

CHAPTER 1019. DISPATCHERS

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Cross References

This chapter cited in 52 Pa. Code § 1001.10 (relating to definitions); 52 Pa. Code § 1011.8 (relating to facility inspections); and 52 Pa. Code § 1017.5 (relating to basic vehicle standards).

§ 1019.1. Purpose and prohibition.

(a) This chapter establishes and prescribes Authority regulations and procedures for the certification and operation of dispatching services in Philadelphia under sections 5711(c)(6) and 5721 of the act (relating to power of authority to issue certificates of public convenience; and centralized dispatcher).

(b) A person may not provide dispatching services in Philadelphia without a certificate issued by the Authority as provided in this chapter.

§ 1019.2. Ineligible persons for dispatcher service.

An applicant is ineligible to be a dispatcher under the following circumstances:

(1) If the applicant, a person with a controlling interest in the applicant or a key employee is ineligible to own Authority issued rights as provided in § 1011.5 (relating to ineligibility due to conviction or arrest).

(2) The applicant is incapable of providing dispatching services through persons or communication devices that speak, read and write the English language.

(3) The applicant, a person with a controlling interest in the applicant or a key employee knowingly makes a false statement on a dispatcher application.

(4) The applicant, a person with a controlling interest in the applicant or a key employee is in violation of § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(5) The applicant or any person having a controlling interest over the applicant is 20 years of age or younger.

§ 1019.3. Dispatcher application.

(a) *General.* To obtain a dispatcher's certificate a person shall complete and file Form SA-1 "Sale Application" in person with the Director along with the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The SA-1 may be obtained on the Authority's web site at www.philapark.org/tld.

(1) The applicant for a dispatcher's certificate shall execute the SA-1 in the presence of the Director or a designee. If the applicant is not an individual, the application must include an original executed and notarized resolution from the applicant authorizing the execution and filing of the SA-1 application.

(2) The Director will refuse to accept an application which is incomplete for any reason.

(3) Upon acceptance, the Director will submit a copy of the application documents to the Clerk and an application docket number will be assigned.

(b) *SA-1 application.* The completed SA-1 shall be verified as provided in § 1001.36 (relating to verification and affidavit) and be filed with the Director in person by the owner of the applicant and include all of the information required by the Authority:

(1) The name of the applicant and contact information, including a mailing address, a business address of the exact location of dispatch operations, a telephone number, an email address and a facsimile number.

(2) An identification of the applicant as an individual or a person as provided in § 1001.10 (relating to definitions).

(3) If the applicant is not an individual, the following must be included:

(i) The articles of incorporation, operating agreement, formation documents or other applicable organizing documents for the applicant.

(ii) A certificate of good standing for the applicant from the Bureau of Corporations and Charitable Organizations.

(iii) A copy of the Department of State's entity page for the applicant.

(iv) The trade name, if any, of the applicant and a copy of the trade name registration certificate, if applicable.

(v) The name of a holding company as defined in § 1011.2 (relating to definitions) having an interest in the proposed buyer and a contemporaneous certificate of good standing for the holding company from the Bureau of Corporations and Charitable Organizations, or similarly authorized entity in another jurisdiction in the United States.

(4) The mailing address and physical address of the applicant, if different.

(5) A list of all Authority or PUC certificates or other rights in which the applicant or any person with a controlling influence in the applicant has any controlling interest, including taxicab medallions.

(6) The name, address, telephone number, facsimile number and email address of any attorney or broker, or both, assisting the applicant through the Authority's dispatcher certification process.

(7) A criminal history report issued within 30 days of the filing of the application from any jurisdiction in which all of the following individuals have lived during the last 5 years through the date of application:

- (i) An individual applicant.
- (ii) Any person with a controlling interest in the applicant.
- (iii) Each key employee.

(8) A written statement verified as provided in § 1001.36, which provides that:

(i) The applicant, each person with a controlling interest in the applicant and each key employee have not been subject to a conviction as provided in § 1001.10.

(ii) The applicant, each person with a controlling interest in the applicant and each key employee are in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(iii) The applicant, each person with a controlling interest in the applicant and each key employee are current on all reports due in relation to other rights issued by the Authority.

(iv) The applicant can comply with the requirements in § 1019.8 (relating to dispatcher requirements).

(v) The proposed buyer has read and understands the prohibitions of ownership as provided in § 1011.5 (relating to ineligibility due to conviction or arrest).

(9) A copy of the applicant's business plan.

(10) A completed original of Form DSP-3 "Business Experience Questionnaire." A copy of the DSP-3 may be obtained on the Authority's web site at www.philapark.org/tld.

(11) The Federal Tax Identification number of the applicant.

(12) A list including name, home address and telephone numbers for current corporate officers, directors, stockholders, key employees and persons with controlling interests as defined in § 1011.2, if applicable.

(c) *DSP-2 application.* At the time an SA-1 is filed, an applicant for a dispatcher's certificate shall also file a DSP-2 "Dispatcher Colors and Markings Change/Application" as provided in § 1019.7 (relating to name, colors and markings review).

(d) *Financial fitness generally.* The Authority will review the financial fitness of the applicant for a dispatcher's certificate, including all of the following:

(1) Bank statements of the applicant for a dispatcher's certificate or bank statements of the holder of stock or membership certificate evidencing ownership of a bank account not less than the greater of \$5,000 in unencumbered or available funds.

(2) The credit report of each of the persons identified in subsection (b)(12) evidencing a credit score of at least 600 for each person.

(3) The absence of any outstanding and unappealed civil judgments against each person identified in subsection (b)(12).

(4) The Authority may require the submission of additional financial information necessary to determine the financial fitness of an applicant for a dispatcher's certificate.

(e) *Broker*: Documents intended for submission to the Director as part of the sale process shall be prepared by a broker registered with the Authority as provided in Chapter 1029 (relating to brokers) or an attorney admitted to practice law by the Supreme Court of Pennsylvania.

Authority

The provisions of this § 1019.3 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1019.3 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 (360438) and (373115).

Cross References

This section cited in 52 Pa. Code § 1019.8 (relating to dispatcher requirements).

§ 1019.4. Application changes.

An applicant for a dispatcher certificate shall immediately notify the Authority in writing of any changes that affect the accuracy of the information in the application while the application is under review by the Authority.

§ 1019.5. Facility inspection.

(a) An applicant for a dispatcher's certificate shall make its proposed operating locations available for inspection by the Enforcement Department as part of the application process and throughout the term of its status as a dispatcher. A facility inspection may be conducted without prior notice.

(b) Dispatchers shall provide all dispatching services from facilities located in this Commonwealth within 10 miles of Philadelphia.

Authority

The provisions of this § 1019.5 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1019.5 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 page (373115).

§ 1019.6. Review of dispatcher application.

(a) An application for a dispatcher's certificate will be denied by the Authority if the dispatcher is unable to meet the requirements in this chapter, including § 1019.8 (relating to dispatcher requirements).

(b) An application for a dispatcher's certificate will be denied if the applicant has a record of regulatory violations with the Authority or the PUC which evidences a disregard for the public interest.

(c) The application for a dispatcher's certificate will be denied if the applicant or a person with controlling interest or a key employee of the applicant has been subject to the suspension, revocation or cancellation of rights issued by the Authority or common carrier rights issued by the PUC during the 1-year period immediately preceding the date the SA-1 was filed with the Authority.

(d) If the Director determines that the applicant for a dispatcher's certificate is qualified as provided in the act, this part or an order of the Authority, and the applicant is capable of providing dependable service, a recommendation to approve the application will be presented to the Authority for approval at its next regularly scheduled meeting.

(e) Upon compliance with all requirements of this chapter and the Authority's notice of approval, the Authority will issue a new dispatcher certificate to the new dispatcher as part of the approval process.

Authority

The provisions of this § 1019.6 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1019.6 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 (373115).

§ 1019.7. Name, colors and markings review.

(a) To change or establish any fictitious operating name, colors or markings, a dispatcher shall file a DSP-2 "Dispatcher Colors and Markings Change/Application." If the DSP-2 is being filed for purposes of a markings review and approval, the DSP-2 must be accompanied by the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The DSP-2 may be obtained on the Authority's web site at www.philapark.org/tld.

(b) The Authority will not approve a DSP-2 application if it determines that the requested fictitious operating name or markings are similar to those of an existing dispatcher.

(c) Upon approval of a DSP-2 application, the dispatcher shall have the exclusive right to use the approved fictitious operating name and markings, provided the certificate has not expired or been cancelled.

(d) Each dispatcher shall use only a single name and marking scheme that is approved by the Authority for all the medallion taxicabs it dispatches.

(e) Each dispatcher shall use only the color scheme that is on file with the Authority for all medallion taxicabs it dispatches.

(f) Each dispatcher shall use a distinctive name and marking scheme for partial-rights taxicabs it dispatches as provided in § 1017.11(b) (relating to distinctive colors and markings).

(g) A dispatcher may not change an approved fictitious operating name or markings scheme without advance approval of the Authority as provided in this section.

(h) A dispatcher may not change its colors without advance notice to the Authority as provided in subsection (a).

(i) Upon the approval of a fictitious operating name or markings scheme, the Director will notify the dispatcher of the applicable time period of when all taxicabs affiliated with the dispatcher must display the new name or markings scheme.

(j) The colors and markings of a dispatcher must be consistent with the requirements in Chapter 1017 (relating to vehicle and equipment requirements).

Authority

The provisions of this § 1019.7 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1019.7 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 (373116).

Cross References

This section cited in 52 Pa. Code § 1017.5 (relating to basic vehicle standards); 52 Pa. Code § 1017.11 (relating to distinctive colors and markings); 52 Pa. Code § 1017.12 (relating to required markings and information); and 52 Pa. Code § 1019.3 (relating to dispatcher application).

§ 1019.8. Dispatcher requirements.

(a) *General requirements.* A dispatcher shall continually maintain standards and equipment capable of providing prompt and adequate service to the public, including all of the following:

(1) Technology that is approved by the Authority that facilitates two-way communication, in real time verbal and data, between the dispatcher and driver of a taxicab. A written description including the specifications of the two-way communication technology shall be submitted to the Authority for approval and inspection before a dispatcher may use the technology, unless the two-way communication has already been approved for use in conjunction with an approved meter system as provided in § 1017.23 (relating to approved meters).

(2) Respond to customer calls 24 hours a day.

(3) Have taxicabs available for dispatch 24 hours a day, 7 days a week.

(4) Dispatch taxicabs with current Authority rights to provide the service requested.

(5) Obtain the Authority's confirmation, which may be provided by the Authority through email, of a taxicab's good standing before beginning to provide it with dispatching service.

(6) Have at least one display advertisement in a telephone book with city-wide circulation in Philadelphia or a web site which displays all of the information necessary to order a taxicab through the dispatcher.

(7) Have a minimum of four coordinated telephone lines to receive incoming calls for service from the public.

(8) Operate and maintain a taxicab meter system approved by the Authority as provided in § 1017.23, including computer hardware and software, means of communication between the dispatcher and each taxicab meter and the Authority.

(9) Answer customer questions about rates and services provided within 12 hours.

(10) Answer customer questions or complaints about service in writing and within 5 days of receipt of the complaint.

(11) Maintain records as provided in § 1019.14 (relating to dispatcher records).

(12) A dispatcher may not discriminate against nor allow its affiliated drivers to discriminate against any member of the public and may not refuse service to any section of Philadelphia. Partial-rights taxicabs may only be dispatched to provide service consistent with the certificate holder's rights.

(13) A dispatcher shall be able to receive and respond to emergency or distress alerts received from taxicab drivers 24 hours a day, 7 days a week.

(14) In addition to the requirements in the act, this part or an order of the Authority, a dispatcher may institute rules of conduct for drivers and certificate holders associated with the dispatcher.

(15) A dispatcher shall report violations of the act, this part or an order of the Authority committed by a driver or certificate holder associated with the dispatcher to the Authority immediately.

(16) Upon receipt of a request for wheelchair accessible vehicle (WAV) taxicab service directly from a source, including a potential customer or as provided in § 1021.16(a) (relating to service issues regarding people with disabilities), a dispatcher not authorized to dispatch WAV taxicabs shall immediately forward the potential customer's contact information and location to a WAV taxicab dispatcher through a means of electronic communication approved by the Authority.

(b) *WAV taxicab dispatcher authorization and renewal.*

(1) A dispatcher or applicant for a dispatcher's certificate as provided in § 1019.3 (relating to dispatcher application) may request authorization to act as a WAV taxicab dispatcher by filing Form DSP-7 "WAV Dispatcher Authorization" with the Manager of Administration. Form DSP-7 is available on the Authority's web site at www.philapark.org/tld.

(2) The authorization to dispatch WAV taxicabs is nontransferable.

(3) The authorization to dispatch WAV taxicabs will automatically expire on July 1 of each year. A dispatcher may reapply for WAV dispatcher authorization at the time it makes its annual filing as provided in § 1011.3 (relating to annual rights renewal process).

(4) The authorization to dispatch WAV taxicabs may be suspended, cancelled or revoked for a violation of the act, this part or an order of the Authority.

(5) Dispatchers engaged in dispatching of WAV taxicabs on August 30, 2014, may continue without the authorization required under paragraph (1) until July 1, 2015. This exemption does not apply to the dispatching of WAV medallion taxicabs.

(c) *WAV taxicab dispatcher requirements.*

(1) Only a WAV taxicab dispatcher may dispatch WAV taxicabs.

(2) A WAV taxicab dispatcher may not have less than 10% of the WAV taxicabs authorized by the Authority to provide citywide call or demand service in its association at all times. The Authority will maintain a current list of authorized WAV taxicabs on its web site at www.philapark.org/tld.

(3) A WAV taxicab dispatcher shall maintain a means of immediate and simultaneous telephone, Internet or other electronic communication with every WAV taxicab dispatcher that is approved in advance by the Authority. The Authority will post a list of approved communication methods on its web site at www.philapark.org/tld.

(4) Dispatchers shall give preference to persons seated in a wheelchair when dispatching a WAV taxicab.

(5) Customers referred to a dispatcher as provided in subsection (a)(16) or § 1021.16(a) shall be serviced in all ways as if the request were made directly to the dispatcher.

(6) In the event that a WAV taxicab dispatcher cannot provide a WAV taxicab to a requesting customer within 20 minutes, the request for service shall be forwarded by the WAV taxicab dispatcher to every other WAV taxicab dispatcher through the system required under paragraph (3).

(7) The information provided by the forwarding WAV taxicab dispatcher as provided in paragraph (6) must include the information necessary to provide the requested service, including all of the following:

(i) The time the request was received by the forwarding WAV dispatcher.

(ii) The time that the service is requested to begin.

(iii) The location where the WAV taxicab is expected to appear to initiate service.

(iv) The telephone number and other contact information of the person requesting service, if available.

(v) The time that the forwarding WAV dispatcher would be able to initiate service, if at all.

(8) A WAV taxicab dispatcher shall immediately accept the request forwarded as provided in paragraph (6) if the dispatcher can provide a WAV taxicab as requested before the forwarding dispatcher and sooner than any other WAV dispatcher. If the request for service is not accepted, the forwarding WAV dispatcher shall provide the service as provided in paragraph (7)(v).

(9) Acceptance of the forwarded request shall be simultaneously communicated to all other WAV taxicab dispatchers through the system required under paragraph (3).

(10) The accepting dispatcher shall inform the person that has requested WAV taxicab service that it will dispatch a WAV taxicab to the requester immediately.

(11) A WAV dispatcher shall use a dispatching system that maintains all of the following data, in addition to the requirements in this section and § 1019.14:

(i) Each request to the dispatcher for a WAV taxicab and the dispatcher's response to that request.

(ii) Each occasion of WAV taxicab service to a person in a wheelchair by a taxicab in the dispatcher's association, including the date of service, the amount of the fare paid and the manner in which the taxicab service was initiated.

(iii) The name and WAV taxicab driver certificate number for each driver that has accepted or declined a dispatch for service to a person in a wheelchair.

(12) The WAV dispatcher's monthly filing of Form DSP-4 as provided in § 1019.9 (relating to list of affiliated taxicabs) must include the data maintained in its dispatch system as provided in paragraph (11).

(13) The Authority will maintain a list of WAV dispatchers on its web site at www.philapark.org/tld.

Authority

The provisions of this § 1019.8 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1019.8 amended August 29, 2014, effective August 30, 2014, 44 Pa.B. 5662; 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 (373116) and (374239) to (374241).

Cross References

This section cited in 52 Pa. Code § 1011.2 (relating to definitions); 52 Pa. Code § 1019.3 (relating to dispatcher application); and 52 Pa. Code § 1019.6 (relating to review of dispatcher application).

§ 1019.9. List of affiliated taxicabs.

A dispatcher shall file a complete Form DSP-4 "Dispatcher Affiliated Taxicabs" with the Authority on the first business day of each month noting the taxicab numbers and certificate holders associated with the dispatcher at that time. Form DSP-4 may be obtained at www.philapark.org/tld.

Authority

The provisions of this § 1019.9 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1019.9 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 pages (374241) to (374242).

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Cross References

This section cited in 52 Pa. Code § 1019.8 (relating to dispatcher requirements).

§ 1019.10. Dispatcher rates.

(a) A dispatcher may not provide service to taxicabs unless it has filed a Form No. DSP-5 “Dispatcher Rates” with the Authority establishing the rates schedule charged for the dispatcher’s services. Only the rates identified in the DSP-5 filing may be charged by the dispatcher, or any agent or employee of a dispatcher. The DSP-5 may be obtained at www.philapark.org/tld.

(b) A dispatcher may amend its DSP-5 filing at any time, with an effective date 30 days from the date of filing.

(c) A dispatcher shall provide a copy of its DSP-5 to each of its associated drivers and certificate holders.

(d) Under section 5721 of the act (relating to centralized dispatcher), the Authority may deny the filing of a DSP-5 if it determines that the suggested rates are unreasonable.

§ 1019.11. Disclosure of conflicts.

(a) A dispatcher shall disclose, through the filing of the DSP-4, any dispatching services that may be provided to taxicabs owned or operated by the dispatcher, a person with a controlling interest in the dispatcher, key employee or immediate family members of the dispatcher.

(b) For the purposes of this section, “immediate family members” means the spouse or domestic partner, parent, grandparent, great-grandparent, great-great grandparent, children, siblings (including “half” and step-siblings), uncles/aunts, grand uncles/aunts, grandchildren, nephews/nieces, first cousins, great-grandchildren and grand nephews/nieces of the dispatcher.

§ 1019.12. Bond required.

(a) Within 30 days of receipt of the Authority’s email notification of its intention to grant an applicant’s SA-1 application, the applicant shall file a bond or irrevocable letter of credit consistent with this section with the Authority.

(b) A dispatcher may not provide dispatching services unless the bond or irrevocable letter of credit required by this section has been filed and accepted by the Authority and the requirements in § 1003.51(f) (relating to applications generally) have been satisfied.

(c) A dispatcher’s bond or irrevocable letter of credit shall be issued in an amount of at least \$10,000 and upon terms and in a form as will insure the dispatcher’s adherence to the law, the Authority’s regulations and orders and the interests of the dispatcher’s clients, including payment of all fines, fees and penalties incurred by the dispatcher.

§ 1019.13. Minimum number of medallion taxicab affiliations.

(a) A dispatcher shall remain affiliated with at least 20 active medallion taxicabs for dispatching services with each taxicab displaying the name, colors and markings of the dispatcher approved as provided in this subchapter.

(b) If a dispatcher fails to maintain the minimum number of affiliated taxicabs the Enforcement Department or trial counsel will provide 30 days notice of its intention to initiate an enforcement proceeding through a formal complaint as provided in § 1005.11 (relating to formal complaints generally) to cancel the dispatching certificate.

(c) Upon notice of planned enforcement proceedings as provided in subsection (b), the dispatcher will be permitted to initiate a certificate transfer as provided in Chapter 1027 (relating to sale of rights) or come into compliance with subsection (a).

(d) If a dispatcher and proposed buyer of the certificate initiate a certificate transfer within 30 days of the notice provided under subsection (b), the enforcement proceedings may be stayed unless the Enforcement Department or trial counsel determine that a transfer of the certificate is not likely to occur within 6 months of the date the transfer application was filed.

(e) If a dispatcher comes into compliance with subsection (a) within 30 days of the notice provided under subsection (b), the dispatcher shall provide notice of that status to the Enforcement Department or trial counsel, and if proven the matter will be closed.

§ 1019.14. Dispatcher records.

A dispatcher shall maintain records related to its affiliated certificate holders, its customers, the calls or scheduling for service it receives and the dispatches it makes as provided in § 1011.11 (relating to record retention).

Cross References

This section cited in 52 Pa. Code § 1019.8 (relating to dispatcher requirements).

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