

PROPOSED RULEMAKING

DEPARTMENT OF BANKING AND SECURITIES

[10 PA. CODE CH. 57]

Debt Management Services Continuing Education

The Department of Banking and Securities (Department) proposes to add Chapter 57 (relating to debt management services continuing education) to read as set forth in Annex A. This chapter is proposed under the authority of section 9(c) of the Debt Management Services Act (act) (63 P. S. § 2409(c)).

Purpose

The proposed rulemaking sets forth the continuing education requirements for credit counselors and supervisors employed by a debt management services licensee. The proposed rulemaking will satisfy the Department's obligation under section 9(c) of the act to promulgate regulations delineating the continuing education requirements for credit counselors and supervisors employed by debt management services licensees.

Explanation of Regulatory Requirements

Proposed § 57.1 (relating to definitions) defines the words and terms used in Chapter 57.

Proposed § 57.11 (relating to continuing education requirements) sets forth the continuing education requirements for credit counselors and supervisors.

Proposed § 57.12 (relating to course format) clarifies the acceptable formats for continuing education units.

Proposed § 57.13 (relating to former registered certifying organizations) explains how the Department will treat continuing education units obtained from a certifying organization which is no longer on the provider list.

Proposed § 57.21 (relating to reporting) sets forth the information a licensee shall report to the Department and how and when the information is to be reported.

Proposed § 57.22 (relating to recordkeeping) sets forth the recordkeeping requirements for licensees.

Proposed § 57.23 (relating to compliance) explains how the Department will verify compliance.

Proposed § 57.24 (relating to enforcement) sets forth the Department's enforcement powers.

Proposed § 57.31 (relating to registration) explains the method for registering as an acceptable certifying organization.

Proposed § 57.32 (relating to criteria) sets forth the Department's criteria for the designation of an acceptable continuing education provider.

Proposed § 57.33 (relating to verification) explains how the Department will verify that a certifying organization continues to meet the criteria of § 57.32.

Affected Parties

The proposed rulemaking would affect debt management services providers licensed by the Department.

Fiscal Impact

State government

The proposed rulemaking would have a de minimus impact on the Department. The Department already

regulates the debt management services providers. Proposed Chapter 57 only adds another item that the Department will review in its investigations and examinations. The proposed rulemaking will not have impact on the Commonwealth and its political subdivisions.

Regulated community

The proposed rulemaking would have a de minimus impact on the regulated community. Credit counselors employed by debt management services licensees already complete continuing education to obtain and maintain credit counselor certification. Proposed Chapter 57 would only add the cost of attendance of continuing education for supervisors if the supervisors are not also certified as credit counselors.

Paperwork

The proposed rulemaking would require the regulated community to maintain documentation to verify that the credit counselors and supervisors in its employ completed the continuing education requirements.

Effective Date and Sunset Date

Chapter 57 will be effective upon final-form publication in the *Pennsylvania Bulletin*. The regulations do not have a sunset date because the Department will periodically review the effectiveness of the regulations.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 24, 2014, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Commerce Committee and the Senate Banking and Insurance Committee. 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 Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Office of Chief Counsel, Department of Banking and Securities, Attention: Public Comment on Regulation 3-52, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101-2290, fax (717) 783-8427, ra-pabankreg@pa.gov within 30 days after publication in the *Pennsylvania Bulletin*.

GLENN E. MOYER,
Secretary

Fiscal Note: 3-52. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 10. BANKING AND SECURITIES

PART IV. BUREAU OF CONSUMER CREDIT AGENCIES

CHAPTER 57. DEBT MANAGEMENT SERVICES CONTINUING EDUCATION

Subchap.

- A. GENERAL PROVISIONS
 B. CREDIT COUNSELORS AND SUPERVISORS
 C. LICENSEES
 D. CERTIFYING ORGANIZATIONS

Subchapter A. GENERAL PROVISIONS

Sec.

- 57.1. Definitions.

§ 57.1. Definitions.

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

Act—Debt Management Services Act (63 P. S. §§ 2401—2449).

Certifying organization—An independent third-party offering debt management services certification for credit counselors and continuing education courses for supervisors.

Continuing education unit—An hour of continuing education.

Credit counselor—An individual who interacts, corresponds or otherwise communicates with a consumer on behalf of a licensee to discuss, develop, implement or maintain a consumer education program for the consumer regarding debt management services.

Licensee—A debt management service provider licensed by the Department under the act.

Supervisor—An individual with direct responsibility for the actions of one or more credit counselors, for example, a manager.

Subchapter B. CREDIT COUNSELORS AND SUPERVISORS

Sec.

- 57.11. Continuing education requirements.
 57.12. Course format.
 57.13. Former registered certifying organizations.

§ 57.11. Continuing education requirements.

The following continuing education requirements shall be met:

(1) A credit counselor shall maintain valid certification through a registered certifying organization.

(2) A supervisor shall complete a minimum of 16 continuing education units every 2 years through a registered certifying organization.

§ 57.12. Course format.

A credit counselor or supervisor may complete continuing education units through a course format offered by a registered certifying organization including live instruction, web and teleconference formats.

§ 57.13. Former registered certifying organizations.

If a credit counselor or supervisor completes courses with a certifying organization that the Department removes from the provider list, the Department will consider the continuing education units:

(1) Valid if the credit counselor or supervisor completed the units before the Department removed the certifying

organization from the list and the Department will not take action against the licensee.

(2) Invalid if the credit counselor or supervisor completed the units after the Department removed the certifying organization from the list and the Department will consider taking action against the licensee.

Subchapter C. LICENSEES

Sec.

- 57.21. Reporting.
 57.22. Recordkeeping.
 57.23. Compliance.
 57.24. Enforcement.

§ 57.21. Reporting.

(a) The licensee shall prepare a statement verifying that the credit counselors and supervisors employed by the licensee meet the continuing education requirements.

(b) The statement must include a list for each credit counselor that contains the credit counselor's:

- (1) Name.
- (2) Job title.
- (3) Work address.
- (4) Certification number.
- (5) Hire date.
- (6) Certification effective date.
- (7) Certification expiration date.
- (8) Certifying organization.

(c) The statement must include a list for each supervisor that contains the supervisor's:

- (1) Name.
- (2) Job title.
- (3) Work address.
- (4) Completed continuing education units within the past 24 months.
- (5) Hire date.
- (6) Certifying organization.

(d) The licensee shall submit the statement to the Department as part of each debt management license renewal application.

§ 57.22. Recordkeeping.

The licensee shall keep records regarding completion of the continuing education requirements for at least four license renewal periods.

§ 57.23. Compliance.

The Department will verify compliance with this chapter through the methods statutorily available to the Department under the act, including examination. If the Department conducts an examination, the Department will assess examination costs on the licensee consistent with section 17(1) of the act (63 P. S. § 2417(1)).

§ 57.24. Enforcement.

(a) A violation of this chapter is a violation of the act.

(b) If the licensee violates this chapter, the Department will use the enforcement options statutorily available to it under the act, including revocation of the license, suspension of the license or assessment of a penalty.

Subchapter D. CERTIFYING ORGANIZATIONS

Sec.

- 57.31. Registration.
 57.32. Criteria.
 57.33. Verification.

§ 57.31. Registration.

(a) The certifying organization shall submit a completed registration form to the Department to be considered an acceptable certifying organization. The Department will provide the form on the Department's web site.

(b) The Department will maintain a list of registered certifying organizations on its web site at www.dobs.state.pa.us.

§ 57.32. Criteria.

The Department will consider the certifying organization to be an acceptable continuing education provider if the certifying organization:

- (1) Submits the registration form to the Department.
- (2) Requires at least 16 continuing education units for credit counselor certification.
- (3) Offers credit counselor certification that is valid for no longer than 24 months.
- (4) Permits supervisors to attend continuing education courses.

§ 57.33. Verification.

(a) The Department will periodically request that the registered certifying organization resubmit the form provided by the Department to verify that the certifying organization continues to meet the criteria.

(b) If a registered certifying organization fails to meet the requirements of this chapter, the Department will remove that certifying organization's name from the Department's web site as an acceptable provider.

[Pa.B. Doc. No. 14-971. Filed for public inspection May 9, 2014, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

[52 PA. CODE CHS. 1001, 1011 AND 1051]
Annual Filing Requirements

The Philadelphia Parking Authority (Authority), on March 24, 2014, adopted a proposed rulemaking order to modify existing annual filing requirements to eliminate reference to the term "expire" when used in conjunction with a certificate of public convenience and that filing requirement. While the Authority's regulations do not provide for the expiration of certificates of public convenience, some industry members have expressed confusion over the use of this term. The proposed regulation is intended only for those clarification purposes.

*Proposed Rulemaking Order; Philadelphia Taxicab and
Limousine Regulation; Annual Information Review;
Doc. No. 126-9*

Proposed Rulemaking Order

By the Authority:

In accordance with of the act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§ 5701 et seq., as amended, (the "act"),¹ the Authority formally commences its rulemaking process to promulgate a regulation to clarify annual information update procedures for the Philadelphia taxi-

cab and limousine industries and to amend regulations to reflect applicable statutory changes as provided in Act 64 of 2013.² The Authority seeks comments from all interested parties on the proposed regulation, which are found at Annex A to this Order.

A. Background and discussion.

The Authority's existing regulations require all regulated parties to make an annual information filing (renewal) with the Authority to assure that the individual or business entity is in continuing compliance with the act and the Authority's orders and regulations. This annual update or "renewal" process was an issue during the promulgation of the regulations because the regulations use to term expired as to certificates of public convenience. See 41 Pa.B. 6499, 6526 (December 11, 2011).

The proposed regulation will eliminate the use of the word expired as to taxicab, limousine and dispatcher certificates of public convenience to eliminate confusion. Because driver certificates and broker registrations do expire, the term will continue to apply in that context. Driver certificates and broker registrations will continue to be subject to an annual approval process.

B. The regulation.

We propose amending the below referenced sections to reflect the current budget statutes and to eliminate the use of the confusing term "expired" in connection with certificates of public convenience. Under the regulations, certificates of public convenience do not expire.

§ 1001.43. Authority fee schedule.

We propose amending subsections (a) and (b) of this section to accurately reflect the applicable provisions of sections 5707 and 5710 of the act. Section 5710 is new and specifically deals with the use of fees and the creation of a fee schedule. The act was amended to eliminate the original deemed approved budgetary language and replace that approval process with one that requires compliance with Article VI of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929 as required by the new 5707 (a) of the act. The act's annual budget process was amended by the Legislature in response to a negative decision of the Commonwealth Court of Pennsylvania.³

§ 1011.3. Annual rights renewal process.

We propose amending this section to eliminate the use of the term "expired" in relation to a certificate of public convenience which can expire under our regulations. The same forms will be used and the term expired will continue to be used in relation to taxicab driver certificates and broker registrations, which can expire under the regulations.

A new subsection (g) was created to differentiate taxicab, limousine and dispatcher certificates of public convenience from driver certificates and broker registrations. The annual filing procedure will remain the same for these certificate holders. The failure to make this important regulatory filing will continue to result in an out of service designation. In addition, the identification of issues that would have prohibited the original application of a certificate holder from approval will render the certificate holder's vehicles ineligible for attachment of a TLD inspection sticker, if the underlying issue is not corrected. This annual filing and review process often

² See Act of July 9, 2013, P.L. 455, No. 64 ("Act 64")

³ *MCT Transportation Inc., et al. v. PPA*, 60 A.3d 899 (Pa. Cmwlth 2013), affirmed, 2013 Pa. LEXIS 2793 (Pa., Nov. 20, 2013) and 2013 Pa. LEXIS 2788 (Pa. Nov. 20, 2013).

¹ See 53 Pa.C.S. §§ 5722 and 5742.

evidences issues that are in need of correction by the certificate holder. Those issues include outstanding regulatory penalties, moving violations, out of date insurance filings and other issues that are generally corrected by the certificate holder when brought to their attention during this review.

This is one of the reasons that this annual information review is important, it causes the regulated parties and the regulator to re-examine key compliance issues and make corrections where necessary. The same substantive changes were made to the annual information filing process for limousines in section 1051.3 (relating to annual rights renewal process), although in that section only limousine drivers and limousine certificates of public convenience need be referenced.

§ 1011.4. *Annual assessments and renewal fees.*

We propose amending this section to create consistency with the statutory changes of Act 64. The applicable subsections of § 5707 (relating to budget and assessments) are now referenced. Subsection (b) notes the assessment payment time line required by Act 64. Also, subsection (c) has been amended to change the optional assessment payment installment dates from the set June 15 date, to 15 days after notice of the assessment is made to the certificate holder. We understand that the Commonwealth's budget is often not completed by June 15, this change will permit all parties flexibility in exercising this payment option. The same changes were made to section 1057.1 (relating to annual assessments and renewal fees), which applies to limousine service.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 29, 2014, 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.

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 website 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), (23) and (24)); sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 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); and section 612 of The Administrative Code of 1929 (71 P. S. § 232); and the regulations promulgated at 4 Pa. Code §§ 7.231—7.234, the Authority proposes adoption of the regulations set forth in Annex A; *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 Executive Director shall do all such other things necessary to advance this regulation through the appropriate promulgations process in an expeditious manner.
5. 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*.
6. 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, 701 Market Street, Suite 5400, Philadelphia, PA 19106.
7. 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 website at www.philapark.org/tld.
8. 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

Fiscal Note: 126-9. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart A. GENERAL PROVISIONS

CHAPTER 1001. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

Subchapter E. FEES

§ 1001.43. Authority fee schedule.

(a) The Authority will issue a new fee schedule for each fiscal year[, **subject to disapproval of the Legislature, under section 5707(b) of the act (relating to budget and fees)] under section 5710(a) of the act (relating to fees).**

(b) The Authority will provide general notice of the new fee schedule through publication in the *Pennsylvania Bulletin*. The Authority will provide direct notice of the fee schedule by email to each certificate holder [**as required under section 5707(b) of the act**] within 5 days of its effective date. The current fee schedule may be obtained from the Authority's web site at www.phila-park.org/tld.

(c) *Supersession*. Subsection (a) supersedes 1 Pa. Code §§ 33.21(b) and 33.23 (relating to filing fees; and copy fees).

Subpart B. TAXICABS

CHAPTER 1011. GENERAL PROVISIONS

§ 1011.3. Annual rights renewal process.

(a) *Expiration of [certificate] driver and broker rights*. All driver and broker rights will expire annually, [**including the following**] as follows:

[(1) **Except as provided in subsection (f), a certificate will expire on June 30 of each year.**

(2)] (1) A taxicab driver's certificate will expire 1 year from its date of issuance or renewal.

[(3)] (2) Except as provided in subsection (f), a broker registration will expire on June 30 of each year.

(b) *Expired rights*.

(1) Expired rights will be placed out of service by the Authority as provided in § 1003.32 (relating to out of service designation).

(2) Taxicab driver certificates that have been expired for 1 year or more will be deemed cancelled.

(c) *Renewal forms*.

(1) Rights [**issued by the Authority**] in subsection (a) shall be renewed by completing and filing the required renewal form with the Manager of Administration. Renewal forms may be obtained on the Authority's web site at www.philapark.org/tld or from TLD Headquarters.

(2) The renewal forms may require the submission of additional information or documents to confirm continuing eligibility under the act or this part.

(3) The renewal forms must be verified as provided in § 1001.36 (relating to verification and affidavit) and filed as follows:

[(i) **For medallion taxicab certificates, Form TX-1 "Medallion Renewal" shall be filed on or before February 15 of each year.**

(ii) **For partial-rights taxicab certificates, Form PR-1 "Partial Rights Renewal" shall be filed on or before February 15 of each year.**

(iii) **For dispatcher certificates, Form DSP-6 "Dispatcher Renewal" shall be filed on or before February 15 of each year.**

(iv)] (i) For taxicab drivers' certificates, Form DR-3 "Driver Renewal" shall be filed between 60 and 90 days before the expiration date printed on the taxicab driver's certificate.

[(v)] (ii) For broker registrations, a Form BR-4 "Broker Renewal" shall be filed on or before February 15 of each year.

(d) *Renewal denial*. The Authority will deny renewal of rights in the following circumstances:

(1) If the owner of the rights subject to renewal fails to complete the renewal process.

(2) The renewal process reveals information about the renewing person [**or those with a controlling interest in the renewing person**] that would have resulted in a denial of an initial application for the rights.

(3) The renewing person fails to comply with § 1011.4 (relating to annual assessments and renewal fees).

(e) *Suspended driver and broker rights*. Rights subject to suspension for any reason must be renewed on the dates and in the manner provided by [**this section**] subsection (c)(3) regardless of the suspended status.

(f) *New certificates and registrations*. A certificate or broker registration will not be subject to the renewal **or annual information filing** requirements in this section during the calendar year in which it is first issued.

(g) *Taxicab and dispatcher information filing*.

(1) The owner of taxicab or dispatcher rights shall complete the annual information filing required under this subsection to ensure continued compliance with the act, this part and the orders of the Authority.

(2) The annual information filing required under this subsection must be verified as provided in § 1001.36 and filed with the Manager of Administration as follows:

(i) For medallion taxicab certificates, Form TX-1 "Medallion Renewal" shall be filed on or before February 15 of each year.

(ii) For partial-rights taxicab certificates, Form PR-1 "Partial Rights Renewal" shall be filed on or before March 31 of each year.

(iii) For dispatcher certificates, Form DSP-6 "Dispatcher Renewal" shall be filed on or before March 31 of each year.

(3) The forms identified in paragraph (2) may require the submission of additional information or documents in furtherance of that review and may be obtained on the Authority's web site at www.philapark.org/tld or from TLD Headquarters.

(4) The filing requirements of this subsection apply to rights subject to suspension for any reason.

(5) The failure to file Form LM-1 will subject the applicable rights to an out of service designation as provided in § 1003.32.

(6) The TLD will not issue a TLD inspection sticker to a vehicle operated through a taxicab certificate if the review of the information required under this section reveals information about the certificate holder that would have resulted in a denial of an initial application for the rights. This paragraph does not relieve a certificate holder of any other penalty that may result from noncompliance, nor the obligation to appear at inspections as directed by the TLD.

§ 1011.4. Annual assessments and renewal fees.

(a) *Assessments and renewal fees*. The owners of rights issued by the Authority shall pay an annual assessment or renewal fee in an amount established each year under section [**5707(b)**] **5707(a) and (c)** of the act (relating to budget and [**fees**] assessments) and as set forth in the

Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(b) *Payment of assessments by certificate holders.* [**Except as provided in subsection (c), the annual assessment for certificate holders is due on or before June 15 of each year.**] Assessment payments shall be made by each certificate holder as provided in section 5707.1(a) of the act (relating to assessment notice and hearings).

(c) *Installment payments.* Upon request by a taxicab certificate holder through the annual renewal form required under [§ 1011.3] § 1011.3(g) (relating to annual rights renewal process), the Director may permit certificate holders to pay the assessment in two equal installments on or before [**June 15**] the 15th day from notice of assessment as provided in section 5707.1(a) of the act and December 15 of each year, as limited under subsections (d) and (e).

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(f) *Payment of renewal fees by taxicab drivers.* The annual renewal fee for taxicab drivers is due with the filing of the DR-3 as provided in [§ 1011.3(c)(3)(iv) (relating to annual rights renewal process)] § 1011.3(c)(3)(i).

(g) *Payment of renewal fees by brokers.* The annual renewal fee for brokers is due with the filing of the BR-4 as provided in [§ 1011.3(c)(3)(v)] § 1011.3(c)(3)(ii).

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Subpart C. LIMOUSINES

CHAPTER 1051. GENERAL PROVISIONS

§ 1051.3. Annual rights renewal process.

(a) *Expiration of driver's certificate.* [**All rights will expire annually, including the following:**

(1) **Except as provided in subsection (f), a certificate will expire on June 30 of each year.**

(2)] A limousine driver's certificate will expire 1 year from its date of issuance or renewal.

(b) *Expired rights.*

(1) Expired rights will be placed out of service by the Authority as provided in § 1003.32 (relating to out of service designation).

(2) Limousine driver certificates that have been expired for 1 year or more will be deemed cancelled.

(c) *Renewal forms.*

(1) [**Rights issued by the Authority**] Limousine driver certificates shall be renewed by completing and filing the [**required renewal form**] Form DR-3 "Driver Renewal" with the Manager of Administration. Renewal forms may be obtained on the Authority's web site at www.philapark.org/tld or from TLD Headquarters.

(2) [**The renewal forms**] Form DR-3 may require the submission of additional information or documents to confirm continuing eligibility under the act [**or this part, or both**], this part and orders of the Authority and must be verified as provided in § 1001.36 (relating to verification and affidavit).

[(3) **The renewal forms must be verified as provided in § 1001.36 (relating to verification and affidavit) and filed as follows:**

(i) **For limousine certificates, Form LM-1 "Limousine Renewal" shall be filed on or before April 1 of each year.**

(ii) **For limousine drivers' certificates,]**

(3) Form DR-3 [**"Driver Renewal"**] shall be filed between 90 and 60 days before the expiration date printed on the limousine driver's certificate.

(d) *Renewal denial.* The Authority will deny renewal of [**rights**] a limousine driver certificate in the following circumstances:

(1) If the owner of the rights subject to renewal fails to complete the renewal process.

(2) The renewal process reveals information about the renewing person [**or those with a controlling interest in the renewing person**] that would result in a denial of an initial application for the rights.

(3) The renewing person fails to comply with § 1051.4 (relating to annual assessments and renewal fees).

(e) *Suspended driver rights.* Rights subject to suspension for any reason shall be renewed on the dates and in the manner provided by this section regardless of the suspended status.

(f) *New certificates [and registrations].* A certificate will not be subject to the [**renewal**] information filing requirements [**in this section**] of subsection (g) during the calendar year in which it is first issued.

(g) *Limousine information filing.*

(1) **The owner of limousine rights shall complete on an annual basis Form LM-1 "Limousine Renewal" to ensure continued compliance with the act, this part and the orders of the Authority.**

(2) Form LM-1 shall be verified as provided in § 1001.36 and filed with the Manager of Administration on or before March 31 of each year.

(3) Form LM-1 may require the submission of additional information or documents and may be obtained on the Authority's web site at www.philapark.org/tld or from TLD Headquarters.

(4) **The filing requirements of this subsection apply to rights subject to suspension for any reason.**

(5) **The failure to file Form LM-1 will subject the applicable rights to an out of service designation as provided in § 1003.32.**

(6) **The TLD will not issue a TLD inspection sticker to a vehicle operated through a taxicab certificate if the review of the information required under this section reveals information about the certificate holder that would have resulted in a denial of an initial application for the rights. This paragraph does not relieve a certificate holder of any other penalty that may result from noncompliance, nor the obligation to appear at inspections as directed by the TLD.**

§ 1051.4. Annual assessments and renewal fees.

(a) *Assessments and renewal fees.* The owners of rights issued by the Authority shall pay an annual assessment or renewal fee in an amount established each year under section [**5707(b)**] 5707(a) and (c) of the act (relating to budget and [**fees**] assessments) and as set forth in the

Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(b) *Payment of assessments by certificate holders.* The annual assessment for certificate holders is due [**on or before June 30 of each year**] as provided in **section 5707.1(a) of the act (relating to assessment notice and hearings)**.

(c) *Payment of renewal fees by limousine drivers.* The annual renewal fee for limousine drivers is due with the filing of the DR-3 as provided in [**§ 1051.3(c)(3)(ii)**] **§ 1051.3(c)(4)** (relating to annual rights renewal process).

(d) *Late assessment or renewal fee payments.* Rights issued by the Authority may be placed out of service at the time an assessment or renewal fee payment becomes late, as provided in § 1003.32 (relating to out of service designation).

[Pa.B. Doc. No. 14-972. Filed for public inspection May 9, 2014, 9:00 a.m.]

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