

PROPOSED RULEMAKING

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 32]

[L-2017-2604692]

Withdrawal of Rulemaking Pertaining to Minimum Insurance Requirements for Motor Carriers of Passengers

Public Meeting held
June 18, 2020

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; John F. Coleman, Jr.; Ralph V. Yanora

Rulemaking Pertaining to Minimum Insurance Requirements for Motor Carriers of Passengers, 52 Pa. Code Chapter 32; Docket No. L-2017-2604692

Final Rulemaking Order

By the Commission:

Before the Commission for disposition is the Final Rulemaking for minimum insurance requirements for motor carriers of passengers modifying the current regulation set forth in the Pennsylvania Public Utility Commission's (Commission) regulations at 52 Pa. Code §§ 32.11. The rulemaking was initiated by the Commission on February 8, 2018 with the intention of updating our current regulation to address minimum insurance requirements for motor carriers of passengers. The Commission received comments from the Pennsylvania Bus Association, Yellow Cab Company of Pittsburgh, Pennsylvania Taxi and Paratransit Association, and the Insurance Federation of Pennsylvania Inc.

Discussion

During the proposed rulemaking process, the Independent Regulatory Review Commission (IRRC) provided comments to the Commission indicating additional information was necessary for IRRC to determine if the proposed regulation is in the public interest. IRRC recommended that the Commission obtain additional data to support the Commission's proposed increase of the minimum insurance requirement for motor carriers of passengers. Specifically, IRRC directed the Commission to obtain the following:

1. Data that demonstrates the inadequacy of the existing coverages with respect to the riding public.

2. Quantification of the potential increase in price for the riding public based on the increase in insurance premiums.

The Commission staff made a significant attempt to obtain this data to support the proposed increase in the minimum insurance requirement, but due to the lack of a central repository for this data, it required a piecemeal approach of requesting data from individual insurance companies. With no official authority to compel the insurance providers of motor carriers of passengers, the Commission was only able to obtain data from a few insurance providers willing to furnish the information out of courtesy. As such, the data the Commission received is incomplete and, therefore, does not adequately respond to IRRC's requests.

Pursuant to the Regulatory Review Act, 71 P.S. §§ 745.1—745.15, regulations must be submitted in final form within two years of the close of the public comment period. In light of the August 6, 2020 regulatory deadline for submission of this regulation to legislative standing committees and IRRC, the Commission does not believe that there is sufficient time remaining to give the proposed final rulemaking proper consideration. Consequently, the Commission concludes that this rulemaking proceeding be closed.

The closing of this rulemaking does not establish that the current minimum insurance requirements for motor carriers of passengers is sufficient nor insufficient. Rather, we are closing this rulemaking due to the lack of time to obtain a complete set of data. *Therefore,*

It Is Ordered That:

1. The instant rulemaking be closed.
2. A copy of this Final Rulemaking Order shall be served upon the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.
3. The Law Bureau shall deposit this Final Rulemaking Order with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
4. The Commission shall provide notice to the Office of Attorney General, the Governor's Budget Office, the Legislative Standing Committees, and the Independent Regulatory Review Commission that this rulemaking has been closed.

ROSEMARY CHIAVETTA,
Secretary

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