

**Subpart B. TAXICABS**

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**Cross References**

This subpart cited in 52 Pa. Code § 1057.3 (relating to continuing certificates).

**CHAPTER 1011. GENERAL PROVISIONS**

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**§ 1011.1. Purpose.**

This subpart establishes and prescribes Authority regulations and procedures for taxicab service in Philadelphia.

**§ 1011.2. Definitions.**

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

*Controlling interest—*

- (i) A controlling interest is an interest in a legal entity, applicant or certificate holder if a person’s voting rights under state law or corporate articles or bylaws entitle the person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership

or beneficial holding of 5% or more of the securities of the corporation, partnership, limited liability company or other form of legal entity, unless this presumption of control or ability to elect is rebutted by clear and convincing evidence. A member, partner, director or officer of a corporation, partnership, limited liability company or other form of legal entity is deemed to have a controlling interest.

(ii) A person who owns or beneficially holds less than 5% of the securities of a privately held domestic or foreign corporation, partnership, limited liability company or other form of privately held legal entity shall be deemed as having rebutted the presumption of control by clear and convincing evidence.

*Department of Transportation*—The Department of Transportation of the Commonwealth of Pennsylvania.

*Dispatcher's certificate*—A certificate issued by the Authority to a dispatcher.

*Driver history report*—A driver's license report issued by the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States containing details about a driver's history including accidents and violations issued by a jurisdiction within the United States.

*Driver's license*—A license or permit to operate a motor vehicle issued by the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States.

*Federal Tax Identification number*—The Social Security number of an individual or the Employer Identification number of a business entity, fiduciary or other person.

*Holding company*—A person, other than an individual, which, directly or indirectly, owns, has the power or right to control or to vote 20% or more of the outstanding voting securities of a corporation or other form of business organization. A holding company indirectly has, holds or owns the power, right or security if it does so through an interest in a subsidiary or successive subsidiaries.

*Inspector*—Enforcement Department uniformed or nonuniformed staff assigned to investigate and enforce the act, this part and orders of the Authority who will be identifiable by an Authority-issued badge number.

*Key employee*—An individual who is employed in a director or department head capacity and who is empowered to make discretionary decisions that affect the operations of an applicant or a regulated person.

*Limousine certificate*—A certificate granting the owner the right to operate a class of limousine service as provided in Subpart C (relating to limousines).

*Major violation*—A suspension or cancellation of a state-issued driver's license as a result of a moving violation.

*Medallion*—A piece of metal in a shape and with a color to be determined by the Authority which is to be affixed to a vehicle by Authority staff before that vehicle may provide citywide taxicab service.

*Medallion lienholder*—A person holding a recorded lien against a medallion as provided under section 5713 of the act (relating to property and licensing rights) and § 1013.21 (relating to notice of medallion lien).

*Medallion number*—The number assigned to and placed on a particular medallion by the Authority, under § 1017.14 (relating to taxicab numbering).

*Medallion taxicab*—A taxicab certified by the Authority to provide citywide taxicab service and affixed with a medallion by the Authority as provided in § 1013.2 (relating to attachment of a medallion) and section 5714(a) of the act (relating to certificate and medallion required).

*Medallion taxicab certificate*—A certificate granting the owner the right to operate one or more medallion taxicabs under this part.

*Moving violation*—A violation issued by the Commonwealth or any of its political subdivisions for a violation of 75 Pa.C.S. (relating to Vehicle Code), or a similar statute under any other jurisdiction, that upon conviction of the violation points are assessed against the driver's license.

*Parking violations*—Any debt owed to the City of Philadelphia related to a violation of the Philadelphia Traffic Code (12 Phila. Code §§ 100—3012) that is not under appeal.

*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), section 5711(c)(2.1) of the act (relating to power of authority to issue certificates of public convenience) and section 5714(d)(2) of the act.

*Partial-rights taxicab certificate*—A certificate granting the owner the right to operate one or more partial-rights taxicabs under this part.

*Proposed buyer*—The party seeking to acquire an ownership interest in a medallion or certificate, as the context provides.

*Seal*—A security or software encryption device used for the purpose of preventing unauthorized access, capture or manipulation of data in meter systems or safety cameras, including an encryption key or wire seal.

*Traffic violations*—A debt owed to the Commonwealth or one of its political subdivisions for violations of 75 Pa.C.S. that is not under appeal.

*Transfer fee*—The nonrefundable fee charged by the Authority to review an application to sell transferable rights.

*WAV medallion*—A medallion restricted to use on a wheelchair accessible vehicle (WAV) taxicab.

*WAV medallion taxicab*—A taxicab to which a WAV medallion is attached by the Authority as provided in this chapter.

*WAV taxicab*—A motor vehicle authorized by the Authority to provide taxicab service that meets the requirements of a “wheelchair accessible taxicab” as defined in section 5701 of the act (relating to definitions) and § 1017.8 (relating to wheelchair accessible vehicle taxicab specifications).

*WAV taxicab dispatcher*—A dispatcher approved by the Authority to dispatch WAV taxicabs as provided in § 1019.8(b) (relating to dispatcher requirements).

*WAV taxicab driver*—The individual to whom a current and valid WAV taxicab driver's certificate has been issued by the Authority under section 5706 of the act (relating to driver certification program) and § 1021.5a (relating to special wheelchair accessible vehicle taxicab driver's certificate and requirements).

*WAV taxicab driver's certificate*—The original photographic identification card issued by the Authority which confirms that an individual has complied with section 5706 of the act and § 1021.8 (relating to certain training subjects).

*Wheelchair*—A manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.

#### Authority

The provisions of this § 1011.2 temporarily amended under 53 Pa.C.S. § 57B02.

#### Source

The provisions of this § 1011.2 amended August 29, 2014, effective August 30, 2014, 44 Pa.B. 5662; amended September 12, 2014, effective September 13, 2014, 44 Pa.B. 5867; temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial pages (373815) to (373816) and (373987) to (373988).

#### Cross References

This section cited in 52 Pa. Code § 1001.10 (relating to definitions); 52 Pa. Code § 1011.9 (relating to taxicab service limitations); 52 Pa. Code § 1019.3 (relating to dispatcher application); 52 Pa. Code § 1021.4 (relating to ineligible persons for taxicab driver certificate); and 52 Pa. Code § 1027.7 (relating to required application information).

### § 1011.3. Annual rights renewal process.

*(Editor's Note: This regulation has been recognized as invalid as applied to partial-rights taxicabs. Germantown Cab Company v. Philadelphia Parking Authority, 155 A.3d 669 (Pa. Cmwlth. 2017).)*

(a) *Expiration of driver and broker rights.* All driver and broker rights will expire as follows:

(1) A taxicab driver's certificate will expire 1 year from its date of issuance or renewal unless a taxicab driver opts to pay no more than double the annual renewal fee as provided in § 1011.4 (relating to annual assessments and renewal fees) to be issued a taxicab driver certificate to expire 2 years from the date of issuance or renewal.

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

(b) *Expired rights.*

(1) Expired rights may 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 2 years or more will be deemed cancelled.

(3) Broker registrations that have been expired for 1 year or more will be deemed cancelled.

(c) *Renewal forms.*

(1) Rights 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](http://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 shall be verified as provided in § 1001.36 (relating to verification and affidavit) and filed as follows:

(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.

(ii) For broker registrations, 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 all of 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 that would have resulted in a denial of an initial application for the rights.

(3) The renewing person fails to comply with § 1011.4.

(e) *Incomplete renewals.* If the filing requirements of the renewal forms are incomplete for any reason, including compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties), the regulated party shall have 90 days from the filing date of the renewal form to complete the renewal process or the application will be rendered void.

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

(g) *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.

(h) *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 shall 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 May 1 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](http://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 any of the annual information filing forms required under this subsection will subject the applicable rights to an out of service designation as provided in § 1003.32(c).

(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.

(7) The annual information filings will be reviewed for all of the following:

(i) The filing does not reveal information about the certificate holder that would have resulted in a denial of an initial application for the rights.

(ii) The certificate holder is in compliance with § 1011.4.

(iii) The certificate holder is in compliance with § 1011.7.

(8) Failure to complete the annual information filing requirements of this subsection within 30 days of notice will subject the applicable rights to an out of service designation as provided in § 1003.32(c).

#### Authority

The provisions of this § 1011.3 temporarily amended under 53 Pa.C.S. § 57B02.

#### Source

The provisions of this § 1011.3 amended October 17, 2014, effective October 18, 2014, 44 Pa.B. 6665; temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial pages (373988) to (373990).

#### Cross References

This section cited in 52 Pa. Code § 1013.32 (relating to bidder qualifications); 52 Pa. Code § 1017.42 (relating to prerequisites to inspection); 52 Pa. Code § 1019.8 (relating to dispatcher requirements); 52 Pa. Code § 1021.3 (relating to designation of taxicab driver's certificates); 52 Pa. Code § 1021.5a (relating to special wheelchair accessible vehicle taxicab driver's certificate and requirements); and 52 Pa. Code § 1029.1 (relating to purpose).

### § 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 as follows:

(1) *Taxicab drivers and brokers.* A taxicab driver or broker shall pay a renewal fee in an amount established each year as set forth in the Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(2) *Medallion taxicab certificate holders.* A medallion taxicab certificate holder shall pay an assessment amount that is 1% of the annual gross operating revenue of a medallion owner through fares collected excluding tips and tolls.

(3) *Dispatcher certificate holders.* A dispatcher certificate holder shall pay an assessment in an amount established each year under section 5707(c)(3) of the act (relating to budget and assessments).

(b) *Payment of assessments by certificate holders.*

(1) *Medallion taxicab certificate holders.* Assessment payments shall be made by each medallion taxicab certificate holder to the Authority on a quarterly basis of each fiscal year. The first quarter begins on July 1 and ends on September 30. The second quarter begins on October 1 and ends on December 31. The third quarter begins on January 1 and ends on March 31. The fourth



quarter begins on April 1 and ends on June 30. The assessment payment is due within 30 days after service of the notice of assessment from the Authority as provided in § 1001.51 (relating to service by the Authority).

(2) *Dispatcher certificate holder.* A dispatcher certificate holder may pay the assessment in four equal installments with the first payment being due within 30 days after service of the notice of assessment as provided in section 5707.1(a) of the act (relating to assessment notice and hearings) and on September 15, December 15 and February 15 of each fiscal year.

(c) *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)(i) (relating to annual rights renewal process).

(d) *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)(ii).

(e) *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(c) (relating to out of service designation).

(f) *Assessment hearings.*

(1) Within 15 days after service of notice of assessment, a medallion taxicab certificate holder or a dispatcher certificate holder may file a petition with the Authority which specifically avers the reason that the assessment is excessive, erroneous, unlawful or otherwise invalid.

(2) Petitions filed under this subsection shall be filed with the Clerk, served as provided in § 1001.52 (relating to service by a party), otherwise comply with § 1005.21 (relating to petitions generally) and will be assigned to a presiding officer for a recommended decision as provided in §§ 1005.201—1005.204 (relating to recommended decisions).

(3) The Authority shall fix the time and place for a hearing on a properly filed petition and will serve notice thereof upon parties in interest. After the conclusion of the hearing, the Authority will issue a decision and findings in sufficient detail to enable a court to determine, on appeal, the controverted question presented by the proceeding and whether proper weight was given to the evidence.

(4) The filing of a petition under this subsection does not relieve the owner of the obligation to pay the assessment within the specified time frame. If a refund due from the Authority to the objecting owner or an additional assessment payment due from the objecting owner to the authority is required, the payment shall be made within 10 days after notice of the findings of the Authority.

(5) A suit or proceeding may not be commenced or maintained in a court for the purpose of restraining or delaying the collection or payment of an assessment made under this section. A person aggrieved by an order entered under this subsection is subject to § 1005.211 (relating to exceptions to recommended decisions).

#### Authority

The provisions of this § 1011.4 temporarily amended under 53 Pa.C.S. § 57B02.

#### Source

The provisions of this § 1011.4 amended October 17, 2014, effective October 18, 2014, 44 Pa.B. 6665; temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial pages (373990) to (373991).

**Cross References**

This section cited in 52 Pa. Code § 1011.3 (relating to annual rights renewal process).

**§ 1011.5. Ineligibility due to conviction or arrest.**

(a) A person is ineligible to own any interest in any right issued by the Authority if the person, or a person having a controlling interest in the person or a key employee, has been subject to a conviction as defined in § 1001.10 (relating to definitions).

(b) In the event a regulated party owning a transferable right becomes ineligible to hold rights issued by the Authority due to a conviction, the regulated party shall immediately cease use of the rights and initiate the sale of the rights to an eligible person as provided in Chapter 1027 (relating to sale of rights). If the regulated party is an individual medallion taxicab certificate holder or the sole owner of the securities of a medallion taxicab certificate holder, that person shall surrender to the Authority any medallion owned by the certificate holder and associated TLD inspection stickers to hold for safekeeping until the medallion is sold.

(c) A regulated party or applicant shall inform the Director within 72 hours of being subject to an arrest or conviction as defined under § 1001.10.

(d) In the event a criminal prosecution is initiated against a regulated party for a crime that may lead to a conviction as defined in § 1001.10, the Enforcement Department or trial counsel may place the subject rights out of service as provided in § 1003.32 (relating to out of service designation).

**Authority**

The provisions of this § 1011.5 temporarily amended under 53 Pa.C.S. § 57B02.

**Source**

The provisions of this § 1011.5 temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial pages (373991) to (373992) and (360407).

**Cross References**

This section cited in 52 Pa. Code § 1011.9 (relating to taxicab service limitations); 52 Pa. Code § 1011.15 (relating to death or incapacitation of a certificate holder or certain persons with controlling interest); 52 Pa. Code § 1017.42 (relating to prerequisites to inspection); 52 Pa. Code § 1019.2 (relating to ineligible persons for dispatcher service); 52 Pa. Code § 1019.3 (relating to dispatcher application); 52 Pa. Code § 1027.7 (relating to required application information); and 52 Pa. Code § 1029.4 (relating to ineligible persons for broker certification).

**§ 1011.6. Fleet program.**

(a) The Authority will maintain a fleet program to assist taxicab certificate holders with the process of accurately transferring liability for Philadelphia parking violations from the owner of the vehicle to the driver of the vehicle when the parking violation was issued.

(b) Each taxicab certificate holder engaged in the leasing of a taxicab to a taxicab driver shall enroll in the Authority's fleet program. Information related to enrollment and an enrollment application may be obtained from the Authority at [www.philapark.org/tld](http://www.philapark.org/tld).

**§ 1011.7. Payment of outstanding fines, fees and penalties.**

(a) Regulated persons and applicants for any right issued by the Authority shall pay all assessments, fees, penalties and other payments due to the Authority

under the act, this part or an order of the Authority on schedule, unless the matter related to the payment is under appeal.

(b) Regulated persons and applicants for any right issued by the Authority shall remain current on the payment of parking violations and traffic violations, unless the violation is under appeal.

(c) For purposes of this section, regulated persons and applicants include those with a controlling interest in the regulated person or applicant, or both.

**Authority**

The provisions of this § 1011.7 temporarily amended under 53 Pa.C.S. § 57B02.

**Source**

The provisions of this § 1011.7 temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial page (360407).

**Cross References**

This section cited in 52 Pa. Code § 1011.3 (relating to annual rights renewal process); 52 Pa. Code § 1011.14 (relating to voluntary suspension of certificate); 52 Pa. Code § 1017.42 (relating to prerequisites to inspection); 52 Pa. Code § 1019.2 (relating to ineligible persons for dispatcher service); 52 Pa. Code § 1019.3 (relating to dispatcher application); 52 Pa. Code § 1021.5 (relating to standards for obtaining a taxicab driver's certificate); 52 Pa. Code § 1021.7 (relating to taxicab driver training); 52 Pa. Code § 1027.7 (relating to required application information); 52 Pa. Code § 1029.4 (relating to ineligible persons for broker certification); and 52 Pa. Code § 1029.5 (relating to broker registration).

**§ 1011.8. Facility inspections.**

(a) Inspectors may enter upon the premises of taxicab certificate holders where taxicabs are parked, stored or maintained during ordinary business hours to inspect vehicles or records, or both, associated with the operation of taxicabs in Philadelphia, including inspection reports and lease agreements between the certificate holder and another regulated party.

(b) Inspectors may enter upon the premises of dispatchers used to dispatch taxicabs in Philadelphia, during ordinary business hours, to inspect dispatching equipment or records, or both, to assure that the dispatcher's equipment and procedures comply with the act and Chapter 1019 (relating to dispatchers).

(c) Inspectors may enter upon the premises of brokers during ordinary business hours to review records related to either completed or pending transfers filed with the Authority as provided in § 1027.6 (relating to application for sale of transferable rights) to assure compliance with the act and Chapter 1029 (relating to brokers).

**Cross References**

This section cited in 52 Pa. Code § 1011.11 (relating to record retention).

**§ 1011.9. Taxicab service limitations.**

(a) *Providers.* Only the following individuals may provide taxicab service:

- (1) The owner, if the owner is a taxicab driver.
- (2) An employee of the certificate holder who is a taxicab driver.
- (3) A taxicab driver who leases the taxicab directly from the certificate holder.

(b) *Supervision.* A certificate holder shall continually supervise its taxicab to make certain that only those taxicab drivers authorized by this section provide taxicab service.

(1) A medallion taxicab certificate holder is required to ensure that a person holds a valid taxicab driver's certificate issued by the Authority before permitting the person to drive a taxicab.

(2) A medallion taxicab certificate holder is required to ensure that a person holds a valid WAV taxicab driver's certificate issued by the Authority before permitting the person to drive a WAV taxicab.

(c) *Criminal history and driver history reports.*

(1) A medallion taxicab certificate holder is required to conduct or have a third party conduct annual criminal history and driver history checks for taxicab drivers operating under the certificate holder's medallion.

(i) The criminal history report shall be conducted on a local and National background check, which must include a multistate or multijurisdictional criminal records locator or other similar commercial Nationwide database with primary source validation and a review of the United States Department of Justice's National Sex Offender Public Website.

(ii) The driver history report shall be obtained from the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States containing details about a driver's history including accidents and violations issued by a jurisdiction within the United States.

(2) A medallion taxicab certificate holder shall review the criminal history and driving history reports before a taxicab driver operates under its medallion, and on annual basis thereafter, to ensure the driver has not been subject to a conviction as defined under §§ 1001.10 and 1021.4 (relating to definitions; and ineligible persons for taxicab driver certificate), holds a current valid driver's license, and has not been subject to three moving violations or a major violation as defined under § 1011.2 (relating to definitions).

(3) A taxicab driver whose criminal history or driver history renders the driver ineligible to operate a taxicab under § 1011.5 (relating to ineligibility due to conviction or arrest) or § 1021.4 shall be immediately disqualified by the medallion taxicab certificate holder and the disqualification shall be reported by the medallion taxicab certificate holder to the Director within 48 hours.

(4) Records required to be maintained by a medallion taxicab certificate holder under this subsection are subject to audits by the Authority under § 1011.11(d) (relating to record retention).

(d) *Personal vehicle use prohibited.* A vehicle registered as a taxicab within this Commonwealth may not be operated as a personal vehicle by a driver affiliated with a TNC under Chapter 57A of the act (relating to transportation network companies).

#### **Authority**

The provisions of this § 1011.9 temporarily amended under 53 Pa.C.S. § 57B02.

#### **Source**

The provisions of this § 1011.9 temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial page (360408).

#### **Cross References**

This section cited in 52 Pa. Code § 1011.11 (relating to record retention).

### 1011-10

**§ 1011.10. Discrimination in service.**

A regulated person may not refuse service to a member of the public on the basis of gender, sexual orientation, race, religious preference, nationality, age, point of origin, point of destination or to a person with a disability.

**§ 1011.11. Record retention.**

(a) *Records to be maintained.* All of the following records shall be maintained in the English language for 2 years from the date of origin:

(1) *Taxicab certificate holders.*

(i) Each lease agreement for a taxicab or medallion, or both.

(ii) Records of payment by a driver under each lease agreement for a taxicab or medallion, or both.

(iii) Records related to accidents involving vehicles used as taxicabs, including repair records.

(iv) Trip sheets or service logs used by a certificate holder's drivers when the certificate holder is exempted from the standard meter requirements in this subpart under § 1017.24(f) (relating to meter activation and display). The trip logs may be maintained on digital or other electronic devices as approved by the Authority upon a detailed written request by the certificate holder.

(2) *Dispatchers.*

(i) Records of dues paid by taxicab certificate holders or drivers for dispatching services.

(ii) Prior lists of associated taxicabs.

(iii) Prior rule books or other terms of participation applicable to taxicab certificate holders or drivers that are associated with the dispatcher.

(3) *Brokers.* Brokers shall retain documents submitted to the Authority for review of each proposed sale of rights, including closing documents

(b) *Order.* Paper or electronic records, or both, shall be maintained in chronological order by date and time of day.

(c) *Review by Authority.* A regulated party shall produce records maintained under subsection (a) to the Authority upon written request or upon inspection as provided in § 1011.8 (relating to facility inspections). In the event the records require a special form of software to search or interpret, a regulated party shall make that software available to the Authority.

(d) *Audit of driver records.*

(1) *Maintenance period.* Medallion taxicab certificate holders shall maintain records in the English language for 2 years from the date of origin concerning taxicab drivers under § 1011.9(b) (relating to taxicab service limitations).

(2) *Compliance audit.* The Authority may conduct a compliance audit of the records required to be maintained by a medallion taxicab certificate holder under § 1011.9(b) to verify that the certificate holder has complied with the taxicab driver screening requirements and to confirm that the certificate holder's taxicab drivers are eligible to provide taxicab service under this part.

(3) *Audit designation.* Upon the random selection of a medallion taxicab being called for a compliance inspection under § 1017.31 (relating to vehicle inspections by the Authority), the medallion taxicab certificate holder will be notified by the Manager of Administration that it has also been designated for an audit under this section.

(i) Within 5 business days of receiving an audit designation, the medallion taxicab certificate holder shall make available for visual inspection to the Authority the records required to be maintained under § 1011.9(b) for each taxicab driver that has provided taxicab service in the immediately preceding 1 year using the medallion taxicab that was called for a compliance inspection.

(ii) The records shall be produced in person to the Manager of Administration or by email to TLDAdmin@philapark.org.

(iii) If an audit reveals that the medallion taxicab certificate holder authorized a taxicab driver to provide taxicab service when the criminal history report or driver history report revealed that the taxicab driver was ineligible under this part or the certificate holder did not conduct the annual records required under § 1011.9(b), the Authority may impose a penalty against the medallion taxicab certificate holder and taxicab driver under § 1001.61 (relating to penalties) and may subject the rights to an out of service designation under § 1003.32 (relating to out of service designation).

(iv) The medallion taxicab certificate holder shall immediately remove a noncompliant taxicab driver identified as provided in subparagraph (iii) from taxicab service upon the Authority's direction.

(v) The Authority may alert other medallion taxicab certificate holders of the ineligibility of the noncompliant taxicab driver to protect the public good.

(4) *Remedial audits.*

(i) In the event that an audit discrepancy is identified as specified in paragraph (3)(iii), the Authority may direct a medallion taxicab certificate holder to submit a follow-up report detailing its efforts to ensure compliance with § 1011.9(b).

(ii) In the event that that an egregious audit discrepancy is identified or multiple audit discrepancies are identified or the Authority makes a determination that a medallion taxicab certificate holder has failed to reasonably cooperate in the driver information audit process, the Authority may direct a medallion taxicab certificate holder to participate in remedial audits.

(iii) A determination under this section is subject to § 1005.24 (relating to appeals from actions of the staff).

(iv) A remedial audit will proceed as provided in paragraph (3) and may subject a review of all taxicab drivers providing service in any medallion taxicab owned by the certificate holder during the immediately preceding year regardless of whether the taxicab was called for a compliance inspection.

(v) The Authority may direct one remedial audit at any time each month for a 4-month period following discovery of a violation under this section.

(e) *Enforcement investigations.* This section may not be construed to limit the power of the Authority to conduct enforcement investigations related to this part or the obligation of certificate holders and taxicab drivers to cooperate with investigations and produce information demanded as required under this part.

**Authority**

The provisions of this § 1011.11 temporarily amended under 53 Pa.C.S. § 57B02.



**Source**

The provisions of this § 1011.11 temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial pages (360408) and (373541).

**Cross References**

This section cited in 52 Pa. Code § 1011.9 (relating to taxicab service limitations); 52 Pa. Code § 1017.62 (relating to taxicab leases); 52 Pa. Code § 1019.14 (relating to dispatcher records); 52 Pa. Code § 1021.17 (relating to partial-rights taxicab driver log); and 52 Pa. Code § 1029.14 (relating to broker conduct and obligations).

**§ 1011.12. Aiding or abetting violations.**

A person may not aid, abet, encourage or require a regulated party to violate the act, this part or an order of the Authority.

**§ 1011.13. Interruptions of service.**

(a) A discontinuance in the provision of taxicab service for 5 or more days shall be reported by the certificate holder to the Manager of Enforcement within 7 days of the discontinuation of service. The written report must include the cause of interruption and its probable duration and may be forwarded by email.

(b) A discontinuance in the provision of dispatcher service for 2 or more hours shall be reported by the certificate holder to the Manager of Enforcement in writing within 5 hours of the beginning of the discontinuation of service. The written report must include the cause of interruption and its probable duration and may be forwarded by email.

**Cross References**

This section cited in 52 Pa. Code § 1011.14 (relating to voluntary suspension of certificate).

**§ 1011.14. Voluntary suspension of certificate.**

(a) A certificate holder may apply to place a certificate or individual medallion in a voluntary state of suspension as provided in subsection (c) to avoid penalties for violation of § 1011.13 (relating to interruptions of service).

(b) The Authority will not grant an application for voluntary suspension if the approval will result in a reduction of 5% or more of the aggregate number of authorized medallion taxicabs in Philadelphia.

(c) To request approval from the Authority for the voluntary suspension of a certificate, the certificate holder shall file a completed CPC-1 "Voluntary Suspension Application" with the Director and pay the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The CPC-1 may be obtained at [www.philapark.org/tld](http://www.philapark.org/tld).

(d) 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).

(e) A medallion may be removed from a vehicle by either the Authority or a certificate holder only upon the granting of voluntary suspension as provided by this section. If a medallion is removed by the medallion owner, the medallion shall be delivered to the Authority within 2 business days to be held by the Authority for safekeeping as provided under § 1013.3 (relating to removal of a medallion).

**Authority**

The provisions of this § 1011.14 temporarily amended under 53 Pa.C.S. § 57B02.

**Source**

The provisions of this § 1011.14 amended September 12, 2014, effective September 13, 2014, 44 Pa.B. 5867; temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial pages (373541) to (373542).

**Cross References**

This section cited in 52 Pa. Code § 1011.14 (relating to bidder qualifications); 52 Pa. Code § 1013.3 (relating to removal of a medallion); 52 Pa. Code § 1013.32 (relating to bidder qualifications); and 52 Pa. Code § 1027.15 (relating to commencement of service).

**§ 1011.15. Death or incapacitation of a certificate holder or certain persons with controlling interest.**

(a) *Definitions.* The following word, when used in this section, has the following meaning, unless the context indicates otherwise:

*Incapacitation*—A determination by a court that an individual is incapacitated as provided in 20 Pa.C.S. § 5511 (relating to petition and hearing; independent evaluation) or, for non-Pennsylvania residents, a substantially similar order from a court of competent jurisdiction.

(b) *Death or incapacitation of an individual certificate holder.*

(1) Except as provided in subsection (d), upon the death or incapacitation of an individual certificate holder, the operation or use of Authority rights conferred by the certificate may continue with the legal representative of the deceased or incapacitated certificate holder.

(2) The legal representative of the deceased or incapacitated certificate holder shall immediately notify the Authority in writing upon the death or incapacitation and provide to the Authority the legal representative's mailing address, telephone number and email address along with the applicable documentation proving legal authorization to act on the part of the certificate holder.

(3) The legal representative of the deceased or incapacitated certificate holder shall immediately begin the process of finding a qualified person to buy the transferable rights as provided in Chapter 1027 (relating to sale of rights), including the use of a broker or attorney. Nothing in this section prohibits the legal representative from applying to the Authority to obtain the transferrable rights.

(4) In the event an SA-1 for the transferable right is not correctly filed, as provided in Chapter 1027, within 90 days of the date the certificate holder died or was declared incapacitated, the certificate will be placed out of service as provided in § 1003.32 (relating to out of service designation) and may be cancelled upon determination of a formal complaint filed by the Enforcement Department or trial counsel.

(5) In the event an SA-1 for the transferable right is correctly filed within 90 days of the date the certificate holder died or was declared incapacitated, the rights conferred by the certificate shall continue with the legal representative of the deceased or incapacitated certificate holder for the duration of the SA-1 review period and through closing on the sale.

(6) Paragraphs (4) and (5) do not apply if the transferable right is a medallion.

(c) *Death, incapacitation or dissolution of certain persons with controlling interest in a certificate.*

(1) Except as provided in subsection (d), upon the death, incapacitation or dissolution of a person that owns 5% or more of the certificate holder's securities, the operation or use of the Authority rights conferred by the certificate



may continue with either the certificate holder or with the legal representative of the deceased, incapacitated or dissolved person.

(2) The certificate holder or the legal representative of the deceased, incapacitated or dissolved person shall immediately notify the Authority in writing upon the death, incapacitation or dissolution of the person and provide to the Authority the legal representative's mailing address, telephone number and email address along with the applicable documentation proving legal authorization to act on the part of the deceased, incapacitated or dissolved person.

(3) The certificate holder or the legal representative of the deceased, incapacitated or dissolved person shall immediately begin the process of finding a qualified person to buy the securities of the certificate holder referenced in paragraph (1) as provided in Chapter 1027, including the use of a broker or attorney. Nothing in this section prohibits the certificate holder from acquiring the securities of the person referenced in paragraph (1).

(4) In the event an SA-1 for the sale of the securities referenced in paragraph (1) is not correctly filed as provided in Chapter 1027 within 6 months of the date of the person's death, incapacitation or dissolution, the certificate will be placed out of service as provided in § 1003.32 and may be cancelled upon determination of a formal complaint filed by the Enforcement Department or trial counsel.

(5) In the event an SA-1 for the sale of the securities referenced in paragraph (1) is correctly filed, as provided in Chapter 1027, within 6 months of the date of the person's death, incapacitation or dissolution, the rights conferred by the certificate shall continue for the duration of the SA-1 review period and through closing on the sale.

(6) Paragraphs (4) and (5) do not apply if the transferable right is a medalion.

(d) *Ineligibility of successor or legal representative.* This section may not be interpreted to permit the operation or use of Authority rights by a person otherwise prohibited from the ability to receive Authority rights. For example, the executor of the estate on a deceased individual certificate holder who would be ineligible to possess Authority rights as provided in § 1011.5 (relating to ineligibility due to conviction or arrest) may not operate or supervise the operation of the rights conferred by the certificate.

#### Authority

The provisions of this § 1011.15 temporarily amended under 53 Pa.C.S. § 57B02.

#### Source

The provisions of this § 1011.15 temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial pages (373542) to (373543).

#### Cross References

This section cited in 52 Pa. Code § 1011.17 (relating to limitations); and 52 Pa. Code § 1051.16 (relating to limitations).

### § 1011.16. Power of successors by law.

(a) If a trustee, receiver, assignee, custodian or similar officer or officers is appointed by a court of competent jurisdiction, or is selected by creditors in accordance with provisions of law, with authority to take or retain possession and

to operate the property and business of a certificate holder, the officer shall have authority to perform the service authorized in the certificate of the debtor certificate holder for 90 days from his appointment or selection.

(b) The appointed officer may petition the Authority for authorization to exercise the rights conferred by the certificate for an additional period of time, and the Authority may, for good cause shown, grant authority.

(c) If the petition is filed within 60 days of the appointment or selection of the petitioner, the appointed officer shall have authority to exercise the rights conferred by the certificate pending a decision by the Authority on the petition. Pertinent orders or decrees of the court having jurisdiction may be deemed cause for the granting of petitions by the Authority.

#### **Cross References**

This section cited in 52 Pa. Code § 1011.17 (relating to limitations); and 52 Pa. Code § 1051.16 (relating to limitations).

#### **§ 1011.17. Limitations.**

Operations covered under §§ 1011.15 and 1011.16 (relating to death or incapacitation of a certificate holder or certain persons with controlling interest; and power of successors by law) are subject to the terms and conditions of the certificate of public convenience and may not be conducted without full compliance with the act, this part or an order of the Authority, including insurance coverage.

#### **§ 1011.18. Application review generally.**

Application for rights required by this subpart will be reviewed as provided in § 1003.51 (relating to applications generally).

#### **Cross References**

This section cited in 52 Pa. Code § 1011.18 (relating to application review generally).

#### **§ 1011.19. Exclusive service.**

Taxicabs may transport persons on request on an exclusive basis.

#### **§ 1011.20. Service in unauthorized territory.**

Taxicab service between points outside authorized territory may not be validated by the subterfuge of routing the taxicab through authorized territory. A certificate holder or taxicab driver may not attempt to evade operating rights restrictions by encouraging or causing the passengers to make a theoretical or actual fare-paying break in a trip by routing it through authorized territory.

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