holder is able to promptly provide an alternate adult individual with a valid driver's license to assume control of the vehicle.

(v) A vehicle provides, or attempts to provide, call or demand service in Philadelphia with a counterfeit medallion.

Registered lienholder—A person having a vehicle lien interest that is registered with the Department of Transportation or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

Registered owner—The owner of the vehicle as registered with the Department of Transportation, or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

Unauthorized taxicab—

(i) A vehicle without a current and valid TLD inspection sticker affixed as provided in § 1017.32 (relating to TLD inspection sticker required).

(ii) A taxicab that has been placed out of service as provided in § 1003.32 (relating to out of service designation).

(iii) A taxicab that is operated under a certificate of public convenience that has been placed out of service as provided in § 1003.32.

(iv) The term does not apply to a vehicle that provides call or demand service as provided in section 5714(d)(1) of the act under current authorization from the PUC.

Vehicle—The term includes the vehicle and equipment used or capable of being used to provide taxicab service.

§ 1017.52. Impoundment of vehicles and equipment.

[(a) *Impoundments generally.* The Authority may impound vehicles, medallions and equipment used to provide call or demand service as provided in section 5714(g) of the act (relating to certificate and medallion required).

(b) *Enforcement proceedings.* The Enforcement Department or trial counsel will initiate an enforcement proceeding as provided in § 1005.11 (relating to formal complaints generally) against the regulated party or owner of the impounded property, if other than a regulated party, related to an impoundment made under this section and the act.

(c) *Notice of impoundment.* The Authority will issue a notice of impoundment to the registered owner of the vehicle and registered lienholder of the vehicle or medallion, or both, if any, as provided in section 5714(g)(2)(ii) of the act.

(d) *Recovery of impounded property.* Except as provided in subsection (g), the owner or lienholder of the property impounded as provided in this section may recover the impounded property by paying all penalties, fines and costs required under section 5714(g)(1) of the act.

(e) *Public auction.* Confiscated property may be sold at public auction as provided in section 5714(g)(2)(i) of the act.

(f) *Return of funds.* If the enforcement proceeding initiated as provided in subsection (b) results in a determination that the respondent was not liable for the violations referenced in the complaint and that the grounds for the impoundment were unsubstantiated, the costs of towing and impoundment paid by the respondent as provided in subsection (d) will be refunded.

(g) *Stay of auction.* Upon motion of the respondent or a registered owner or a registered lienholder as an intervening party as permitted under § 1005.31 (relating to initiation of intervention), the presiding officer may enter an order staying the public auction of the impounded property for a period as the presiding officer deems just. Costs of impoundment will continue to accrue during the period of any stay imposed through this subsection.

(h) *Emergency hold on impounded property.*

(1) To advance the interests of the act or to protect the public good, the Enforcement Department or trial counsel may motion the presiding officer to stay the return of property impounded as provided in this section through the conclusion of the enforcement proceeding, although requirements for recovery as provided in subsection (d) have been met.

(2) The presiding officer will issue a decision in support of the determination required under this section.

(3) The decision of the presiding officer issued as provided in paragraph (2) will constitute a recommended decision and will be reviewed by the Authority as provided in §§ 1005.211—1005.215 (relating to exceptions to recommended decisions).

(4) If the release of impounded property is stayed, the enforcement proceedings will be conducted on an expedited basis.]

(a) *Impoundment.* Upon observation of an impoundable offense, the Enforcement Department may direct the immediate impoundment of a vehicle, equipment or medallion and have the impounded property removed to a place of safe storage under the control of the Authority.

(b) *Notice of impoundment.* The Authority will serve immediate notice of impoundment on the registered owner and registered lienholder, if any, by first class mail as provided in section 5714(g)(2) of the act (relating to certificate and medallion required). The notice of impoundment will include the following information:

- (1) The location of the impounded property.
- (2) The manner in which the impounded property may be reclaimed.
- (3) The date the impounded property will be sold at public auction if action is not taken to reclaim the impounded property or stay the auction as provided in this section.
- (4) Other information required under section 5714(g)(2)(ii) of the act.

(c) *Impoundment hearing.*

(1) The registered owner may file a hearing request with the Clerk at any time after impoundment solely to regain possession of impounded property by contesting the compliance of the impoundment with this section or the act, or both.

(2) Upon request as provided in paragraph (1), the Clerk will immediately schedule an impoundment hearing to be conducted within 2 days before a presiding officer.

(3) In the event the presiding officer determines, by order, that the impoundment was not proper, the impounded property may be immediately reclaimed by the registered owner without need to pay a penalty or cost associated with the impoundment.

(4) When the impoundment is determined to have been appropriate, the presiding officer may, by order, establish terms for the release of the impounded property including the posting of collateral and inspections by the Enforcement Department.

(5) An order of the presiding officer entered as provided in this subsection is subject to the interlocutory appeal procedure in § 1005.131 (relating to interlocutory review generally).

(d) *Formal complaint.* The Enforcement Department will file a formal complaint with the Clerk against the registered owner averring a violation forming the basis of the impoundment within 5 days of the impoundment.

(e) *Stay of auction.* The public auctioning of impounded property will be stayed if the respondent

contests the Enforcement Department’s formal complaint by doing one of the following:

(1) Filing an answer to the complaint with the Clerk within 20 days as provided in § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response).

(2) If a citation complaint is filed by the Enforcement Department, filing a request or a hearing within 15 days as provided in § 1005.13(b)(2) (relating to citation complaints by the Authority).

(f) *Intervention.* A registered lienholder or medallion lienholder may request the impounded property be released into its possession only through a motion to intervene as permitted under § 1005.31 (relating to initiation of intervention).

(g) *Final disposition of impounded property.*

(1) If the respondent is found not liable for each violation averred in the Enforcement Department complaint, the impounded property may be reclaimed by the registered owner within 30 days of the adjudication without payment of a penalty, fee or cost.

(2) If the respondent is found liable for any violation averred in the Enforcement Department complaint, the impounded property will be scheduled for public auction in not less than 30 days. A notice of the time, date and location of the auction will be provided to the registered owner and registered lienholder by first class mail.

(h) *Immediate repossession.* The registered owner may reclaim the impounded property at anytime upon payment of the penalties requested in the Enforcement Department complaint or the penalties assessed in the presiding officer’s order, along with the fees and costs associated with the impoundment.

Subpart C. LIMOUSINES

CHAPTER 1055. VEHICLES AND EQUIPMENT REQUIREMENTS

Subchapter C. IMPOUNDMENT OF VEHICLES AND EQUIPMENT

§ 1055.31. [General] Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Impoundable offense—The Authority may immediately confiscate and impound a vehicle or equipment under section 5741(f) of the act (relating to certificate of public convenience required) when used in any of the following circumstances:

(i) An unauthorized limousine operates as a limousine or offers to operate as a limousine in Philadelphia.

(ii) The condition of a limousine will create an immediate threat to public safety if permitted to continue operation.

(iii) The continued operation of a limousine by the driver will create an immediate threat to public safety, except when the certificate holder is able to promptly provide an alternate adult individual with a valid driver’s license to assume control of the vehicle.

Registered lienholder—A person having a vehicle lien interest that is registered with the Department of Trans-

portation, or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

Registered owner—The owner of the vehicle as registered with the Department of Transportation, or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

Unauthorized limousine—

(i) A vehicle without a current, valid and properly affixed remote carrier sticker issued by the Authority as provided in § 1053.43(f) (relating to certain limousine requirements) or limousine rights sticker issued by the Authority as provided in § 1055.2 (relating to limousine rights sticker).

(ii) A limousine that has been placed out of service as provided in § 1003.32 (relating to out of service designation).

(iii) A limousine that is operated under a certificate of public convenience that has been placed out of service as provided in § 1003.32.

(iv) The term does not apply to a vehicle that provides common carrier service as provided in section 5741(a.3) of the act under current authorization from the PUC.

Vehicle—The vehicle and equipment used or capable of being used to provide limousine service.

§ 1055.32. Impoundment of vehicles and equipment.

[(a) *Impoundments generally*. The Authority may impound vehicles and equipment used to provide limousine service as provided in section 5741(f) of the act (relating to certificate of public convenience required).

(b) *Enforcement proceedings*. The Enforcement Department or trial counsel will initiate an enforcement proceeding as provided in § 1005.11 (relating to formal complaints generally) against the regulated party or owner of the impounded property, if other than a regulated party, related to an impoundment made under this section and the act.

(c) *Notice of impoundment*. The Authority will issue a notice of impoundment to the registered owner of the vehicle and registered lienholder of the vehicle, or both, if any, as provided in section 5741(f)(2)(ii) of the act.

(d) *Recovery of impounded property*. Except as provided in subsection (g), the owner or lienholder of the property impounded as provided in this section may recover the impounded property by paying all penalties, fines and costs required under section 5741(f)(1) of the act.

(e) *Public auction*. Confiscated property may be sold at public auction as provided in section 5741(f)(2)(i) of the act.

(f) *Return of funds*. If the enforcement proceeding initiated as provided in subsection (b) results in a determination that the respondent was not liable for the violations referenced in the complaint and that the grounds for the impoundment were unsubstantiated, the costs of towing and impoundment paid by the respondent as provided in subsection (d) will be refunded.

(g) *Stay of auction*. Upon motion of the respondent or a registered owner or a registered lienholder as an intervening party as permitted under § 1005.31 (relating to initiation of intervention), the presiding officer may enter an order staying the public auction of the impounded property for a period as the presiding officer deems just. Costs of impoundment will continue to accrue during the period of a stay imposed through this subsection.

(h) *Emergency hold on impounded property*.

(1) Even if the requirements for recovery under subsection (d) have been met, to advance the interests of the act or to protect the public good, the Enforcement Department or trial counsel may motion the presiding officer to stay the return of property impounded as provided in this section through the conclusion of the enforcement proceeding.

(2) The presiding officer will issue a decision in support of the determination required under this section.

(3) The decision of the presiding officer issued as provided in paragraph (2) will constitute a recommended decision and will be reviewed by the Authority as provided in §§ 1005.211—1005.215 (relating to exceptions to recommended decisions).

(4) If the release of impounded property is stayed, the enforcement proceedings will be conducted on an expedited basis.]

(a) *Impoundment*. Upon observation of an impoundable offense, the Enforcement Department may direct the immediate impoundment of a vehicle or equipment and have the impounded property removed to a place of safe storage under the control of the Authority.

(b) *Notice of impoundment*. The Authority will serve immediate notice of impoundment on the registered owner and registered lienholder, if any, by first class mail as provided in section 5714(g)(2) of the act (relating to certificate and medallion required). The notice of impoundment will include the following information:

(1) The location of the impounded property.

(2) The manner in which the impounded property may be reclaimed.

(3) The date the impounded property will be sold at public auction if action is not taken to reclaim the impounded property or stay the auction as provided in this section.

(4) Other information required under section 5741(f)(2)(ii) of the act.

(c) *Impoundment hearing*.

(1) The registered owner may file a hearing request with the Clerk at any time after impoundment solely to regain possession of impounded property by contesting the compliance of the impoundment with this section or the act, or both.

(2) Upon request as provided in paragraph (1), the Clerk will immediately schedule an impoundment hearing to be conducted within 2 days before a presiding officer.

(3) In the event the presiding officer determines, by order, that the impoundment was not proper, the

impounded property may be immediately reclaimed by the registered owner without need to pay a penalty or cost associated with the impoundment.

(4) When the impoundment is determined to have been appropriate, the presiding officer may, by order, establish terms for the release of the impounded property including the posting of collateral and inspections by the Enforcement Department.

(5) An order of the presiding officer entered as provided in this subsection is subject to the interlocutory appeal procedure in § 1005.131 (relating to interlocutory review generally).

(d) *Formal complaint.* The Enforcement Department will file a formal complaint with the Clerk against the registered owner averring a violation forming the basis of the impoundment within 5 days of the impoundment.

(e) *Stay of auction.* The public auctioning of impounded property will be stayed if the respondent contests the Enforcement Department's formal complaint by doing one of the following:

(1) Filing an answer to the complaint with the Clerk within 20 days as provided in § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response).

(2) If a citation complaint is filed by the Enforcement Department, filing a request for a hearing within 15 days as provided in § 1005.13(b)(2) (relating to citation complaints by the Authority).

(f) *Intervention.* A registered lienholder may request the impounded property be released into its possession only through a motion to intervene as permitted under § 1005.31 (relating to initiation of intervention).

(g) *Final disposition of impounded property.*

(1) If the respondent is found not liable for each violation averred in the Enforcement Department complaint, the impounded property may be reclaimed by the registered owner within 30 days of the adjudication without payment of a penalty, fee or cost.

(2) If the respondent is found liable for a violation averred in the Enforcement Department complaint, the impounded property will be scheduled for public auction in not less than 30 days. A notice of the time, date and location of the auction will be provided to the registered owner and registered lienholder by first class mail.

(h) *Immediate repossession.* The registered owner may reclaim the impounded property at anytime upon payment of the penalties requested in the Enforcement Department complaint or the penalties assessed in the presiding officer's order, along with the fees and costs associated with the impoundment.

[Pa.B. Doc. No. 13-564. Filed for public inspection March 29, 2013, 9:00 a.m.]

[52 PA. CODE CHS. 1011, 1015, 1017, 1021, 1027, 1051, 1053, 1057, 1059]

Taxicab and Limousine Amendments

The Philadelphia Parking Authority (Authority), on January 28, 2013, adopted a proposed rulemaking order which eliminates references to a classification of carriers no longer subject to the Authority's regulation, to correct certain typographical errors or technical errors in 52 Pa. Code Part II, as well as to provide certain clarifications as to rights and requirements. The regulation identifies impoundable offenses and provides for prompt post-impoundment due process.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 15, 2013, the Authority submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Authority, the General Assembly and the Governor of comments, recommendations or objections raised.

Proposed Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-4

Proposed Rulemaking Order

By the Authority:

In accordance with of the act of July 16, 2004, (P. L. 758, No. 94), as amended, 53 Pa.C.S. §§ 5701 et seq., (the "act"),¹ the Authority formally commences its rulemaking process to promulgate regulations to address recent statutory changes and to address minor errors or incomplete provisions in its taxicab and limousine regulations. The Authority seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order.

Pursuant to Section 23 of the Act, the Authority initiated regulatory oversight of taxicab and limousine service providers in Philadelphia on April 10, 2005. The Authority's taxicab and limousine regulations are available at 52 Pa. Code Part II.

The Legislature enacted the act of July 5, 2012, (P. L. 1022, No. 119) ("Act 119") amending several provisions of the Authority's taxicab and limousine enabling legislation. One change limited the scope of the definition of "limousine" is 53 Pa.C.S. § 5701 in such a manner as to negate the need for the Authority's regulation of a class of limousines identified as "large vehicles." The proposed rulemaking will amend the regulations to remove references to those carriers. Several other clarifying amendments to the regulations are also included in this proposed rulemaking, as further explained below.

¹ See 53 Pa.C.S. §§ 5722 and 5742.

Discussion

Consistent with the foregoing, the following amendments to the Authority's taxicab and limousine regulations are proposed.

§ 1011.2. Definitions.

We propose that the definition of "partial-rights taxicab" be amended to reference the changes made to one statutory provision of the act amended by Act 119, specifically, section 5711(c)(2.1) (relating to power of Authority to issue certificates of public convenience).

§ 1011.14. Voluntary suspension of certificate.

We propose that subsection (a) be amended to delete reference to a subsection "(e)." There is no subsection (e) in this section. We also propose adding a new subsection (d), which will require the surrender of the medallion or TLD inspection sticker, or both, authorizing each subject vehicle to provide Philadelphia taxicab service as a condition of placing the vehicle or certificate voluntarily out of service.

§ 1015.2. Certificate required.

We propose adding two new subsections to this partial-rights taxicab related section. The intent of these provisions is to clarify the rights and limitations of partial-rights taxicabs in consideration of complaints levied by medallion taxicab certificate holders and apparent confusion on the part of some partial-rights taxicab certificate holders.

As proposed, the new subsection (c) will clarify the fact that partial-rights taxicabs are not permitted to provide taxicab service between two points in Philadelphia, when those points are both outside of the geographical boundaries established in the Authority approved tariffs for each of the six partial-rights taxicab certificates. The proposed subsection (d) will clarify that partial-rights taxicabs are not permitted to accept a street hail for taxicab service in Philadelphia, except within the geographical boundaries of the given partial rights taxicab certificate holder's Authority approved tariff. We do not believe that either of these provisions are controversial, but instead are consistent with the long established limitations of partial-rights taxicabs in Philadelphia. This regulation will clarify those service issues.

§ 1017.14. Taxicab numbering.

We propose that subsection (c) of this section be amended to delete reference to the old Pennsylvania Public Utility Commission ("PUC") certificate of public convenience numbers. Those numbers were associated with each given partial-rights taxicab Philadelphia service area prior to the transfer of regulatory authority from the PUC to the Authority pursuant to the act. Those PUC certificate numbers were replaced with the Authority certificate numbers issued after the regulatory transfer date in April 2005. The PUC does not regulate taxicab service within Philadelphia, including taxicab service by partial-rights taxicabs.

The failure to include the Authority certificate of public convenience numbers issued to each partial-rights taxicab company at the time that section 1017.14 was originally promulgated was an oversight. References to the names of the partial-rights taxicab certificate holders has been deleted in response to comments of certain of those certificate holders that their publication through a regulation could unnecessarily impede the ability to transfer those certificates, a process regulated by the Authority as provided in section 5711(c)(5) of the act.

§ 1021.4. Ineligible persons for taxicab driver certificate.

We propose that this section be amended by adding paragraphs (7) and (8). Paragraph (7) will clarify that a driver applicant may experience a loss of their driver's license privileges in the one year period preceding the application or renewal date; yet remain eligible to be issued or renew the Authority driver's certificate. The need to have a driving history of at least one year as currently provided in paragraph (6) will continue; however, to the extent the applicant's driver's license has been valid for the 6 months preceding the application date a suspension or other loss of driving privileges will not be an automatic bar to the application or renewal process.

We also propose that a conviction for driving under the influence of alcohol or controlled substance be added to this list of prohibitions. These convictions are not necessarily felonies and often do not appear on a driver history report, creating a potential loophole in the regulations.

§ 1021.11. Driver requirements.

We propose a new paragraph (5) be added to subsection (d) requiring taxicab drivers to provide the receipt for taxicab service to each fare-paying customer. All taxicabs are required to have receipt issuing capabilities as provided by § 1017.24(d) or § 1017.63(a), or both (related to meter activation and display; and receipts). In the past year it has been averred in an enforcement action that while each taxicab must have the ability to issue a receipt there was no regulatory requirement that the driver actually give the receipt to the customer.

§ 1021.14. General taxicab driver reports.

We propose an amendment to paragraph (2) of this subsection to require that a taxicab driver inform the Taxicab and Limousine Division ("TLD") of a change to not only the driver's home address, but also the driver's telephone number. Several taxicab drivers have changed telephone numbers over the past year without advising the TLD. The inability to rapidly communicate with a driver through telephone communication may inure to the detriment of the driver or the effectiveness of the Authority's regulation of taxicabs, or both.

§ 1021.16. Service issues regarding people with disabilities.

We propose that the word "hale" be substituted with the properly spelled "hail" in subsection (b) of this section. The use of the word "hale" was an oversight made during the original promulgation of this section.

§ 1027.5. Agreement of sale.

We propose that the agreements of sale used as a part of the process to transfer certain rights through the Authority be amended to require that the agreement of sale be signed at the same time that the application to transfer rights is filed with the TLD and not before. There are currently many agreements of sale filed with the Authority without a corresponding transfer of rights application. We have found that confusion as to who actually owns the transferable rights, and false claims related to who may use those rights germinate in these scenarios. We believe it to be in the best interests of the parties to the agreement of sale and the public concerned

about who is actually using the rights at issue, to impose this modest scheduling requirement.

§ 1051.13. *Voluntary suspension of certificate.*

We propose adding a new subsection (e), which will require the surrender of the TLD inspection sticker authorizing each subject vehicle to provide Philadelphia taxicab service as a condition of placing a vehicle or certificate voluntarily out of service.

Subchapter D. Large Vehicles and Remote Carriers

We propose deleting the term “large vehicle” due to inapplicability.

§ 1053.41. *Large vehicles.*

We propose deleting this section as inapplicable because Act 119 removed these large vehicles from the Authority’s jurisdiction. See 53 Pa.C.S § 5701 (relating to definitions).

§ 1053.42. *Remote carriers.*

We propose deleting the phrase “regardless of seating capacity” from subsection (a) due to inapplicability. This language was originally included in this subsection to assure that its terms applied to large vehicles, which are no longer subject to Authority regulation.

§ 1053.43. *Certain limousine requirements.*

We propose deleting the reference to large vehicles in subsection (b) of this section due to inapplicability. We also propose deleting subsections (c) and (g) of this section in their entirety due to inapplicability.

§ 1057.4. *Ineligible persons for limousine driver certificate.*

We propose amending this section related to limousine driver eligibility to mirror the changes to the taxicab driver section at § 1021.4, referenced above.

§ 1057.14. *General limousine driver reports.*

We propose amending this section related to limousine driver reporting requirements to mirror the changes to the similar taxicab driver section at § 1021.14, referenced above.

§ 1059.4. *Agreement of sale.*

We propose amending this section related to agreements of sale for limousine rights to mirror the substantially similar section related to the sale of taxicab transferable rights at § 1027.5, referenced above.

Conclusion

The Authority, therefore, formally commences its rule-making process to promulgate these regulations to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the web site of the Independent Regulatory Review Commission, which may be reached at (717) 783-5417.

Accordingly, under sections 13 and 17 of the Act, 53 Pa.C.S. §§ 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P. L. 287, No. 22), as amended, 53 Pa.C.S. §§ 5505(d)(17), (d)(23), (d)(24); sections 201 and 202 of the Act of July 31, 1968, P. L. 769, No. 240, 45 P. S. §§ 1201—1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P. S. § 732.204(b); section 745.5 of the Regulatory Review Act, 71 P. S. § 745.5 we are considering adopting the proposed regulations set forth in Annex A²; *Therefore,*

It Is Ordered That:

1. A proposed rulemaking be opened to consider the regulations set forth in Annex A.
2. The Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.
3. The Executive Director shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. The Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. An original and 15 copies of any written comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: Dennis G. Weldon, General Counsel, 3101 Market Street, 2nd Floor, Philadelphia, PA 19104.
6. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority’s web site at www.philapark.org/tld.
7. The contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

VINCENT J. FENERTY, Jr.,
Executive Director

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart B. TAXICABS

CHAPTER 1011. GENERAL PROVISIONS

§ 1011.2. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Partial-rights taxicab—A taxicab authorized by the Authority to provide common carrier call or demand transportation of persons for compensation on a non-citywide basis, under Chapter 1015 (relating to partial rights taxicabs) and section [5711(c)(2)] 5711(c)(2.1) of the act (relating to power of authority to issue certificates of public convenience) and 5714(d)(2) of the act.

* * * * *

² The Authority does not receive money from the State Treasury and is, therefore, not subject to section 612 of the Administrative Code of 1929, 71 P. S. § 232.

§ 1011.14. Voluntary suspension of certificate.

(a) A certificate holder may apply to place a certificate in a voluntary state of suspension to avoid penalties for violation of [§ 1011.13(e)] § 1011.13 (relating to interruptions of service).

* * * * *

(f) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties) and pay the entire Authority assessment that will come due during the proposed period of voluntary suspension.

(g) A period of voluntary suspension may begin only upon surrender to the Authority of each medallion or TLD inspection sticker, or both, for each vehicle subject to the voluntary suspension.

CHAPTER 1015. PARTIAL RIGHTS TAXICABS

§ 1015.2. Certificate required.

* * * * *

(b) Each vehicle operated as a partial-rights taxicab shall be registered with the Department of Transportation in the name of the owner of the partial-rights certificate.

(c) A partial-rights taxicab may not provide taxicab service to two points in Philadelphia unless one or both of the points is within the geographical boundaries identified in the partial-rights taxicab certificate holder's Authority approved tariff.

(d) A partial-rights taxicab may only accept a street hail for taxicab service at a location within the geographical boundaries identified in the partial-rights taxicab certificate holder's Authority-approved tariff.

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter B. COLORS AND MARKINGS

§ 1017.14. Taxicab numbering.

* * * * *

(c) Partial-rights taxicabs must be identified by a unique sequential number, as follows:

(1) Taxicabs with rights through [Germantown Cab Company (Pennsylvania Public Utility Commission A-00110733)] Certificate No. 1011748-02 shall be numbered "G-1" for the first vehicle, "G-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(2) Taxicabs with rights through [Bucks County Services, Inc. (Pennsylvania Public Utility Commission A-00111913)] Certificate No. 1011752-02 shall be numbered "B-1" for the first vehicle, "B-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(3) Taxicabs with rights through [Concord Limousine, Inc. (Pennsylvania Public Utility Commission A-00113582)] Certificate No. 1016120-05 shall be numbered "CL-1" for the first vehicle, "CL-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(4) Taxicabs with rights through [Concord Coach USA, Inc. (Pennsylvania Public Utility Commission A-00115589)] Certificate No. 1015925-05 shall be numbered "CC-1" for the first vehicle, "CC-2" for the second

vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(5) Taxicabs with rights through [Dee Dee Cab, Inc. Company (Pennsylvania Public Utility Commission A-00116499)] Certificate No. 1011761-02 shall be numbered "D-1" for the first vehicle, "D-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(6) [MCT Transportation, Inc. d/b/a Montco Suburban Taxi (Pennsylvania Public Utility Commission A-00119955)] Taxicabs with rights through Certificate No. 1015570-05 shall be numbered "MCT-1" for the first vehicle, "MCT-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

CHAPTER 1021. TAXICAB DRIVERS

§ 1021.4. Ineligible persons for taxicab driver certificate.

In addition to other prohibitions provided in this part, an applicant for a taxicab driver's certificate shall be automatically ineligible under the following circumstances:

* * * * *

(6) Unless otherwise permitted by the Authority, the applicant does not have a driving history in the United States of at least 1 continuous year prior to the date of application.

(7) The applicant's driver's license was suspended, revoked or otherwise invalidated at any time during the 6 months immediately preceding the date of application.

(8) The applicant has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance).

§ 1021.11. Driver requirements.

* * * * *

(d) *Gratuities or payment method.*

* * * * *

(4) A taxicab driver shall accept payment by credit card and debit card and other cashless payment options identified by the Authority.

(5) A taxicab driver shall provide each fare-paying customer with a receipt for the taxicab service required under § 1017.24(d) or § 1017.63(a) (related to meter activation and display; and receipts), or both.

(e) *Lease or employment documents.* A taxicab driver is responsible for maintaining a copy of the lease agreement, employment contract and employee identification card in the taxicab at all times.

* * * * *

§ 1021.14. General taxicab driver reports.

A taxicab driver shall make timely written reports to the Authority as required by the act, this part or an order of the Authority, including the following reports which shall be made to the Manager of Administration:

* * * * *

(2) A change of address or telephone number, or both, shall be reported within 15 days.

* * * * *

§ 1021.16. Service issues regarding people with disabilities.

* * * * *

(b) This section may not be interpreted to require or permit a taxicab to provide service in an area outside the rights identified in the taxicab certificate holder's rights. For example, this section does not permit a partial-rights taxicab to stop for a [hale] hail outside of its defined geographical area.

CHAPTER 1027. SALE OF RIGHTS

§ 1027.5. Agreement of sale.

* * * * *

(b) An agreement of sale for transferable rights is void by operation of law if not executed by all parties in the presence of the Director or a designee at the time the sale is initiated as provided in § 1027.6(a)(1) (relating to application for sale of transferable rights).

Subpart C. LIMOUSINES

CHAPTER 1051. GENERAL PROVISIONS

§ 1051.13. Voluntary suspension of certificate.

* * * * *

(d) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties) and pay the entire Authority assessment that will come due during the proposed period of voluntary suspension.

(e) A period of voluntary suspension may begin only upon surrender to the Authority of the TLD inspection sticker for each vehicle subject to the voluntary suspension.

CHAPTER 1053. STANDARD CLASSIFICATIONS OF LIMOUSINE SERVICE

Subchapter D. [LARGE VEHICLES AND] REMOTE CARRIERS

§ 1053.41. [Large vehicles] (Reserved).

[(a) A limousine, regardless of the classification provided by this chapter, having a seating capacity of 16 or more passengers, including the driver, must hold a valid PUC certificate to provide the same or a substantially similar classification of common carrier by motor vehicle service to hold Authority limousine rights.

(b) Limousines with a seating capacity of 16 or more passengers, including the driver, are exempt from this subpart, except for the registration and regulation requirements in § 1053.43 (relating to certain limousine requirements).]

§ 1053.42. Remote carriers.

(a) A remote carrier[, regardless of seating capacity,] shall adhere to the requirements in § 1053.43 (relating to certain limousine requirements).

* * * * *

§ 1053.43. Certain limousine requirements.

* * * * *

(b) Certain limousines covered. This section applies to remote carriers as provided in § 1053.42 (relating to remote carriers) [and large vehicles as provided in § 1053.41(b) (relating to large vehicles). A vehicle that is both a remote carrier and a large vehicle must comply with the regulations related to large vehicles].

(c) Registration.

* * * * *

(3) [The registration fee for large vehicles shall be \$15 without consideration of the number of large vehicles used by the certificate holder for Fiscal Year 2011-2012 and, thereafter, as provided in the Authority's fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(4)] The registration of each remote carrier expires on June 30 of each year and may be renewed as provided in paragraph (1) on or before April 1 of each year.

* * * * *

[(g) Large vehicle certificate. Upon compliance with this section, the Authority will issue the large vehicle registrant a certificate of public convenience to provide service as a large vehicle under this section. The certificate issued under this subsection is not subject to the renewal requirements in this subpart and will be subject to revocation under section 5741.1(c)(1) of the act if the PUC certification required under § 1053.41(a) expires or otherwise becomes invalid.]

CHAPTER 1057. LIMOUSINE DRIVERS

§ 1057.4. Ineligible persons for limousine driver certificate.

In addition to other prohibitions provided in this part, an applicant for a limousine driver's certificate shall be automatically ineligible under the following circumstances:

* * * * *

(6) The applicant does not have a driving history in the United States of at least one continuous year prior to the date of application.

(7) The applicant's driver's license was suspended, revoked or otherwise invalidated at any time during the 6 months immediately preceding the date of application.

(8) The applicant has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance).

§ 1057.14. General limousine driver reports.

A limousine driver shall make timely written reports to the Manager of Administration as required under the act, this part or an order of the Authority, including the following:

* * * * *

(2) A change of address or telephone number, or both, shall be reported within 15 days.

* * * * *

CHAPTER 1059. APPLICATIONS AND SALE OF RIGHTS

§ 1059.4. Agreement of sale.

* * * * *

(b) An agreement of sale for transferable rights is void by operation of law if not executed by all parties in the presence of the Director or a designee **at the time the sale is initiated as provided in § 1059.5 (relating to application for sale of transferable rights).**

[Pa.B. Doc. No. 13-565. Filed for public inspection March 29, 2013, 9:00 a.m.]
