

CHAPTER 1055. VEHICLES AND EQUIPMENT REQUIREMENTS

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Subchapter A. GENERAL PROVISIONS

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§ 1055.1. 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 § 1055.3(a) (relating to limousine age and mileage parameters), which has been maintained in or restored to a condition, which is substantially in conformance with manufacturer specifications.

Compliance inspection—The inspection of a limousine and limousine equipment by the Authority to assure compliance with the act, this part and orders of the Authority. Anytime the inspection of a limousine or limousine 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 limousine by an inspector for compliance with the act, this part and orders of the Authority.

Limousine rights sticker—An adhesive certification issued annually for each limousine by the TLD to a certificate holder upon the sale or issuance of a certificate of public convenience as provided in Chapter 1059 (relating to applications and sale of rights) or upon annual renewal as provided in § 1051.3 (relating to annual rights renewal process) and attached to the lower passenger side interior portion of the limousine’s windshield.

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

Authority

The provisions of this § 1055.1 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1055.1 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 page (372519).

Cross References

This section cited in 52 Pa. Code § 1055.2 (relating to limousine rights sticker); and 52 Pa. Code § 1055.11 (relating to scheduled compliance inspections).

§ 1055.2. Limousine rights sticker.

(a) A vehicle may not perform limousine service without a valid limousine rights sticker as provided in § 1055.1 (relating to definitions). Limousine rights stickers shall be attached using the adhesive backing supplied with the sticker and may not be taped to the windshield or transferred between vehicles.

(b) The Authority may design limousine rights stickers to identify the class of limousine service authorized under Chapter 1053 (relating to standard classifications of limousine service).

Cross References

This section cited in 52 Pa. Code § 1055.31 (relating to definitions).

§ 1055.3. Limousine age and mileage parameters.

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

(b) *Age.* A vehicle which is more than 10 years old may not continue in operation as a limousine, except that the Director may authorize the operation of antique vehicles as limousines upon review of a petition for waiver as provided in § 1005.23 (relating to petitions for issuance, amendment, repeal or waiver of Authority regulations) and completion of a compliance inspection. For example, the last day on which a 2009 model year vehicle may be operated in limousine service is December 31, 2019.

(c) *Mileage.*

(1) Except as provided in paragraph (2), a vehicle shall be removed from limousine service prior to the date the cumulative mileage registered on the vehicle's odometer reaches 350,000 miles.

(2) The owner of a vehicle with a model year of 5 or less that is otherwise precluded from continued Philadelphia limousine service under paragraph (1) may continue in service for 1 year upon the successful completion of a compliance inspection.

(d) *Imputed mileage.*

(1) 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 for each month from the last reliable odometer recording through the date of inspection, as provided in paragraph (2). A certificate holder may seek review of the determination to assign imputed mileage as provided in § 1005.24 (relating to appeals from actions of the staff).

(2) The imputed mileage will be calculated by adding the mileage of the vehicle recorded at the two most recent State inspections or two most recent

compliance inspections, or a combination of any two, and dividing that sum by 24. The quotient is the imputed monthly mileage.

(3) Unless otherwise provided by the Authority, a vehicle may not be introduced for limousine service or continue in limousine service if a reliable baseline odometer reading cannot be ascertained.

(e) *Reporting of odometer malfunctions.* A certificate holder or limousine driver who knows or suspects that the odometer reading of a limousine differs from the number of miles the limousine has actually traveled shall disclose that status to the Enforcement Department immediately.

Authority

The provisions of this § 1055.3 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1055.3 corrected February 10, 2012, effective December 3, 2011, 42 Pa.B. 777; 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 (372520) and (360497).

Cross References

This section cited in 52 Pa. Code § 1055.1 (relating to definitions).

§ 1055.4. Basic vehicle standards.

(a) *State vehicle standards.* In addition to standards required under the act, this part and orders of the Authority, a limousine must continually satisfy the applicable Department of Transportation equipment inspection standards in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) when providing limousine service.

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

(1) A limousine must be registered with the Department of Transportation, or similarly authorized government entity in another jurisdiction of the United States, and obtain commercial registration plates identifying the limousine's class of service. Regular license plates cannot be used on vehicles operating under Authority jurisdiction.

(2) A limousine must be equipped with handgrips in the passenger compartment for use while entering or exiting the vehicle.

(3) A limousine must be equipped with working seatbelts for every passenger and the driver.

(4) A limousine must have at least four full-size tires which continuously meet or exceed the applicable standards of 67 Pa. Code § 175.80 (relating to inspection procedure) and otherwise comply with the Authority's tire requirements, which include the following:

(i) Snow tires or all-weather tires on the drive wheels between October 1 and April 1.

(ii) A full-size and usable spare tire that complies with the standards of this section properly stored in the limousine.

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

(5) A limousine may not use retread tires.

- (6) A limousine must have a trunk or storage area large enough to accommodate a folded manual wheelchair.
 - (7) A limousine may not be equipped with a push bumper.
 - (8) The interior, exterior and trunk compartment of a limousine 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.
 - (9) Spare tires in the trunk must be covered.
 - (10) A limousine's passenger seats may not be torn, have protruding springs or other material capable of tearing a passenger's skin or clothing. Passenger seat tears must be properly repaired and may not be mended with tape.
 - (11) A limousine's interior must consist of matching features, including door panels.
 - (12) Except upon a passenger's request to the contrary, the passenger area of a limousine must remain a constant temperature between 60° and 78° Fahrenheit.
 - (13) A limousine must be free of objectionable odors. For example, a limousine may not smell like urine, feces, animals, insects, decomposing organisms, poor human hygiene or garbage.
 - (14) A limousine's exterior paint must be in good repair and free of damage.
 - (15) Unless otherwise permitted by the Authority, in addition to other postings required by this subpart, a limousine must have posted in the passenger compartment in a place easily observed by passengers information in both written English and Braille on how to submit a limousine service-related complaint to the Authority.
- (c) *Smoking prohibited.* Persons may not smoke in a limousine.
 - (d) *Advertising prohibited.* Unless otherwise permitted by the Authority, the display of advertisements on the exterior or interior of a limousine is prohibited.
 - (e) *Inspection by certificate holder.* A certificate holder shall inspect each of its limousines on a daily basis to confirm that the limousine complies with this subpart. A certificate holder may select a person to conduct the inspections required by this subsection on the certificate holder's behalf.

Authority

The provisions of this § 1055.4 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1055.4 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 (360497) to (360498).

Cross References

This section cited in 52 Pa. Code § 1057.10 (relating to driver requirements).

§ 1055.5. Required documents.

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

- (1) Proof of current and valid financial responsibility.
- (2) Proof of vehicle registration.
- (3) A current trip sheet as provided in § 1057.16 (relating to trip sheet requirements).

§ 1055.6. Transportation of blind or deaf persons with dog guides.

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

Subchapter B. LIMOUSINE INSPECTIONS

Sec.

- 1055.11. Scheduled compliance inspections.
- 1055.12. (Reserved).
- 1055.13. Failure to appear for scheduled inspection.
- 1055.14. Field inspections.
- 1055.15. Failure to submit to field inspection.
- 1055.16. Reinspection.
- 1055.17. Removal of vehicle and change of license plate.
- 1055.18. Attendance at scheduled inspection.
- 1055.19. Prerequisites to inspection.
- 1055.20. Approved models and conditions.
- 1055.21. Reconstructed vehicles prohibited.

§ 1055.11. Scheduled compliance inspections.

(a) *Compliance inspection.*

(1) In addition to any other inspections required or permitted under the act, this part or an order of the Authority, up to 20% of all limousines registered with the Authority shall be submitted to a scheduled compliance inspection on an annual basis and at a time and location designated by the Authority. The Enforcement Department will designate each limousine for compliance inspection as provided in this section.

(2) Beginning February 25, 2017, the fee for a compliance inspection conducted by the Authority under this subsection is \$25 and payment shall be made at the time of the inspection under § 1001.42 (relating to mode of payment to the Authority).

(b) *State inspection.*

(1) A certificate holder may elect to have the Authority conduct a State inspection as defined in § 1055.1 (relating to definitions) upon request to the Authority, either at the time of the scheduled inspection under subsection (9) or at a time and place designated by the Authority.

(2) The fee for a State inspection conducted under this subsection 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 (relating to Authority fee schedule).

Authority

The provisions of this § 1055.11 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1055.11 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 (360499).

Cross References

This section cited in 52 Pa. Code § 1051.10 (relating to record retention); and 52 Pa. Code § 1055.13 (relating to failure to appear for scheduled inspection).

§ 1055.12. (Reserved).**Authority**

The provisions of this § 1055.12 temporarily reserved under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1055.12 temporarily reserved 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 (360499) to (360500).

§ 1055.13. Failure to appear for scheduled inspection.

If a limousine fails to appear for an inspection as provided in § 1055.11 (relating to scheduled compliance inspections) or another inspection scheduled by the Authority as provided in the act, this part or an order of the Authority, the certificate holder may be subject to a penalty through issuance of a formal complaint.

§ 1055.14. Field inspections.

(a) Inspectors may stop and inspect limousines 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 limousine driver to drive the limousine directly to TLD Headquarters for a compliance inspection if the inspector believes that the limousine is not in compliance with this subpart and represents a public safety concern.

Cross References

This section cited in 52 Pa. Code § 1053.43 (relating to certain limousine requirements); 52 Pa. Code § 1055.15 (relating to failure to submit to filed inspection); 52 Pa. Code § 1055.18 (relating to attendance at scheduled inspection); and 52 Pa. Code § 1055.19 (relating to prerequisites to inspection).

§ 1055.15. Failure to submit to field inspection.

(a) Upon instruction by an inspector, a limousine driver shall stop the limousine and permit the inspector to conduct a field inspection of the limousine as provided in § 1055.14 (relating to field inspections).

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

§ 1055.16. Reinspection.

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

§ 1055.17. Removal of vehicle and change of license plate.

(a) A certificate holder shall report the removal of a vehicle from Philadelphia limousine service to the Manager of Administration at TLDAdmin@philapark.org within 72 hours of removal.

(b) A certificate holder shall report the change of the Department of Transportation license plate, or the change of the license plate of a similarly authorized government entity in another jurisdiction of the United States, issued to a limousine to the Manager of Administration at TLAdmin@philapark.org within 72 hours of the license plate change.

Authority

The provisions of this § 1055.17 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1055.17 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 (372521).

§ 1055.18. Attendance at scheduled inspection.

(a) The certificate holder or its attorney-in-fact shall attend each limousine inspection conducted by the Authority, except field inspections as provided in § 1055.14 (relating to field inspections).

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

§ 1055.19. Prerequisites to inspection.

(a) The Authority will not initiate an inspection of a limousine, except as provided in § 1055.14 (relating to field inspections), if the limousine 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 limousine, except as provided in § 1055.14, 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 1051.3 (relating to annual rights renewal process).
- (2) Section 1051.5 (relating to ineligibility due to conviction or arrest).
- (3) Section 1051.6 (relating to payment of outstanding fines, fees and penalties).

(c) A limousine 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 § 1055.19 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1055.19 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 (372521).

§ 1055.20. Approved models and conditions.

The Authority will publish a list of approved makes and models of vehicles by classification permitted for use as limousines, 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 Administration.

§ 1055.21. Reconstructed vehicles prohibited.

Salvaged or reconstructed vehicles may not provide limousine service.

Subchapter C. IMPOUNDMENT OF VEHICLES AND EQUIPMENT

Sec.

1055.31. Definitions.

1055.32. Impoundment of vehicles and equipment.

§ 1055.31. 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 limousine operates as a limousine or offers to operate as a limousine in Philadelphia.
- (ii) The condition of a limousine creates an immediate threat to public safety if permitted to continue operation.
- (iii) The continued operation of a limousine 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.

Registered lienholder—A person having a vehicle lien interest that is 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.

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 limousine—

- (i) A vehicle that is not a remote carrier as defined in § 1053.42 (relating to remote carriers) or without a current, valid and properly affixed limousine rights sticker issued by the Authority as provided in § 1055.2 (relating to limousine rights sticker).
- (ii) A limousine that has been placed out of service as provided in § 1003.32 (relating to out of service designation).
- (iii) A limousine 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 common carrier service as provided in section 5741(a.3) of the act (relating to certificate of public convenience required) under current authorization from the PUC.

Vehicle—The vehicle and equipment used or capable of being used to provide limousine service.

Authority

The provisions of this § 1055.31 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1055.31 amended June 20, 2014, effective June 21, 2014, 44 Pa.B. 3764; 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 (372522).

§ 1055.32. Impoundment of vehicles and equipment.

(a) *Impoundment.* Upon observation of an impoundable offense, the Enforcement Department may direct the immediate impoundment of a vehicle or equipment under section 5741(f) of the act (relating to certificate of public convenience 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 (relating to certificate and medallion required). 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) When the impoundment is determined to have been appropriate, the presiding officer may, by order, establish terms for the release of the impounded property including the posting of collateral and inspections by the Enforcement Department. 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 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 fee or cost paid by the respondent as provided in subsection (c)(4) will be refunded.

(2) If the respondent is found liable for a 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 § 1055.32 amended June 20, 2014, effective June 21, 2014, 44 Pa.B. 3764. Immediately preceding text appears at serial pages (360502) to (360503).

[Next page is 1057-1.]