

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

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Cross References

This chapter cited in 52 Pa. Code § 1019.7 (relating to name, colors and markings review).

Subchapter A. GENERAL PROVISIONS

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§ 1017.1. Definitions.

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

Antique vehicle—A motor vehicle, but not a reproduction thereof, that is 25 years old or older as provided in § 1017.3(a) (relating to age and mileage computation), which has been maintained in or restored to a condition, which is substantially in conformance with manufacturer specifications.

Commercial advertisement—An advertisement for which a private individual or entity pays a fee to display that advertisement on the exterior or interior of a taxicab.

Compliance inspection—The inspection of a taxicab or taxicab equipment, or both, by the Authority to assure compliance with the act, this part and orders of the Authority. Anytime the inspection of a taxicab, a meter or other taxicab service-related equipment is required by the act, this part or an order of the Authority it will be a compliance inspection.

Field inspection—The unscheduled inspection of a taxicab by an inspector for compliance with the act, this part and orders of the Authority.

State inspection—The annual inspection required under 75 Pa.C.S. Chapter 47 (relating to inspection of vehicles).

TLD inspection sticker—A certificate of inspection issued and affixed by the Enforcement Department to a vehicle subject to this part upon confirmation of compliance with the act, this part or orders of the Authority after a compliance inspection.

Authority

The provisions of this § 1017.1 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.1 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 (373993) to (373994).

Cross References

This section cited in 52 Pa. Code § 1017.31 (relating to vehicle inspections by the Authority).

§ 1017.2. Preservice inspection.

(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 vehicle may not perform taxicab service without a TLD inspection sticker as provided in § 1017.32 (relating to TLD inspection sticker required).

Cross References

This section cited in 52 Pa. Code § 1013.2 (relating to attachment of a medallion); 52 Pa. Code § 1017.32 (relating to TLD inspection sticker required); 52 Pa. Code § 1017.38 (relating to change of vehicle); and 52 Pa. Code § 1017.42 (relating to prerequisites to inspection).

§ 1017.3. Age and mileage computation.

(a) *Method of age computation.* The age of a taxicab will be determined by comparing its model year to the current model year.

(b) *Imputed mileage.* A vehicle with an odometer reading that differs from the number of miles the vehicle has actually traveled or that has had a prior history involving the disconnection or malfunctioning of an odometer or which appears to the Authority to have an inaccurate odometer reading based on prior inspection records will be assigned an imputed mileage equal to 3,333 miles per month from the last reliable odometer recording through the date of inspection. If a reliable baseline odometer reading cannot be ascertained, the vehicle may not be introduced for service or continue in service as a taxicab.

(c) *Reporting of odometer malfunctions.* A certificate holder or taxicab driver who knows or suspects that the odometer reading of a taxicab differs from the

number of miles the taxicab has actually traveled shall disclose that status to the Enforcement Department immediately.

Cross References

This section cited in 52 Pa. Code § 1017.1 (relating to definitions); and 52 Pa. Code § 1017.4 (relating to age and mileage limitations).

§ 1017.4. Age and mileage limitations.

(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) *Retirement age and mileage.*

(1) Except as provided in subsection (b), a taxicab shall be removed from providing service upon reaching an age of 8 years old, as calculated under § 1017.3(a) (relating to age and mileage computations). For example, the last day on which a 2009 model year vehicle may be operated in taxicab service is December 31, 2017.

(2) Except as provided in subsection (b), a taxicab shall be removed from service upon reaching 350,000 cumulative miles on the vehicle's odometer.

(b) *Antique vehicles.* The Director may authorize the operation of antique vehicles as taxicabs upon review of a petition for waiver as provided in § 1005.23 (relating to petitions for issuance, amendment, repeal or waiver of Authority regulations).

Authority

The provisions of this § 1017.4 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.4 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 (373994) to (373995).

Cross References

This section cited in 52 Pa. Code § 1017.42 (relating to prerequisites to inspection).

§ 1017.5. Basic vehicle standards.

(Editor's Note: Subsection (b)(12) has been recognized as invalid. Germantown Cab Company v. Philadelphia Parking Authority, 155 A.3d 669 (Pa. Cmwlth. 2017).)

(a) *State vehicle standards.* In addition to standards required under the act, this part and orders of the Authority, a taxicab must continually satisfy the appli-

cable Department of Transportation equipment inspection standards in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) when providing taxicab service.

(b) *Standard taxicab vehicle requirements.* Each taxicab is subject to all of the following requirements:

(1) A taxicab must have four functioning and properly aligned doors which comply with the standards provided in 67 Pa. Code Chapter 175. The doors must have the following properly installed and maintained components:

(i) Functional exterior and interior door handles which are operable by passengers.

(ii) Intact door seals (door gaskets and doorway padding).

(iii) Functional windows which are operable by passengers.

(iv) Doors that open without resistance and close securely.

(v) Functional interior door locks which are operable by passengers.

(2) A medallion taxicab shall utilize the services of a dispatcher approved by the Authority under Chapter 1019 (relating to dispatchers) and dispatch-related equipment must function properly.

(3) A medallion taxicab must be equipped with operable technology that is approved by the Authority that facilitates two-way communication.

(4) Except as provided in paragraph (5), the taxicab must have a functioning dome light firmly affixed to its roof. The dome light must be lit when the vehicle is available for service. The dome light must comply with the approved design submitted by the taxicab's certified dispatcher under § 1019.7 (relating to name, colors and markings review).

(5) A rooftop-advertising panel with ends that illuminate to indicate when the taxicab is available for service may be used instead of the dome light, provided that the rooftop-advertising panel meets the requirements in subsection (e).

(6) A taxicab must display taxicab rates approved by the Authority as provided in section 5703 or 5720 of the act, or both (relating to rates; and wages).

(7) A taxicab must be equipped with operable seatbelts for every passenger and the driver.

(8) A taxicab must be equipped with a protective shield which separates the front seat from the back seat and bears the manufacturer's name, or a safety camera system that is approved by the Authority as provided in § 1017.71 (relating to taxicab safety cameras). If a medallion taxicab certificate holder opts to install a protective shield, it must meet the following minimum requirements:

(i) The upper portion of the shield must extend from the top of the front seat to a point not more than 3 inches from the ceiling of the vehicle and must be constructed of a clear, see-through, bullet-resistant material.

(ii) The shield must have either a sliding window controlled by the vehicle operator and capable of being locked by the driver, or a payment

exchange cup or tray or similar device which allows the operator to receive payment from passengers in the back seat of the vehicle without unduly exposing the vehicle operator to danger.

(iii) The upper portion of the shield may not obstruct the vehicle operator's view of the road to the rear of the vehicle.

(iv) The lower portion of the shield must extend the full length of the front seat and be constructed of a bullet-resistant material.

(v) Both the upper and lower portions of the shield must extend from a point flush with the left hand side of the vehicle across the vehicle to a point flush with the right hand side of the vehicle.

(vi) The shield may not have an edge or projection protruding into the area where a passenger or driver will sit or move.

(vii) The shield must be installed in a manner which does not prevent voice communication between the vehicle operator and passengers in the vehicle.

(viii) The shield must be installed in a manner which allows heat and air conditioning to maintain the taxicab's temperature at levels required under paragraph (14).

(ix) The shield must be sufficiently transparent to allow a passenger to easily read the meter and the taxicab driver's certificate.

(9) A taxicab must be equipped with a meter approved for use as provided in § 1017.23 (relating to approved meters) and may not be equipped with a device that has the capability of allowing the meter to register a nonapproved rate.

(10) A taxicab may not be equipped with a push bumper.

(11) The interior, exterior and trunk compartment of a taxicab must be clean so as to present a positive appearance and to prevent possible transfer of dirt, dust, grease, paint or other markings to a passenger's clothing or luggage. A taxicab must be free of objectionable odors. For example, a taxicab may not smell like urine, feces, animals, insects, decomposing organisms, poor human hygiene or garbage.

(12) Upholstery of a taxicab's passenger seats may not be torn in excess of 3 inches or have protruding springs or other material capable of tearing a passenger's skin or clothing. Passenger seat tears in excess of 3 inches shall be properly repaired and may not be mended with tape.

(13) A taxicab's interior must consist of matching features, including door panels.

(14) A functioning air conditioner capable of keeping the interior of the taxicab at a constant temperature between 60° and 78° Fahrenheit.

(15) A taxicab must contain a legible commercially- produced map of the City of Philadelphia for use by the taxicab driver.

(16) A taxicab's exterior paint must be in good repair and consistent with the colors and markings of the taxicab's dispatcher, and the exterior of the vehicle may not have dents larger than 12 inches and may not have loose body panels or bumpers.

(17) In addition to other postings required by this subpart, a taxicab must have posted in the passenger compartment in a place easily observed by passengers, all of the following information:

(i) A prohibition against smoking, eating and drinking while in the taxicab.

(ii) The availability of noncash payment options.

(iii) Information in both written English and Braille on how to submit a taxicab service-related complaint to the Authority.

(iv) The taxicab's dispatcher and the number assigned to the taxicab under § 1017.14 (relating to taxicab numbering).

(18) The Authority may require the installation of a separate heating and air conditioning system in a taxicab if necessary to comply with paragraph (14).

(19) A taxicab must have operational interior lights.

(20) A driver operating a taxicab and who transports a child anywhere in the taxicab shall comply with 75 Pa.C.S. § 4581 (relating to restraint systems).

(21) The taxicab must have a trunk or storage area large enough to accommodate a folded manual wheelchair.

(22) Properly affixed and matching hubcaps or wheel covers for all four tires.

(c) *Interstate travel.* No requirement of this subpart or any Authority regulation may be interpreted to disrupt or interfere with interstate commerce exclusively regulated by or pre-empted by the government of the United States.

(d) *Smoking prohibited.* Persons may not smoke in a taxicab.

(e) *Advertising.*

(1) The display of commercial advertisements on the exterior or interior of a taxicab is permitted only upon 72 hours advanced written notice by the medallion certificate holder to the Director and Manager of Enforcement prior to the display of the advertisement, which must include a color copy of the advertisement and a written description of the advertisement's placement on or within the taxicab. The use of a rooftop-advertising panel as provided in subsection (b)(5) is excluded from the 72 hours advanced written notice requirement.

(2) Commercial advertisements, colors, markings and other displays required by this part must be securely fastened to the taxicab, may not obscure the driver's view in any direction and may not violate any provision of 75 Pa.C.S. (relating to Vehicle Code) or 67 Pa. Code (relating to transportation).

(3) A commercial advertisement will not be permitted if it violates any requirement in § 1017.12 (relating to required markings and information).

(4) A commercial advertisement for display on the exterior or interior of a taxicab will not be permitted as follows:

(i) Advertisements that do not relate primarily to the economic interests of the publisher or its audience, or that do not direct attention to a business, industry, profession, commodity, service, activity, institution, product or entertainment offered for sale.

(ii) Advertisements relating to the sale or use of alcohol, tobacco products or firearms.

(iii) Advertisements that relate to sexually-oriented businesses, products or services.

(iv) Advertisements that are obscene or pornographic.

(v) Advertisements relating to political campaigns or ballot measures.

(vi) Advertisements that are false, misleading, defamatory or infringe on any copyright, trade or service mark, title or slogan.

(f) *Inspection by medallion taxicab certificate holder.* A medallion taxicab certificate holder shall inspect each of its taxicabs on a daily basis to confirm that the taxicab complies with this subpart. A medallion taxicab certificate holder may select a person to conduct the inspections required under this subsection on the medallion taxicab certificate holder's behalf.

Authority

The provisions of this § 1017.5 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.5 amended October 24, 2014, effective October 25, 2014, 44 Pa.B. 6769; 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 (373995) to (373998).

Cross References

This section cited in 52 Pa. Code § 1017.31 (relating to vehicle inspections by the Authority); 52 Pa. Code § 1017.71 (relating to taxicab safety cameras); and 52 Pa. Code § 1021.11 (relating to driver requirements).

§ 1017.6. Required documents.

A taxicab must contain the following documents for review by an inspector upon request:

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(1) Proof of current and valid financial responsibility as required under Chapter 1025 (relating to insurance required) and section 5704 of the act (relating to power of authority to require insurance).

(2) Vehicle registration issued by the Department of Transportation and a copy of the vehicle or medallion lease, if applicable.

Authority

The provisions of this § 1017.6 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.6 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 (373998).

§ 1017.7. Transportation of blind, deaf or physically disabled persons with service animals.

Taxicabs must transport dogs trained for the purpose of assisting blind, deaf or physically disabled persons when accompanying blind, deaf or physically disabled persons paying a regular fare. The guide dogs shall be properly leashed and may not occupy a seat.

§ 1017.8. Wheelchair accessible vehicle taxicab specifications.

(a) *Basic requirements.* WAV taxicabs must be in compliance with the requirements applicable to taxicabs, except when deviations are authorized or required by the act, this part or an order of the Authority.

(b) *Standard specifications for WAV taxicabs.* In addition to the requirements of subsection (a), a WAV taxicab is a vehicle that has been inspected and approved by the Enforcement Department as meeting all of the following requirements:

(1) *Mobility and accessibility.*

(i) The lift/ramp width must be 30 inches minimum.

(ii) The design load of the lift/ramp must be at least 600 pounds.

(iii) Controls for the lift/ramp must be interlocked with the vehicle to ensure that the vehicle cannot be moved while the lift/ramp is in operation.

(iv) Controls for the lift/ramp must be of the momentary contact type requiring continuous manual pressure to operate.

(v) The lift/ramp must be equipped with an emergency deployment method in the event of power or mechanical failure.

(vi) The installation of a lift/ramp must include provisions to prevent the lift/ramp from falling or folding any faster than 12 inches/second in the event of any failure of the load-carrying component.

(vii) The lift/ramp platform must be equipped with handrails on two sides, a minimum of 8 inches long and 30 inches above the platform, and move in tandem with the lift/ramp.

(viii) The lift/ramp platform must have barriers at least 2 inches or higher to prevent mobility aid wheels from slipping off.

(ix) Lift/platform surfaces must be continuous and slip resistant, and accommodate four-wheel and three-wheel mobility aids.

(x) The transition from roadway or sidewalk and the transition from vehicle floor to the ramp may be vertical without edge treatment up to 1/4 inch.

(xi) Ramps must have the least slope practical and may not exceed 1:4 when deployed to ground level.

(xii) The lift/ramp attachment must be firmly attached to the vehicle so that it is not subject to displacement when loading or unloading a heavy mobility aid and the gap between the vehicle and ramp may not exceed 5/8 inch.

(2) *Doors, steps and thresholds.*

(i) For vehicles 22 feet in length or less, the overhead clearance between the top of the door opening. The raised life platform or highest point of the ramp must be a minimum of 56 inches.

(ii) Vehicle doorways in which a lift/ramp is installed must have an outside light, which, when the door is open, provides at least 1 foot-candle of illumination on the street surface for a distance of 3 feet perpendicular to the lift/ramp. The light must be shielded to protect the eyes of entering and exiting passengers.

(3) *Interior compartment.*

(i) Floor areas where people walk and securement locations must have slip-resistant surfaces.

(ii) A minimum clear floor area of 30 inches by 48 inches must be provided for each wheelchair position.

(iii) Regarding seating configuration, vehicles 22 feet in length or less must provide forward/rear seating only.

(iv) Ramp stowage must be accomplished in a manner as not to pose a hazard to passengers or impinge on a passenger's mobility aid.

(v) Interior handrails and stanchions must permit sufficient turning and maneuvering space for mobility aids to reach securement location from lift/ramp.

(vi) Handrails and stanchions must be provided in the entrance to the vehicle in a configuration which allows people to grasp the assists from outside the vehicle while starting to board, and to continue using the assists throughout the boarding process.

(4) *Secure systems.*

(i) There must be four tie down straps for each wheelchair position.

(ii) For each mobility aid securement device, a passenger seat belt and shoulder harness must be provided for use by mobility aid users. These belts may not be used instead of a device which secures the mobility aid itself.

(iii) Securement systems must be stowed in a way as not to present a hazard to passengers when not in use.

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(c) *Current vehicles.* Taxicabs authorized by the Authority on August 30, 2014, that are capable of providing taxicab service to a person in a wheelchair without the need for the person to exit the wheelchair are exempt from the requirements of subsection (b). The exemption provided in this subsection expires when the exempted vehicle is removed from taxicab service and does not run with the associated medallion or certificate of public convenience.

Authority

The provisions of this § 1017.8 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.8 adopted August 29, 2014, effective August 30, 2014, 44 Pa.B. 5662; 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 (373999) to (374001).

Cross References

This section cited in 52 Pa. Code § 1011.2 (relating to definitions).

Subchapter B. COLORS AND MARKINGS

- Sec.
1017.11. Distinctive colors and markings.
1017.12. Required markings and information.
1017.13. Removal of name, colors and markings.
1017.14. Taxicab numbering.

§ 1017.11. Distinctive colors and markings.

(a) *Taxicabs generally.*

(1) A taxicab must display the same colors and markings of its dispatcher that is on file with the Authority as provided in § 1019.7 (relating to name, colors and markings review).

(2) The doors and the rear quarter panels of the taxicab must be dedicated to information about the dispatcher, including its name and phone number.

(3) A taxicab may not use the services of more than one dispatcher.

(b) *Partial-rights taxicabs.* Taxicabs operated through a partial-rights certificate must have the same colors and markings.

(c) *Simulation of colors and markings.* A person may not mark, paint or design the exterior appearance of a taxicab to display inaccurate information, including an association with a dispatcher to which the vehicle is not associated.

Authority

The provisions of this § 1017.11 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.11 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 page (374001).

Cross References

This section cited in 52 Pa. Code § 1019.7 (relating to name, colors and markings review).

§ 1017.12. Required markings and information.

(a) In addition to the name, colors and markings required under § 1019.7 (relating to name, colors and markings review), a taxicab must continually display all of the following markings and information:

(1) The identification number required under § 1017.14 (relating to taxicab numbering) must be posted on the front fenders of the taxicab and on the rear of the taxicab in print at least 3 inches in height and at least 1/2 inch in width.

(2) Current State certificates of inspection stickers affixed to the lower driver side windshield as provided in 75 Pa.C.S. § 4728 (relating to display of certificate of inspection).

(3) Current inspection stickers required under § 1017.32 (relating to TLD inspection sticker required) must be attached to the lower passenger side windshield.

(4) If the vehicle is a medallion taxicab, the current medallion must be attached to the hood of the vehicle.

(5) A taxicab must be registered with the Department of Transportation and obtain commercial registration plates identifying the vehicle as a taxicab bearing the letters "TX."

(6) If a taxicab is equipped with an approved safety camera system under § 1017.71 (relating to taxicab safety cameras), public notices must be affixed prominently to the exterior and interior of the taxicab as provided in § 1017.77 (relating to public notice).

(b) The Authority may produce the standardized postings required by this part for taxicabs and may permit certificate holders to produce substantially similar postings. The Authority will specify the location of each posting.

Authority

The provisions of this § 1017.12 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.12 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 (374002).

Cross References

This section cited in 52 Pa. Code § 1017.5 (relating to basic vehicle standards); and 52 Pa. Code § 1017.77 (relating to public notice).

§ 1017.13. Removal of name, colors and markings.

(a) A vehicle may not be operated with the name, colors and markings of a taxicab unless the vehicle is authorized for taxicab service as provided in this part.

(b) The name, colors and markings identifying a vehicle as a taxicab shall be removed by the certificate holder within 72 hours of the removal of a medallion or other event which prohibits a vehicle from providing taxicab service. For example, a vehicle's dispatcher name, taxicab colors and markings shall be

removed when the vehicle is sold, the vehicle is removed from service due to mileage or age restrictions, or is otherwise not intended to immediately reinstate taxicab service under this part.

§ 1017.14. Taxicab numbering.

(a) *Medallion taxicabs.* The identification number of a medallion taxicab will be the number on the medallion attached to the taxicab.

(b) *Partial-rights taxicabs.*

(1) Each partial-rights certificate holder shall notify the Director by filing Form PRT-2 "Vehicle Numbering" of its intention to use a new identification number for a taxicab or to reassign an existing number to a different taxicab. The PRT-2 may be obtained on the Authority's web site at www.philapark.org/tld.

(2) The Director may deny the requested partial-rights taxicab number assignment if it is determined that the requested number may lead to regulatory or public confusion.

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

(1) Taxicabs with rights through 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 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 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.

(4) Taxicabs with rights through 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.

Authority

The provisions of this § 1017.14 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.14 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 (374002) to (374003).

Cross References

This section cited in 52 Pa. Code § 1011.2 (relating to definitions); 52 Pa. Code § 1017.5 (relating to basic vehicle standards); and 52 Pa. Code § 1017.12 (relating to required markings and information).

Subchapter C. METERS

- Sec.
 1017.21. Taxicab meters.
 1017.22. Meter calibration and testing.
 1017.23. Approved meters.
 1017.24. Meter activation and display.
 1017.25. One meter.
 1017.26. Certificate holder responsible.

§ 1017.21. Taxicab meters.

(*Editor's Note:* Subsection (b) 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) *Generally.* Each taxicab must be equipped with one sealed meter that satisfies the requirements in this subchapter.

(b) *Inspection and seals.*

(1) A taxicab meter will be inspected by the Authority prior to use.

(2) The Authority will conduct meter accuracy testing to assure the meter is calibrated as provided in § 1017.22 (relating to meter calibration and testing).

(3) Each taxicab meter must be equipped with a tamper-resistant seal to ensure that it is incapable of unauthorized access or manipulation of the data contained therein or to charge a fare not authorized by the Authority as provided in section 5703 or 5720 of the act, or both (relating to rates; and wages). Upon determining that a meter functions properly, the Enforcement Department will attach a numbered seal to the meter, if applicable.

(4) A meter may not be used in a taxicab unless it is sealed as provided in paragraph (3). If the seal becomes broken or damaged, the certificate holder shall remove the taxicab from service immediately and schedule a new meter inspection by the Enforcement Department.

(c) *Location of meter.* The meter shall be installed in the center of the driver portion of the taxicab in a position that permits the passenger to view the current fare.

Authority

The provisions of this § 1017.21 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.21 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 (374004).

Cross References

This section cited in 52 Pa. Code § 1017.26 (relating to certificate holder responsible); and 52 Pa. Code § 1021.11 (relating to driver requirements).

§ 1017.22. Meter calibration and testing.

(a) A taxicab meter must be calibrated in accordance with the certificate holder's approved tariff or standard rates set by the Authority and meters must

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otherwise properly calculate fares, including the assigned monetary rates, calculations of time and calculations of distance traveled.

(b) Meter testing may include the road operation of the taxicab with an inspector while the meter is engaged.

(c) A meter must be able to pass an accuracy test conducted by an inspector at any time.

Cross References

This section cited in 52 Pa. Code § 1017.21 (relating to taxicab meters); and 52 Pa. Code § 1017.215 (relating to taxicab meters).

§ 1017.23. Approved meters.

(a) The Authority will maintain a list of meters approved for use in taxicabs. The list of approved taxicab meters may be obtained from the Authority's web site at www.philapark.org/tld.

(b) A certificate holder may request to the Director in writing for the approval of the use of a new taxicab meter technology system. The request must include a detailed description of the technology, its technological specifications and functionality, which must meet the requirements of § 1017.24 (relating to meter activation and display).

Authority

The provisions of this § 1017.23 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.23 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 (374004).

Cross References

This section cited in 52 Pa. Code § 1017.5 (relating to basic vehicle standards); 52 Pa. Code § 1017.24 (relating to meter activation and display); 52 Pa. Code § 1017.51 (relating to definitions); and 52 Pa. Code § 1019.8 (relating to dispatcher requirements).

§ 1017.24. Meter activation and display.

(a) A taxicab meter may not be in operation before the taxicab is engaged by a passenger. The taxicab meter must be in operation during the entire time the vehicle is engaged by a passenger.

(b) A taxicab passenger shall be required to pay only the amount recorded by the taxicab meter.

(c) The meter must continuously display the current rate charged for an active fare and the display must be visible to the passenger.

(d) The meters in every taxicab must have properly attached and approved receipt printers specified by the Authority in § 1017.23 (relating to approved meters), including all of the following:

(1) The ability to issue a receipt containing information required by the Authority, including all of the following:

(i) The mileage of the trip and amount paid, expressed in United States dollars.

(ii) The vehicle's taxicab number.

- (iii) The taxicab's dispatcher.
- (iv) The driver's certificate number.
- (v) The Authority's phone number or email address to be used to report complaints.
- (vi) The time and date of the fare.
- (2) The ability to provide drivers with driving directions through a global positioning system.
- (3) Global positioning system tracking to monitor the location of each taxicab and provide driving directions to the taxicab driver.
- (4) The ability to pay fares through the use of credit card and debit card processing hardware mounted in the passenger compartment. A transaction, processing or other fees associated with the acceptance of a credit card or debit card fare payment and delivery of the fare payment to the taxicab driver may not exceed 5% of the total fare amount.
- (5) A driver recognition function to permit only Authority certified drivers in possession of a taxicab driver's certificate to activate and then use the meter to provide taxicab service.
- (6) The ability to be remotely disabled by the Authority.
- (7) The ability to communicate voice and text messages between the driver, dispatcher and the Authority.
- (e) A meter system may include a distress button that can be easily activated by a driver to silently communicate to the dispatcher the need for emergency assistance.
- (f) Partial-rights certificate holders are not required to comply with subsection (d).

Authority

The provisions of this § 1017.24 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.24 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 (374004) and (379967).

Cross References

This section cited in 52 Pa. Code § 1011.11 (relating to record retention); 52 Pa. Code § 1017.23 (relating to approved meters); 52 Pa. Code § 1017.63 (relating to receipts); 52 Pa. Code § 1021.11 (relating to driver requirements); and 52 Pa. Code § 1021.12 (relating to additional requirements).

§ 1017.25. One meter.

A taxicab is prohibited from containing a taxicab meter other than the approved meter inspected by the Authority and sealed by the Authority, if applicable.

Authority

The provisions of this § 1017.25 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.25 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 (379967).

§ 1017.26. Certificate holder responsible.

The certificate holder shall inspect each taxicab meter prior to service each day to assure it has been approved for use by the Authority, is sealed as provided in § 1017.21(b)(3) (relating to taxicab meters) and is in proper working order. Unsealed or improperly sealed meters and malfunctioning meters shall be reported to the Enforcement Department immediately. A certificate holder may select a person to conduct the inspections required under this subsection on the certificate holder's behalf.

Subchapter D. TAXICAB INSPECTIONS

Sec.

- 1017.31. Vehicle inspections by the Authority.
- 1017.32. TLD inspection sticker required.
- 1017.33. Failure to appear for scheduled inspection.
- 1017.34. Field inspections.
- 1017.35. Failure to submit to field inspection.
- 1017.36. Reinspection.
- 1017.37. Inspection subsequent to vehicular accident or damage.
- 1017.38. Change of vehicle.
- 1017.39. License plate change.
- 1017.40. Transfer inspection.
- 1017.41. Attendance at scheduled inspection.
- 1017.42. Prerequisites to inspection.
- 1017.43. Approved models and conditions.
- 1017.44. Reconstructed vehicles prohibited.

Cross References

This subchapter cited in 52 Pa. Code § 1017.84 (relating to procedure to place a stand-by vehicle into service).

§ 1017.31. Vehicle inspections by the Authority.

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

(a) *Manner and frequency of inspection.* Twenty-five percent of medallion taxicabs operating in Philadelphia must submit to a scheduled compliance inspection by the Authority on an annual basis at a time and location designated by the Authority. Each inspection will be conducted to verify that the taxicab satisfies the mechanical inspection required under 75 Pa.C.S. Chapter 47 (relating to inspection of vehicles) and vehicle quality standards as provided in § 1017.5 (relating to basic vehicle standards).

(b) *Selection process.* The inspection selection process will be done using a computer software application utilized by the Authority to randomly select medallion taxicabs for inspection. At no time will the same medallion taxicab be required to submit to an annual inspection in the same calendar year.

(c) *Notice.* The Authority will issue notice of the scheduled inspection to the corresponding medallion taxicab certificate holder within 14 days prior to the scheduled inspection.

(d) *State inspections.* A medallion taxicab certificate holder may elect to have the Authority conduct a State inspection as defined in § 1017.1 (relating to definitions) upon request to the Authority, either at the time of the scheduled inspection under subsection (a) or at a time and place designated by the Authority. Upon a taxicab failing a State inspection conducted by the Authority under this subsection, the taxicab will be immediately placed out of service under § 1003.32 (relating to out of service designation) until the taxicab either passes a subsequent State inspection conducted by the Authority or is presented to the Enforcement Department with proof that it has passed a State inspection and current certificates of inspection are affixed to the vehicle as provided in 75 Pa.C.S. § 4728 (relating to display of certificate of inspection).

(e) *Fees.*

(1) *Authority compliance inspection.* Beginning November 4, 2016, the fee for an annual Authority compliance inspection conducted under subsection (a) is \$25 and payment shall be made at the time of the inspection under § 1001.42 (relating to mode of payment to the Authority). The compliance inspection fee will be posted on the Authority's web site at www.philapark.org/tld as provided in § 1001.43 (relating to Authority fee schedule).

(2) *State inspection.* The fee for a State inspection conducted under subsection (d) is \$50 beginning February 25, 2017, and ending June 30, 2017, or when a new fee schedule is adopted under sections 5707 and 5710 of the act (relating to budget and assessments; and fees), whichever is later. Payment shall be made at the time of the inspection under § 1001.42. The current State inspection fee will be posted on the Authority's web site at www.philapark.org/tld as provided in § 1001.43.

Authority

The provisions of this § 1017.31 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.31 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 (373113).

Cross References

This section cited in 52 Pa. Code § 1011.11 (relating to record retention); 52 Pa. Code § 1017.11 (relating to distinctive colors and markings); 52 Pa. Code § 1017.32 (relating to TLD inspection sticker required); 52 Pa. Code § 1017.33 (relating to failure to appear for scheduled inspection); and 52 Pa. Code § 1017.83 (relating to procedure to place a stand-by vehicle into service).

§ 1017.32. TLD inspection sticker required.

(a) The Authority will affix a TLD inspection sticker to the lower right hand side of the taxicab's windshield upon successful completion of the following inspections:

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- (1) Each taxicab compliance inspection as provided in § 1017.31 (relating to vehicle inspections by the Authority).
 - (2) A reinspection as provided in § 1017.36 (relating to reinspection).
 - (3) A compliance inspection as provided in § 1017.2 (relating to preservice inspection).
- (b) A taxicab may not provide service unless a current TLD inspection sticker is properly affixed to the taxicab.
- (c) Each TLD inspection sticker will be valid only until the taxicab is presented to the Authority for another inspection, except as provided in § 1017.34 (relating to field inspections).

Authority

The provisions of this § 1017.32 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.32 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 (373113).

Cross References

This section cited in 52 Pa. Code § 1017.2 (relating to preservice inspection); 52 Pa. Code § 1017.12 (relating to required markings and information); 52 Pa. Code § 1017.35 (relating to failure to submit to field inspection); and 52 Pa. Code § 1017.51 (relating to definitions).

§ 1017.33. Failure to appear for scheduled inspection.

If a taxicab fails to appear for an inspection as provided in § 1017.31 (relating to vehicle inspections by the Authority), the certificate holder may be subject to a penalty through issuance of a formal complaint and an out of service designation under § 1003.32 (relating to out of service designation).

Authority

The provisions of this § 1017.33 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.33 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 (373113).

§ 1017.34. Field inspections.

- (a) Inspectors may stop and inspect taxicabs in operation, or appearing to be in operation, to ensure continued compliance with the act, this part or any order of the Authority.
- (b) Upon field inspection, an inspector may instruct a taxicab driver to drive the taxicab directly to TLD Headquarters for a compliance inspection if the inspector believes that the taxicab is not in compliance with this chapter and represents a public safety concern.

Cross References

This section cited in 52 Pa. Code § 1017.32 (relating to TLD inspection sticker required); 52 Pa. Code § 1017.41 (relating to attendance at scheduled inspection); and 52 Pa. Code § 1017.42 (relating to prerequisites to inspection).

§ 1017.35. Failure to submit to field inspection.

(a) Upon instruction by an inspector, a taxicab driver shall stop the taxicab and permit the inspector to conduct a field inspection of the taxicab.

(b) If a taxicab driver fails to permit a full field inspection, the taxicab may be placed out of service, as provided in § 1003.32 (relating to out of service designation).

§ 1017.36. Reinspection.

If a taxicab fails any Authority inspection or is removed from taxicab service for any reason, the taxicab may not resume taxicab service until a compliance inspection is successfully completed by the Authority.

Cross References

This section cited in 52 Pa. Code § 1003.32 (relating to out of service designation); and 52 Pa. Code § 1017.32 (relating to TLD inspection sticker required).

§ 1017.37. Inspection subsequent to vehicular accident or damage.

(a) A taxicab is prohibited from providing service after it is involved in one or more of the following:

(1) An incident that shall be reported to the police under 75 Pa.C.S. § 3746 (relating to immediate notice of accident to police department).

(2) An incident resulting in damage to the taxicab which requires replacement or repair to any of the following parts of the taxicab:

(i) Airbags or passenger restraints.

(ii) An axle.

(iii) The vehicle's frame.

(3) An incident involving any contact with a taxicab which renders it incapable of being legally operated on a highway.

(b) The certificate holder and driver shall contact the police and then the Manager of Enforcement immediately upon the occurrence of any incident in subsection (a) and the certificate holder shall remove the taxicab from service.

(c) For a vehicle to reenter service after the occurrence of a condition referenced in subsection (a), the certificate holder shall schedule a compliance inspection with the Authority. The Authority will not charge a fee for an inspection conducted under this subsection.

(d) On or before the scheduled time for the Authority compliance inspection required under subsection (c), the certificate holder shall provide the Authority with a written list of the repairs made to the taxicab subsequent to the incident which caused it to be removed from service. The list of repairs required under this subsection shall be provided on the letterhead of the repair facility and executed by the repairman.

Cross References

This section cited in 52 Pa. Code § 1021.15 (relating to taxicab driver reports after accident).

§ 1017.38. Change of vehicle.

(a) *Medallion removal.* In addition to the requirements in §§ 1013.2 and 1013.3 (relating to attachment of a medallion; and removal of a medallion), a medallion may not be attached to a different vehicle unless the vehicle has completed a compliance inspection.

(b) *Temporary registration.*

(1) At the time a vehicle is presented to the TLD for a compliance inspection as provided in § 1017.2 (relating to preservice inspection), a medallion taxicab certificate holder may present a temporary State registration (pink slip) in a form permissible by the Department of Transportation such as Form MV-1 or MV-4ST which has been approved by the TLD under § 1017.42(c) (relating to prerequisites to inspection).

(2) The medallion taxicab certificate shall obtain a permanent registration card from the Department of Transportation and provide a copy of the permanent registration card to the Enforcement Department no later than 30 days from the date the vehicle was issued a TLD inspection sticker.

Authority

The provisions of this § 1017.38 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.38 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 (372511).

Cross References

This section cited in 52 Pa. Code § 1017.42 (relating to prerequisites to inspection).

§ 1017.39. License plate change.

(a) A taxicab may not be operated with a license plate other than that which was assigned and attached to the taxicab at the time of its last compliance inspection.

(b) A license plate other than the one referenced in subsection (a) may be attached to a taxicab only after email notification to the Manager of Enforcement. The notification must include the reason the replacement is to be made and the new license plate number.

§ 1017.40. Transfer inspection.

A taxicab subject to the transfer of a certificate or medallion or from one certificate holder to another must have completed a compliance inspection before it provides taxicab service.

§ 1017.41. Attendance at scheduled inspection.

(a) The certificate holder or its attorney-in-fact shall attend each taxicab inspection conducted by the Authority, except field inspections as provided in § 1017.34 (relating to field inspections).

(b) The attorney-in-fact shall appear with the original power of attorney, which shall be in compliance with § 1001.28 (relating to power of attorney).

§ 1017.42. Prerequisites to inspection.

(a) The Authority will not initiate an inspection of a taxicab, except as provided in § 1017.34 (relating to field inspections), if the taxicab is out of compliance with the act, this part or an order of the Authority.

(b) The Authority will not initiate an inspection of a taxicab, except as provided in § 1017.34, if the certificate holder is out of compliance with the act, this part or an order of the Authority, including the following sections:

- (1) Section 1011.3 (relating to annual rights renewal process).
- (2) Section 1011.5 (relating to ineligibility due to conviction or arrest).
- (3) Section 1011.7 (relating to payment of outstanding fines, fees and penalties).

(c) Prior to a vehicle first entering into taxicab service as provided in §§ 1017.2 and 1017.38 (relating to preservice inspection; and change of vehicle), a medallion taxicab certificate holder shall present to the Authority for approval the documents required by the Department of Transportation necessary to title and commercially register the vehicle as a taxicab in the certificate holder's name.

(1) Documentation required to be submitted to the Authority under this subsection must contain proof of insurance for the vehicle that is maintained by the certificate holder and as evidenced on the certificate of insurance on file with the Authority under Chapter 1025 (relating to insurance required).

(2) Documentation required to be submitted to the Authority under this subsection will be reviewed for compliance under §§ 1017.4, 1017.43 and 1017.44 (relating to age and mileage limitations; approved models and conditions; and reconstructed vehicles prohibited).

(d) A taxicab determined to be unfit for inspection due to a violation of this section will be placed out of service as provided in § 1003.32(c) (relating to out of service designation).

Authority

The provisions of this § 1017.42 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.42 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 (372512).

Cross References

This section cited in 52 Pa. Code § 1017.38 (relating to change of vehicle).

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§ 1017.43. Approved models and conditions.

The Authority will publish a list of approved makes and models of vehicles permitted for use as taxicabs, which will be available at www.philapark.org/tld. The list of approved makes and models of vehicles is not exclusive and may be amended upon written request to the Manager of Enforcement.

Cross References

This section cited in 52 Pa. Code § 1017.42 (relating to prerequisites to inspection).

§ 1017.44. Reconstructed vehicles prohibited.

Salvaged or reconstructed vehicles may not provide taxicab service.

Cross References

This section cited in 52 Pa. Code § 1017.42 (relating to prerequisites to inspection).

Subchapter E. IMPOUNDMENT OF VEHICLES AND EQUIPMENT

Sec.

1017.51. Definitions.

1017.52. Impoundment of vehicles and equipment.

§ 1017.51. Definitions.

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

Impoundable offense—The occurrence of any of the following circumstances is an impoundable offense:

- (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 creates an immediate threat to public safety if permitted to continue operation.
- (iv) The continued operation of a taxicab by the driver creates 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 regis-

tering 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 (relating to certificate and medallion required) under current authorization from the PUC.

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

Source

The provisions of this § 1017.51 amended June 20, 2014, effective June 21, 2014, 44 Pa.B. 3764. Immediately preceding text appears at serial page (360432).

§ 1017.52. Impoundment of vehicles and equipment.

(a) *Impoundment.* Upon observation of an impoundable offense, the Enforcement Department may direct the immediate impoundment of a vehicle, equipment or medallion under section 5714(g) of the act (relating to certificate and medallion required) 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. 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.

(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) If 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) If the presiding officer determines that the impoundment was proper, the impounded property may be returned to the respondent, by order, upon payment of towing and storage fees and costs, and either of the following conditions, or both, if ordered by the presiding officer:

(i) The impounded property will be inspected by the Enforcement Department to ensure that it no longer represents a threat to public safety.

(ii) Payment of the collateral the presiding officer finds necessary to secure the attendance of the respondent at a subsequent hearing regarding the impoundment.

(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, by 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 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, and any fees, costs or collateral paid by the respondent as provided in subsection (c)(4) will be refunded.

(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.*

(1) If the respondent is found liable as provided in subsection (g)(2), the impounded property may be reclaimed upon payment of the penalties, fees and costs imposed by order. The presiding officer may order the Enforcement Department to inspect the impounded property as a condition of release to ensure that it no longer represents a threat to public safety.

(2) Except as provided in paragraph (3), the registered owner may reclaim the impounded property at any time prior to a final determination as provided in subsection (g)(2) upon payment of the penalties requested in the Enforcement Department complaint and the fees and costs associated with the impoundment. The Enforcement Department will inspect the impounded property subject to release by this paragraph to ensure that it no longer represents a threat to public safety.

(3) Impounded property may not be released as provided in paragraph (2) prior to a determination of a motion to intervene, as provided in subsection (f).

Source

The provisions of this § 1017.52 amended June 20, 2014, effective June 21, 2014, 44 Pa.B. 3764. Immediately preceding text appears at serial pages (360433) to (360434).

Subchapter F. TAXICAB LEASES

Sec.

1017.61. Control of vehicle.

1017.62. Taxicab leases.

1017.63. Receipts.

§ 1017.61. Control of vehicle.

Each certificate holder shall supervise the use of its taxicabs to assure that each taxicab is operated in compliance with the act, this part or an order of the Authority.

§ 1017.62. Taxicab leases.

(a) *Lessees.*

(1) A taxicab may be leased to a taxicab driver.

(2) A taxicab may not be subject to a sublease agreement.

(b) *Basic components of a lease.* A taxicab lease must be in writing and contain information required by the Authority, including the following:

(1) The name, address and telephone contact information for each party.

- (2) The certificate number or medallion number, or both, subject to the lease.
 - (3) The term of the lease.
 - (4) The monetary consideration for the lease, in United States dollars.
 - (5) Other consideration to be paid by a taxicab driver if different from that in paragraph (4).
 - (6) Specification of any service limitation of the taxicab in a city of the first class, including those related to partial-rights taxicabs.
 - (7) Written confirmation that a lease may be ended by either party only upon 10 days notice, or a period equal to the lease term if less than 10 days. This paragraph does not limit the rights of a party to terminate the lease for breach.
 - (8) The original dated and witnessed signature of the certificate holder and the taxicab driver.
 - (9) The driver's certificate number and the expiration date then appearing on the driver's certificate.
- (c) *Copies of lease.* A copy of a taxicab lease agreement shall be provided to the taxicab driver and a second copy must be in the taxicab for review by the Authority, the PUC or law enforcement upon demand.
- (d) *Retention of lease.* The certificate holder shall retain copies of each taxicab lease as provided in § 1011.11 (relating to record retention).

§ 1017.63. Receipts.

- (a) A taxicab certificate holder shall provide to each of its taxicab drivers a receipt book to note any payment received for taxicab service in the event the meter does not provide a receipt as provided in § 1017.24 (relating to meter activation and display). Each receipt must provide information substantially similar to that required under § 1017.24 and identify the taxicab certificate holder's name and contact information, including address and telephone number.
- (b) The Authority may design and require the use of standardized receipts.

Cross References

This section cited in 52 Pa. Code § 1021.11 (relating to driver requirements).

Subchapter G. SAFETY CAMERAS

- Sec.
- 1017.71. Taxicab safety cameras.
 - 1017.72. Safety camera system testing.
 - 1017.73. Approved safety camera system.
 - 1017.74. Safety camera requirements.
 - 1017.75. One safety camera system.
 - 1017.76. Certificate holder responsible.

- 1017.77. Public notice.
- 1017.78. Accessing safety camera images.
- 1017.79. Storage of safety camera images.

Source

The provisions of this Subchapter G adopted October 24, 2014, effective October 25, 2014, 44 Pa.B. 6769, unless otherwise noted.

§ 1017.71. Taxicab safety cameras.

Beginning November 4, 2016, a taxicab must be equipped with a protective shield as provided in § 1017.5 (relating to basic vehicle standards) or one safety camera system approved by the Authority as provided in § 1017.73 (relating to approved safety camera system).

Authority

The provisions of this § 1017.71 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.71 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 (379969).

Cross References

This section cited in 52 Pa. Code § 1017.12 (relating to required markings and information).

§ 1017.72. Safety camera system testing.

A safety camera system is subject to a field inspection by an inspector at any time and may be tested as part of each scheduled inspection.

Authority

The provisions of this § 1017.72 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.72 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 (379969) to (379970).

§ 1017.73. Approved safety camera system.

- (a) The Authority will maintain a list of safety camera systems approved for use in taxicabs. The list may be obtained from the Authority's website at www.philapark.org/tld.
- (b) A safety camera system may be added to the list maintained under this section upon request of a certificate holder and evidence of compliance with this subchapter.
- (c) A taxicab safety camera system will be inspected by the Authority prior to being placed on the Authority's approved list as provided in subsection (a).
- (d) The Authority will conduct safety camera system testing to ensure the system meets the requirements of this subchapter.

Authority

The provisions of this § 1017.73 temporarily amended under 53 Pa.C.S. § 57B02.

Ch. 1017 VEHICLE AND EQUIPMENT REQUIREMENTS 52 § 1017.74

Source

The provisions of this § 1017.73 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 (379970).

Cross References

This section cited in 52 Pa. Code § 1017.71 (relating to taxicab safety cameras).

§ 1017.74. Safety camera requirements.

(a) The purpose of this section is to establish certain minimum safety camera system requirements.

(b) The safety camera system must be turned on and operational at all times when a taxicab's motor is running.

(c) The safety camera system may not make an audio recording.

(d) The safety camera system must be able to record data including all of the following:

(1) The full face of the driver and all occupants seated in passenger seats and facing forward.

(2) The date and time of the recording.

(3) The taxicab number.

(4) The safety camera serial number.

(e) The safety camera system must record and store images in one of the following ways:

(1) In a unit separate from any camera that is concealed from view and fastened securely to the vehicle.

(2) In the camera unit itself.

(3) In a digital cloud.

(f) Each safety camera system must be equipped with a tamper-resistant seal to ensure that it is incapable of unauthorized access or manipulation of the data contained. If the seal of a safety camera system becomes broken or damaged, the certificate holder shall remove the taxicab from service immediately and notify the Enforcement Department.

Authority

The provisions of this § 1017.74 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.74 amended March 4, 2016, effective March 5, 2016, 46 Pa.B. 1203; 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 (379970) to (379971).

§ 1017.75. One safety camera system.

A taxicab is prohibited from containing a safety camera system other than the approved safety camera system that has been inspected and approved by the Authority for use in that taxicab.

§ 1017.76. Certificate holder responsible.

(a) The certificate holder shall inspect each taxicab safety camera system prior to service each day to ensure it is in compliance with this subchapter and is in proper working order. A certificate holder may select a person to conduct the inspections required under this section on the certificate holder's behalf.

(b) In the event that a safety camera system is not fully operational, the taxicab shall be taken out of service and the Enforcement Department shall be notified immediately.

Authority

The provisions of this § 1017.76 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.76 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 (379971).

§ 1017.77. Public notice.

(a) The Authority will produce a standardized posting to be displayed on taxicabs to provide public notice of the presence of the safety camera system in each taxicab as provided in § 1017.12(b) (relating to required markings and information).

(b) The notice required under this section must be affixed prominently to the exterior and interior of every taxicab that employs the use of a safety camera system.

(c) A taxicab equipped with an approved safety camera shall be presented to the Enforcement Department for issuance of the posting required under this section prior to providing taxicab service.

Authority

The provisions of this § 1017.77 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.77 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 (379971).

Cross References

This section cited in 52 Pa. Code § 1017.12 (relating to required markings and information).

§ 1017.78. Accessing safety camera images.

(a) *Purpose.* The purpose of a safety camera system is to discourage bad acts in taxicabs in furtherance of protecting the health and safety of taxicab drivers and the public.

(b) *Prohibitions.* Images from a safety camera's system shall be maintained by a medallion certificate holder or dispatcher in the strictest of confidentiality and may not be duplicated, released or disclosed except as provided in subsection (c).

(c) *Access.* The Authority will be permitted to access safety camera images upon its written request to a certificate holder when necessary for the purpose of investigating a formal complaint against a medallion owner or taxicab driver or to respond to a subpoena, court order or other legal obligation.

Authority

The provisions of this § 1017.78 temporarily amended under 53 Pa.C.S. § 57B02.

Ch. 1017 VEHICLE AND EQUIPMENT REQUIREMENTS 52 § 1017.79

Source

The provisions of this § 1017.78 adopted November 13, 2015, effective November 14, 2015, 45 Pa.B. 6596; 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 (379971) to (379972).

§ 1017.79. Storage of safety camera images.

Safety camera images shall be maintained and stored for no less than 30 days at the medallion or dispatcher certificate holder's place of business. Upon presentation of the taxicab safety camera system to the Authority under § 1017.77 (relating to public notice), the medallion certificate holder shall submit a written statement to the Enforcement Department verifying the place of business where the safety camera images will be stored and the address of the location pertaining to postings under § 1017.77.

Authority

The provisions of this § 1017.79 temporarily issued under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1017.79 temporarily adopted 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.

Cross References

This section cited in 52 Pa. Code § 1017.78 (relating to accessing safety camera images).

Subchapter H. STAND-BY VEHICLES

Sec.

- 1017.81. Definitions.
- 1017.82. Use of stand-by vehicles.
- 1017.83. Procedure to place a stand-by vehicle into service.
- 1017.84. Procedure to remove a stand-by vehicle from service.
- 1017.85. Fleet owner requirements.

Authority

The provisions of this Subchapter H temporarily issued under 53 Pa.C.S. § 57B02.

Source

The provisions of this Subchapter H temporarily adopted 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.

§ 1017.81. Definitions.

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

Fleet—A minimum of 25 taxicabs operated or owned by the same fleet owner.

Fleet owner—A sole proprietorship, corporation, partnership or limited liability company that owns or operates taxicabs and meets all of the following requirements:

- (i) Controls a minimum of 25 taxicabs.
- (ii) Has a single business location that is adequate for the storage, maintenance, repair and dispatch of the fleet taxicabs, and the storage and maintenance of record.

(iii) Operates with a dispatcher who assigns drivers to fleet taxicabs.

Stand-by vehicle—A vehicle authorized by the TLD to provide temporary taxicab service and bearing a valid TLD issued inspection sticker in full compliance with TLD regulations. A stand-by vehicle is to be used only as a temporary replacement for a medallion taxicab that is temporarily out of service.

§ 1017.82. Use of stand-by vehicles.

- (a) Only a fleet owner can maintain and use stand-by vehicles.
- (b) A stand-by vehicle can be used in place of a current medallion taxicab, for no more than 30 days, only in the following circumstances:
 - (1) The current medallion taxicab is out of service for repairs or for required inspection.
 - (2) A medallion taxicab has been stolen or involved in a reportable accident.
- (c) A fleet owner can maintain stand-by vehicles equal to no more than 10% of the total number of current medallion taxicabs owned or operated by the fleet owner.
- (d) When a stand-by vehicle is placed into service under § 1017.83 (relating to procedure to place a stand-by vehicle into service), the medallion of the disabled taxicab shall be transferred to the stand-by vehicle in a manner consistent with § 1013.3 (relating to removal of a medallion).
- (e) Form SB-2 must be carried in the stand-by taxicab and shall be presented to an inspector, law enforcement or the PUC upon request.

§ 1017.83. Procedure to place a stand-by vehicle into service.

- (a) A fleet owner shall first register the designated vehicle as a stand-by vehicle as follows:
 - (1) The vehicle shall be commercially registered with the Department of Transportation in the medallion certificate holder’s name and insured under medallion certificate holder’s current policy that is on file with the Authority.
 - (2) Complete and file Form SB-2 “Stand-By Vehicle Application” with the TLD Enforcement Department and remit payment of the Authority compliance inspection fee as provided § 1001.43 (relating to Authority fee schedule). Form SB-2 may be obtained on the Authority’s web site at www.philapark.org/tld.
- (b) The fleet owner shall then present the vehicle to the TLD Enforcement Department for an Authority compliance inspection under § 1017.31(a) (relating to vehicle inspections by the Authority). Upon passing inspection, the vehicle will be assigned a unique number (that is, SBV-01, and the like).
- (c) When a fleet owner elects to place a stand-by vehicle into taxicab service and prior to its entry into taxicab service, the fleet owner shall first notify the Manager of Enforcement by email and include the medallion number that is at issue, the stand-by vehicle number that will be in temporary service for that medallion, the date the disabled taxicab was being removed from service and the reason for the use of the stand-by vehicle. The Manager of Enforcement may authorize the medallion owner to remove the medallion consistent with § 1013.3 (relating to removal of a medallion).

Cross References

This section cited in 52 Pa. Code § 1017.82 (relating to use of stand-by vehicles).

§ 1017.84. Procedure to remove a stand-by vehicle from service.

A fleet owner who wishes to remove a stand-by vehicle from service shall contact the TLD Enforcement Department for an inspection appointment and the removal and transfer of the medallion under Subchapter D (relating to taxicab inspections).

§ 1017.85. Fleet owner requirements.

(a) *SB-1.* To qualify for the use of a stand-by vehicle, a fleet owner shall complete and file Form SB-1 “Stand-By Fleet Owner Application” with the Director along with the fee in the Authority’s annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(b) *Fee.* The fee that shall accompany the filing of an SB-1 under this section is \$350 beginning February 25, 2017, and ending on June 30, 2017, or when a new fee schedule is adopted under sections 5707 and 5710 of the act (relating to budget and assessments; and fees), whichever is later. Payment shall be made under § 1001.42 (relating to mode of payment to the Authority). The current SB-1 filing fee will be posted on the Authority’s web site at www.philapark.org/tld as provided in § 1001.43.

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