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September 23, 2016

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

**RE: Temporary Rulemaking for the Taxi and Limousine Industries**  
**Docket No.: L-2016-2556432 (incorrectly filed with docket #L-2016-2566432 listed)**  
**Comments on Behalf of the Yellow Cab Company of Pittsburgh**  
**Our File No.: 00605**

Dear Ms. Chiavetta:

The Comments submitted herein are in conjunction with the proposed regulatory changes to Chapter 29 of Title 52 of the Pa Code. A copy of Chapter 29 with our proposed changes is attached hereto, with the proposed deletions marked in red and the proposed additions marked in blue. The Yellow Cab Company proposes the following changes and the rationale therefore:

1. §29.71 Marking of Taxis

We propose change to this section to incorporate the more modern safe and available technologies used to dress vehicles. As long as the vehicle numbers and identification markings are not obscured, we see no harm to the public. To the contrary, vehicles that are wrapped in bright colors make for easier identification and give vehicles a modern, “fun” appearance. Revenue generated by advertising from “wrapping” or signage will create the possibility of fewer rate increases.

The provisions at §29.103 and §29.402(3) are reserved and incorporated at §29.71 because it makes more sense to put all of the vehicle marking requirements in one place.

2. §29.62 Interruption of Service

The proposed revisions to this section address issues where the demand for service exceeds reasonably anticipated demand. In order to avoid penalizing a carrier for circumstances outside of its control, this section allows the carrier to notify the public that they cannot reasonably service the call. This section addresses the issue of the impossibility of service so that a customer can make other arrangements.

Additionally, we believe that the safety of the driver is a paramount concern. For this reason, it must be left to the reasonable and articulable discretion of the driver whether he can safely service a given call. There is no way to avoid the subjective nature of the driver's determination, but we believe that the safety of the driver should be a significant consideration and that he should not be penalized for a refusal of service if safety is an issue.

3. §29.101 Operation of Taxi and Limo Equipment

This section institutes the operation of owner-operator taxi service. This creates a more economical way for taxi drivers to earn a sustainable living by using a dedicated taxi, which they eventually own, in call and demand service. The insurance requirements, maintenance and service requirements remain the same as for any taxi. The certificated carrier loses none of its responsibilities for PUC compliance, including for that of the owner-operator. Further, there are very few jurisdictions in the United States that do not permit owner-operator taxi service. We believe that the ownership component will give the driver a vested interest in the care and maintenance of his/her vehicle and help facilitate better overall service. As can be seen from the revisions, it is contemplated that the certificated carrier retains the insurance, inspection/maintenance driver supervision and all other responsibilities that it would with a lease driver. It is noted that under the owner-operator scenario, the carriers' livery would be removed upon retirement of the driver or vehicle to avoid misuse or misidentification of that vehicle.

4. §29.314 Vehicle and Equipment Requirements

This revision primarily addresses the upgrades in dispatch technology to specifically allow the use of “soft meters” such as MDT’s, tablets, computers or other developing technology that tracks vehicles. This dovetails with the changes in requirements for written manifests and log sheets which are replaced by electronic data storage. Although some operators still use “old style mechanical meters”, accommodation must be made for the benefits available with new tracking technology and new methods of recording trip information.

Further, the proposed regulations allow vehicles to remain in operation with more than 350,000 miles if they are: (1) hybrid vehicles; (2) alternate fuel vehicles; and/or (3) wheel chair-accessible vehicles. This section promotes the investment in “green” technology as well as investment in handicapped vehicles such as MV-1’s. The expansion of the mileage requirements/limitations for these types of vehicles incentivizes operators to make investments in vehicles which would otherwise be less attractive to them.

Further, revisions allow for a vehicle that has fewer than 350,000 during a calendar year to remain in service until the end of the calendar year, but in no event shall a vehicle remain in service with more than 400,000 miles - regardless of the date in the calendar year. This revision will allow carriers to more accurately budget for capital expenditures in the following year and to provide a modicum of flexibility that is required due to the changes in passenger demand. These changes are extremely helpful in light of the competition from TNC companies.

5. §29.313 Service Standards and Requirements

The proposed revisions to this section address the obvious need to take advantage of electronic data collection in consideration of the inaccuracies and failures of requiring manual or hand written log sheets and manifests. The revisions also reduce the amount of information required by a written log or

manifest in the event that a written log or manifest is required. It is suggested that a two-year retention period would be appropriate to comply with potential statute of limitations issues.

This section saves significant paper and avoids drivers filling out logs/manifests while driving or otherwise being distracted from safe vehicle operation.

6. §29.315 Reserved/Alternative Form of Compensation

This sections is now reserved. Most of the elements of this section, to wit: 1(i) *levels of insurance*; 1(ii) *vehicle inspection requirements*; 1(iii) *driver compliance*; 1(iv) *insurance termination*; (2) *own or lease vehicle according to within documentation*; *general adherence to §32.11 and subchapters E and F*, have all been set forth in other sections or absorbed into other sections (i.e. the ability to house the vehicle at the operator's residence and changes in dispatching). We view the need for alternative forms of compensation to be abrogated by the new rules and pending legislation before the General Assembly.

7. §29.316 Taxi Tariff

The proposed revisions are intended to allow certificated carriers to adapt to changing market conditions on a daily basis without undue burden for the PUC staff and without undue burden on the carrier regarding the justifying changes within pre-set parameters. This allows taxi service to be adaptive from a fare perspective in a way which is similar to (and competitive with) TNC competitors.

Inherent in this tariff proposal is notice to the public of the range of fares possible and the actual fare being changed on the trip in question. Transparency of the fare structure is a key element for the public.

As proposed, a taxi operator could change its rates as it deems appropriate – either up or down – as long as it falls within the base fare times a multiple that would be less than four (4) times the base. So, if the flag drop is \$1.75 and the mileage rate is \$.55 per 1/7 mile, then the carrier can change its rate, daily if it wishes, as long as the rate does not exceed 4x the flag drop and 4x the mileage.

In order to change the “base rate,” the carrier would have to apply to the PUC for change using the modified/small corporation criteria. All existing carriers would be “grandfathered” so that their existing rates would be subject to the multiplier and they would not need to file for a tariff change in order to be active under this scenario.

8. §29.334 Limousine Tariff

The revisions to this section confirm that new tariffs can be based upon time, distance or both” and adds language which confirms that agreed pricing between passenger and carrier shall be accepted as a legal and compliant fare.

This change allows limousine and black cars to operate on a more equitable basis between passenger and carrier. Greater flexibility in pricing will make limousine and black cars more available to the public and will allow fares to be more equitably priced if they have the option to price per mile as services such as “Uber Black” do.

9. §29.501-506 Service Standards

The proposed changes to these sections address possible deficiencies in the criminal history/record search for drivers. It removes the preclusion for those under direct court suspension and prohibits anyone who has been convicted or pled guilty or no contest to certain crimes from being a driver. There would be a more detailed and involved background check for drivers to present risk of harm to the public.

There is a seven (7) year DUI prohibition for taxi drivers. Also, there is greater specificity regarding the crimes which would preclude an individual from being permitted to drive a taxi. This includes the specific driver history and violations which would prohibit an individual from operating a taxi/limousine. Further, these proposed revisions deal with criminal background qualifications and

leave less decision making for the carrier when it comes to determinations of whether or not a driver constitutes a danger to the public.

On the issue of drivers licensing, a common or contract carrier may not knowingly permit a person to operate a vehicle in its authorized service unless that person has a current valid driver's license. A taxi driver must carry a valid license and the PUC can penalize a driver for failure to operate with a valid driver's license. This sets hard parameters so that the carrier has little room for mistakes as to the qualifications of its drivers. This gives the carrier some relief from penalty in the event that a driver has lost his license but does not report the same to the carrier or the lack of license does not appear in the latest driver history search. This is a departure, however slight, from the carrier being the absolute guarantor of the driver's license status.

10. §29.403 Vehicle Requests

The revisions to this section continue the prohibition against smoking in a taxicab and address other fairly well established passenger safety rights.

Further, this section requires taxi drivers to maintain certain standards of appearance, and codifies certain customer service provisions.

11. §29.332 Method of Operation

These revisions update Limousine operation parameters. It allows for limousine reservations by either telephone or internet based electronic platform such as an "app". Also, it makes it unlawful for doorman/valets to make instantaneous brokering reservations for limousines. These changes allow limousine carriers to use all phone/"app"/electronic means of reservations while retaining the prohibition against street hails or instantaneous reservation.

Limousines may not be more than ten (10) model years old, with the exception being "classic limousines" which would be approved for use after submission to the PUC for review.

The tariff structure for limousines is changed to allow for time or distance or both. This pricing flexibility (along with agreed pricing between carrier and passenger) is currently not permitted.

12. §29.405 Inspections

The revisions to this section allow the carrier to place vehicles “out of service” such that it is not subject to inspection. This prevents a vehicle which is waiting for repair or service to be included in an inspection.

Please feel free to contact the undersigned should you have any further questions.

Very truly yours,

*/s/ Ray F. Middleman*

Ray F. Middleman

RFM/kjb

cc: James Campolongo  
John Herzog (w/encl.)

# CHAPTER 29. MOTOR CARRIERS OF PASSENGERS

Subchap.

Sec.

- A. GENERAL PROVISIONS ... 29.1
- B. COMMON CARRIERS ... 29.11
- C. CONTRACT CARRIERS ... 29.111
- D. SUPPLEMENTAL REGULATIONS ... 29.121
- E. VEHICLE EQUIPMENT AND INSPECTION ... 29.401
- F. DRIVER REGULATIONS ... 29.501

## Authority

The provisions of this Chapter 29 issued under the Public Utility Code, 66 Pa.C.S. § § 501 and 1501, unless otherwise noted.

## Source

The provisions of this Chapter 29 adopted April 15, 1946; amended through February 21, 1966, unless otherwise noted.

## Cross References

This chapter cited in 52 Pa. Code § 41.14 (relating to evidentiary criteria used to decide motor common carrier applications—statement of policy).

## Subchapter A. GENERAL PROVISIONS

Sec.

29.1. Definitions.

## Cross References

This subchapter cited in 52 Pa. Code § 29.301 (relating to conditions); 52 Pa. Code § 29.311 (relating to conditions); 52 Pa. Code § 29.321 (relating to conditions); 52



Pa. Code § 29.331 (relating to conditions); 52 Pa. Code § 29.341 (relating to conditions); and 52 Pa. Code § 29.351 (relating to conditions).

### **§ 29.1. Definitions.**

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

*Common carrier*—A common carrier by motor vehicle, as defined in 66 Pa.C.S. § 102 (relating to definitions), transporting passengers.

*Contract carrier*—A contract carrier by motor vehicle, as defined in 66 Pa.C.S. § 2501 (relating to declaration of policy and definitions), transporting passengers.

*Digital network*-- An online-enabled application, software, website or system offered or utilized by a common carrier that enables the prearrangement of rides with common or contract carrier drivers.

*Exclusive service*—Transportation on a given trip when the first or principal person, party or group hiring the vehicle has the exclusive right to determine where, when or if another passenger shall be carried on that trip.

*Nonexclusive service*—Transportation on a given trip where passengers other than the first or principal person, party or group hiring the vehicle may be carried as permitted by the applicable tariff provisions of the carrier and the rules and regulations governing the class of service under which the vehicle is operating.

*Owner-Operator*-An operator of a vehicle providing call or demand service that either owns the vehicle or is purchasing the same pursuant to a written contract with a certificated common carrier.

### **Source**

The provisions of this § 29.1 adopted April 15, 1946; amended through February 21, 1966; amended May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670; amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (40759).

### **Notes of Decisions**

*Exclusive Service*

Service proposed by Philadelphia Corporation for the Aging for transporting elderly from home to social centers was not “exclusive service” as defined by this section. *Professional Paramedical Services, Inc. v. Pennsylvania Public Utility Commission*, 525 A.2d 1274 (Pa. Cmwlth. 1987); appeal denied 538 A.2d 879 (Pa. 1988).

## **Subchapter B. COMMON CARRIERS**

### **PRELIMINARY PROVISIONS**

Sec.

- 29.11. Applicability.
- 29.12. Compliance.
- 29.13. Scheme of classification.
- 29.14. [Reserved].
- 29.15. [Reserved].
- 29.16. [Reserved].
- 29.17. [Reserved].
- 29.21. [Reserved].
- 29.22. [Reserved].
- 29.23. [Reserved].
- 29.24. [Reserved].
- 29.25. [Reserved].
- 29.26. [Reserved].
- 29.27. [Reserved].

### **TRANSFER OF RIGHTS**

- 29.31. Sale or transfer of certificates.
- 29.32. Death or incapacitation of a certificateholder.
- 29.33. [Reserved].
- 29.34. Authority of successors by law.
- 29.35. Limitations.

## **ACCOUNTS, RECORDS AND REPORTS**

- 29.41. Accounts and records.
- 29.42. [Reserved].
- 29.43. Assessment reports.
- 29.44. Accident reports.
- 29.51. [Reserved].
- 29.52. [Reserved].
- 29.53. [Reserved].
- 29.54. [Reserved].

## **CONTINUITY OF SERVICE**

- 29.61. Commencement of service.
- 29.62. Interruptions of service.

## **MARKINGS AND POSTING NOTICE**

- 29.71. Marking of vehicles.
- 29.72. Removal of markings.
- 29.73. [Reserved].
- 29.81. [Reserved].

## **MISCELLANEOUS PROVISIONS**

- 29.101. Operation of leased equipment.
- 29.102. Transportation of blind or deaf persons with dog guides.
- 29.103. Simulating color or design.
- 29.104. [Reserved].
- 29.105. Employee commuter van pooling.
- 29.106. Taxicab service zones—Philadelphia.

### **Cross References**

This subchapter cited in 52 Pa. Code § 29.301 (relating to conditions); 52 Pa. Code § 29.311 (relating to conditions); 52 Pa. Code § 29.321 (relating to conditions); 52 Pa. Code § 29.331 (relating to conditions); 52 Pa. Code § 29.341 (relating to conditions); and 52 Pa. Code § 29.351 (relating to conditions).

## PRELIMINARY PROVISIONS

### **§ 29.11. Applicability.**

This subchapter applies to common carriers and is subject to amendment, change, modification or exception as the Commission may deem advisable, just and proper.

#### **Authority**

The provisions of this § 29.11 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

#### **Source**

The provisions of this § 29.11 adopted April 15, 1946; amended through February 21, 1966; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (218729) to (218730).

### **§ 29.12. Compliance.**

Common carriers shall comply with applicable provisions of 66 Pa.C.S. § § 101—3515 (relating to Public Utility Code) not specifically referred to in this chapter. Failure of a carrier to comply with this chapter, the terms and conditions of the certificates of public convenience and a Commonwealth or municipal law, ordinance, franchise or regulation governing the operation of motor vehicles, is sufficient cause for the Commission to suspend the right and privilege of the carrier, and to proceed according to statute to revoke and rescind the carrier's rights and privileges.

#### **Source**

The provisions of this § 29.12 adopted April 15, 1946; amended through February 21, 1966.

### **§ 29.13. Scheme of classification.**

The following standard classification of types of service furnished by common carriers of passengers is adopted, and the following is hereby recognized as a standard class of common carrier service. The rights and conditions pertaining to a standard class of service are specified in Subchapter D (relating to supplemental regulations). A certificated service which does not completely correspond to a standard class may

be governed, where practicable, by the regulations for the standard class to which it most nearly corresponds:

(1) *Scheduled route service.* Common carrier service for passengers, rendered on either an exclusive or a nonexclusive basis, wherein the vehicles delivering the service operate according to schedules along designated routes.

(2) *Call or demand service.* Local common carrier service for passengers, rendered on either an exclusive or a nonexclusive basis, where the service is characterized by the fact that passengers ~~normally~~ hire the vehicle and its driver ~~either by~~ through a telephone call, digital network, or by street hail or any combination thereof, or both.

(3) *Group and party service.* Common carrier service for passengers, rendered on an exclusive basis as charter service for groups or rendered on a nonexclusive basis for tour or sightseeing service and special excursion service.

(4) *Limousine service.* Local, nonscheduled common carrier service for passengers rendered in luxury-type vehicles on an exclusive basis which is arranged for in advance.

(5) *Airport transfer service.* Common carrier service for passengers rendered on a nonexclusive basis which originates or terminates at an airport.

(6) *Other services: paratransit, experimental.* Common carrier service for passengers which differs from service as described in any one of the five classes set forth in paragraphs (1)—(5) and is provided in a manner described in the certificate of public convenience of the carrier and is subject to restrictions and regulations are stated in the certificate of the carrier or in this chapter.

### **Source**

The provisions of this § 29.13 adopted April 15, 1946; amended through February 21, 1966; amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended June 18, 1982, effective January 16, 1982, 12 Pa.B. 1862.

### **Notes of Decisions**

#### *Prospective Application*

Where the Commission applied regulations adopted after the issuance of the petitioner's certificate to operate a limousine service, the Commission did not apply

the regulations retroactively, but prospectively to existing certificate holders. *Burgit v. Pennsylvania Public Utility Commission*, 475 A.2d 1339 (Pa. Cmwlth. 1984).

### **Cross References**

This section cited in 52 Pa. Code § 29.401 (relating to applicability); and 52 Pa. Code § 29.501 (relating to applicability).

#### **§ 29.14. [Reserved].**

#### **Source**

The provisions of this § 29.14 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (52607).

#### **§ 29.15. [Reserved].**

#### **Source**

The provisions of this § 29.15 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (32859).

#### **§ 29.16. [Reserved].**

#### **Source**

The provisions of this § 29.16 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial pages (32859) and (32860).

#### **§ 29.17. [Reserved].**

#### **Source**

The provisions of this § 29.17 adopted April 15, 1946; amended through February 21, 1966; reserved February 25, 1977, effective February 26, 1977, 7 Pa.B. 522. Immediately preceding text appears at serial page (20795).

**§ 29.21. [Reserved].**

**Source**

The provisions of this § 29.21 adopted April 15, 1946; amended through February 21, 1966; reserved February 25, 1977, effective February 26, 1977, 7 Pa.B. 522. Immediately preceding text appears at serial page (20796).

**§ 29.22. [Reserved].**

**Source**

The provisions of this § 29.22 adopted April 15, 1946; amended through February 21, 1966; reserved February 25, 1977, effective February 26, 1977, 7 Pa.B. 522. Immediately preceding text appears at serial pages (20796) to (20797).

**§ 29.23. [Reserved].**

**Source**

The provisions of this § 29.23 adopted April 15, 1946; amended through February 21, 1966; reserved February 25, 1977, effective February 26, 1977, 7 Pa.B. 522. Immediately preceding text appears at serial page (20797).

**§ 29.24. [Reserved].**

**Source**

The provisions of this § 29.24 adopted April 15, 1946; amended through February 21, 1966; reserved February 25, 1977, effective February 26, 1977, 7 Pa.B. 522. Immediately preceding text appears at serial page (20798).

**§ 29.25. [Reserved].**

**Source**

The provisions of this § 29.25 adopted April 15, 1946; amended through February 21, 1966; reserved February 25, 1977, effective February 26, 1977, 7 Pa.B. 522. Immediately preceding text appears at serial page (20798).

**§ 29.26. [Reserved].**

**Source**

The provisions of this § 29.26 adopted April 15, 1946; amended through February 21, 1966; reserved February 25, 1977, effective February 26, 1977, 7 Pa.B. 522. Immediately preceding text appears at serial page (20798).

**§ 29.27. [Reserved].**

**Source**

The provisions of this § 29.27 adopted April 15, 1946; amended through February 21, 1966; reserved February 25, 1977, effective February 26, 1977, 7 Pa.B. 522. Immediately preceding text appears at serial pages (20798) to (20799).

**TRANSFER OF RIGHTS**

**§ 29.31. Sale or transfer of certificates.**

The approval of the Commission is required for the sale or transfer of a certificate, except as otherwise provided in this chapter. The approval may be granted with or without hearing and after reasonable notice as the Commission may direct.

**Authority**

The provisions of this § 29.31 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

**Source**

The provisions of this § 29.31 adopted April 15, 1946; amended through February 21, 1966; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (233125).



## Notes of Decisions

### *Federal Tax Liens*

Certificates of public convenience have attributes of pecuniary value and transferability and therefore constitute property or a right to property subject to the Federal tax lien statute, 26 U.S.C.A. § 6321. *Loma, Inc. v. Pennsylvania Public Utility Commission*, 682 A.2d 424 (Pa. Cmwlth. 1996); appeal denied 698 A.2d 597 (Pa. 1997).

### *Property*

A certificate of public convenience has the attributes of pecuniary value and transferability and therefore constitutes property or a right to property subject to the Federal tax lien statute. *Loma, Inc. v. Pennsylvania Public Utility Commission*, 682 A.2d 424 (Pa. Cmwlth. 1996).

### *Unopposed Transfers*

The Pennsylvania Public Utility Commission did not abuse its discretion in concluding that an unapproved transfer of assets by a holder of a certificate of public convenience was unlawful and could not provide a reasonable excuse for resulting violations which formed the basis for cancellation of the certificate. *Hoskins Taxi Service, Inc. v. Pennsylvania Public Utility Commission*, 486 A.2d 1030 (Pa. Cmwlth. 1985).

### **§ 29.32. Death or incapacitation of a certificateholder.**

Upon the death of a holder of a certificate, or upon an individual certificateholder being legally declared incapacitated, the rights conferred by the certificate shall continue with the legal representative of the deceased or incapacitated holder for 1 year. After the expiration of the 1 year period, appropriate proceedings shall be initiated to terminate the certificate, unless application has been made to transfer the rights to the heirs, guardian, trustees, legatees or others, in which case the rights shall continue with the legal representative until the application is granted or refused. If application is made by the legal representative at least 30 days prior to the end of a period of 1 year, the Commission may, at its discretion and for cause shown, permit the transfer of the rights to the executors, administrators, guardians, trustees or other legal representatives of the deceased or incapacitated holder for a period to be fixed by the Commission. Pertinent orders or decrees of the court having jurisdiction over the estate of the decedent or incapacitated person may be deemed cause for the granting of the petitions by the Commission.

### **Authority**

The provisions of this § 29.32 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.32 adopted April 15, 1946; amended through February 21, 1966; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (233125) to (233126).

### **Cross References**

This section cited in 52 Pa. Code § 29.35 (relating to limitations).

**§ 29.33. [Reserved].**

### **Source**

The provisions of this § 29.33 adopted April 15, 1946; amended through February 21, 1966; reserved August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (233126).

**§ 29.34. Authority of successors by law.**

If a trustee, receiver, assignee, custodian or similar officer or officers is appointed by a court of competent jurisdiction, or is selected by creditors in accordance with provisions of law, with authority to take or retain possession and to operate the property and business of a certificate holder, the officer shall have authority to perform the service authorized in the certificate of the debtor carrier for a period of 90 days from his appointment or selection. The officer may petition the Commission for authority to conduct the operations for an additional period of time, and the Commission may, for good cause shown, grant authority. If the petition is filed within 90 days of the appointment or selection of the petitioner, he shall have authority to continue the operations pending decision by the Commission on the petition. Pertinent orders or decrees of the court having jurisdiction may be deemed cause for the granting of petitions by the Commission.

### **Source**

The provisions of this § 29.34 adopted April 15, 1946; amended through February 21, 1966.

### **Cross References**

This section cited in 52 Pa. Code § 29.35 (relating to limitations).

### **§ 29.35. Limitations.**

Operations covered by § § 29.32 and 29.34 (relating to death or incapacitation of a certificateholder; and authority of successors by law) are subject to the terms and conditions of the certificate of public convenience and may not be conducted without full insurance coverage on the vehicles.

### **Source**

The provisions of this § 29.35 adopted April 15, 1946; amended through February 21, 1966.

## **ACCOUNTS, RECORDS AND REPORTS**

### **§ 29.41. Accounts and records.**

(a) Common carriers of passengers shall follow generally accepted accounting principles for all accounting and reporting matters.

(b) Amounts received as operating subsidies or payments for services rendered from a Federal, State or local governmental agency shall be included in the respective passenger revenue classifications corresponding to the operating authority under which the services were provided, and shall be included in the reporting company's assessment liability under 66 Pa.C.S. § 510 (relating to assessment for regulatory expenses upon public utilities).

### **Authority**

The provisions of this § 29.41 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.41 adopted April 15, 1946; amended through February 21, 1966; amended August 7, 1976, effective August 8, 1976, 6 Pa.B. 1839; amended October 1, 1976, effective October 2, 1976, 6 Pa.B. 2442; amended December 22, 1989, effective December 23, 1989, 19 Pa.B. 5425; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (311891).

### **Cross References**

This section cited in 52 Pa. Code § 29.111 (relating to accounts, records and memoranda); and 52 Pa. Code § 29.317 (relating to accounting requirements for alternative forms of compensation for drivers).

**§ 29.42. [Reserved].**

### **Source**

The provisions of this § 29.42 adopted April 15, 1946; amended through February 21, 1966; amended August 7, 1976, effective August 8, 1976, 6 Pa.B. 1839; amended December 22, 1989, effective December 23, 1989, 19 Pa.B. 5426; corrected February 16, 1990, effective December 23, 1989, 20 Pa.B. 945; reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (218735) to (218736).

### **Notes of Decisions**

An order conditioning the reinstatement of a cancelled certificate was affirmed where that order merely affirmed an earlier order cancelling the certificate and added conditions for its reinstatement, and where the certificate holder had not timely answered a complaint based upon her failure to provide evidence of insurance and failure to file an annual report, so the facts in that complaint were deemed admitted. *De Gregorio v. Pennsylvania Public Utility Commission*, 481 A.2d 1241 (Pa. Cmwlth. 1984).

**§ 29.43. Assessment reports.**

A common carrier shall file with the Commission each year an assessment report, on a form provided by the Commission (Form MT—(year)), showing gross Commonwealth intrastate revenues for assessment purposes, such assessment report to be filed by March 31, covering the preceding calendar year under 66 Pa.C.S. § 510 (relating to assessment for regulatory expenses upon public utilities).

### Source

The provisions of this § 29.43 adopted April 15, 1946; amended through February 21, 1966; amended August 7, 1976, effective August 8, 1976, 6 Pa.B. 1839. Immediately preceding text appears at serial page (20802).

### Cross References

This section cited in 52 Pa. Code § 29.317 (relating to accounting requirements for alternative forms of compensation for drivers); 52 Pa. Code § 101.2 (relating to definitions); and 52 Pa. Code § 101.4 (relating to reporting requirements).

### § 29.44. Accident reports.

(a) *Accidents involving death of a person.* Motor carriers of passengers, operating vehicles with seating capacities of 15 passengers or less, including the driver, shall telephonically notify the Bureau of Transportation and Safety of any accident resulting in the death of a person within 24 hours of the accident. Carriers shall maintain a copy of the police report for 1 year from the date of the accident.

(b) *Other accidents.* For all accidents resulting in the filing of a police report, a motor carrier shall maintain a copy of the police report for 1 year from the date of the accident.

### Authority

The provisions of this § 29.44 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### Source

The provisions of this § 29.44 adopted April 15, 1946; amended through February 21, 1966; amended June 8, 1984, effective June 9, 1984, 14 Pa.B. 1939; amended May 29, 1987, effective May 30, 1987, 17 Pa.B. 2068; amended December 22, 1989, effective December 23, 1989, 19 Pa.B. 5424; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (218737).

### Cross References

This section cited in 52 Pa. Code § 29.111 (relating to accounts, records and memoranda).

**§ 29.51. [Reserved].**

**Source**

The provisions of this § 29.51 adopted April 15, 1946; amended February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (20803).

**§ 29.52. [Reserved].**

**Source**

The provisions of this § 29.52 adopted April 15, 1946; amended February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (20804).

**§ 29.53. [Reserved].**

**Source**

The provisions of this § 29.53 adopted April 15, 1946; amended February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (20804).

**§ 29.54. [Reserved].**

**Source**

The provisions of this § 29.54 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial pages (20804) and (28772).

**CONTINUITY OF SERVICE**

**§ 29.61. Commencement of service.**

A common carrier shall, within 30 days from the date of receipt of a certificate, begin operating and furnishing service. If it has not commenced operating and furnishing the authorized service within 30 days, appropriate proceedings shall be initiated to terminate the certificate unless, upon specific permission granted by the Commission, the time for commencement of service is extended.

### **Authority**

The provisions of this § 29.61 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.61 adopted April 15, 1946; amended through February 21, 1966; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (218738).

### **§ 29.62. Interruptions of service.**

(a) Reasonably continuous service. A certificated common carrier shall furnish and maintain adequate, reasonably continuous service to the public, without unreasonable interruptions or delay if the carrier has sufficient equipment available, subject to the following:

(1) A carrier may, during a period of unexpected demand, provide service as soon as possible and may provide notice to passengers that service is temporarily suspended. If notice is provided to passengers that service is temporarily suspended, no penalty shall apply.

(2) A driver of a call or demand vehicle who believes that his safety or well-being is, or may be, at risk shall not be required to render service and shall not be fined or penalized for failing to provide service under those circumstances.

(b) Reports of interruptions of service. An interruption of service for more than 48 hours shall be reported to the Commission with a statement of the cause of interruption and its probable duration. Suspension of service for 5 consecutive days without notice to the Commission will be deemed sufficient cause for revocation or cancellation of the rights of the carrier, except if the suspension is caused by strike or labor difficulties, riot, insurrection, war, government decrees or an act of God. An order of revocation will not issue until the carrier is given opportunity for a public hearing on a complaint as to why the rights should not be revoked and cancelled.

### **Authority**

The provisions of this § 29.62 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### Source

The provisions of this § 29.62 adopted April 15, 1946; amended through February 21, 1966; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (218738).

## MARKINGS AND POSTING NOTICE

### § 29.71. Marking of vehicles.

(a) *Identification.* A common carrier shall paint or affix on each side of each motor vehicle operated in certificated service by him in letters of at least 2 inches in height and at least 1/2 inch in width, the name or registered insignia, if approved by the Commission, of the carrier and the number of the certificate of public convenience as follows:

“Pa.P.U.C. No. A—”

(b) *Local trade marks.*--A common carrier may not mark, paint or design a vehicle to simulate a vehicle operated by another carrier within the same local service area. The simulation of design or other act intended to invite patronage by deception shall be considered sufficient grounds for revocation of a certificate of public convenience.

(c) *Advertising.*-- Advertising, including, but not limited to, cab tops, signs, placards and wrapping of vehicles shall be permitted but shall not obscure the mandated vehicle markings required under this chapter or a driver’s view in any direction and must be securely fastened to the vehicle.

(d) *Exceptions.*

(1) Subsection (a) does not apply to vehicles owned by another carrier which may be used temporarily in situations arising from accident, breakdown or peak demand.

(2) Subsections (a)(b) and (c) does not apply to vehicles operated in luxury limousine service as provided in § 29.333(c) (relating to vehicle and equipment requirements).



(ee) *Numbers.* A common carrier of passengers by taxicab operating more than one taxi shall cause to be painted or affixed a distinguishing number of at least 4 inches in height and at least 1/2 inch in width, in numerical sequence beginning with No. 1, in a conspicuous location on the rear and on each front side where it is clearly distinguishable from the rear and front side of each motor vehicle. If the common carrier operates under the name of an association not certificated by the Commission, there shall also be, in lieu of a separate numbering system, a single numerical sequence for an association and there shall be painted on the taxicab the name of the association, and the sequential number assigned by the association. The association shall supply the Commission with a current listing of the numbers assigned to each certificated carrier.

### **Authority**

The provisions of this § 29.71 amended under 66 Pa.C.S. § § 501, 504—506, 1301 and 1501.

### **Source**

The provisions of this § 29.71 adopted April 15, 1946; amended February 21, 1966; amended August 6, 1976, 6 Pa.B. 1840; amended July 25, 1997, effective August 25, 1997, 27 Pa.B. 3676. Immediately preceding text appears at serial page (218739).

### **Cross References**

This section cited in 52 Pa. Code § 29.333 (relating to vehicle and equipment requirements); 52 Pa. Code § 30.31 (relating to vehicle equipment requirements); and 52 Pa. Code § 37.205 (relating to additions or modifications to 49 CFR).

### **§ 29.72. Removal of markings.**

If the certificate of a common carrier is cancelled or revoked by the Commission, or if a motor vehicle is removed permanently from service, the carrier shall immediately remove the certificate number from the vehicle.

### **Source**

The provisions of this § 29.72 adopted April 15, 1946; amended February 21, 1966.

### **Cross References**

This section cited in 52 Pa. Code § 30.31 (relating to vehicle equipment requirements).

**§ 29.73. [Reserved].**

**Source**

The provisions of this § 29.73 adopted April 15, 1946; amended February 21, 1966; amended November 29, 2002, effective November 30, 2002, 32 Pa.B. 5888; reserved August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (293974).

**§ 29.81. [Reserved].**

**Source**

The provisions of this § 29.81 adopted August 8, 1975, effective August 9, 1975, 5 Pa.B. 2029; reserved August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (293974) and (233131).

**MISCELLANEOUS PROVISIONS**

**§ 29.101. Operation of ~~leased~~ equipment.**

(a) *General provisions.* General provisions include the following:

(1) *Common carriers.* Common carriers shall operate vehicles in compliance with this title and of the laws of the Commonwealth and:

(i) may operate in leased vehicles subject to the conditions as set forth in this § 29.101; and

(ii) call and demand carriers may also operate through owner-operators as provided for in this § 29.101.

(2) *Drivers.* When ~~used operating~~ in the authorized service of the ~~lessee certificateholder~~, leased drivers, owner-operators and all other drivers ~~vehicles~~ shall be ~~operated by drivers~~ qualified under Subchapter F (relating to driver regulations) when operating vehicles with seating capacities of 15 or less, including the driver, or

Chapter 37 (relating to safety code for transportation of property and passengers), when operating vehicles with seating capacities of 16 or more, including the driver.

(3) *Insurance and registration.* Leased vehicles and owner-operator vehicles shall be covered by insurance as provided by § 32.11 (relating to passenger carrier insurance) and conform with the requirements for registration of vehicles as set forth in 75 Pa.C.S. § § 101—9910 (relating to the Vehicle Code).

(4) *Capacity.* The operation of leased vehicles may in no event be assumed to permit an increase in the number of vehicles or in the seating capacity of vehicles where so limited by the terms of the certificate.

(5) *Control.* Vehicles shall be owned ~~by~~ or leased by the certificateholder or owned by the driver under the same terms and conditions of control as the certificate holder must exert under this chapter. Operation and service shall be under the direct regulatory control and supervision of the certificateholder.

(b) *Lease and Owner-Operator agreements.* Certificateholders may enter into lease agreements with drivers for the use of vehicles owned by the certificateholders. Certificateholders of call and demand service may also enter into agreements with owner-operators of vehicles for the use of those vehicles in service under the rights granted the certificateholder. Lease drivers and owner-operator drivers shall be subject to PUC rules and regulations regarding the operation of their vehicles. The certificateholder shall remain responsible for the operation of lease vehicles and owner-operator vehicles under the rules and regulation of the PUC. Nothing in this subsection shall be construed to permit a certificateholder to lease, sell or otherwise transfer its operating rights to the lessee or owner-operator.

(c) Lease and Owner-Operator ~~lease-to-own~~ agreements must conform with the following:

(1) *Content.* Leases of vehicles and Owner-Operator Agreements must be in writing, specifically setting forth the terms of the lease or Owner-Operator Agreement including obligations assumed such as maintenance and fuel, compensation, and the duration of the lease, and be executed by the parties or their authorized agents or officers.

(2) *Copies of lease and* Owner-Operator Agreement ~~distribution~~. The following applies to copies and distribution of the lease and Owner-Operator Agreement:

(i) *Preparation.* Lease agreements and Owner-Operator Agreements must be prepared in duplicate ~~triplicate~~, the original to be retained by the certificateholder and a copy to be retained by the driver in whose service the equipment is to be operated. ~~The original shall be retained at the principal office of the certificateholder, one copy to be retained by the owner of the equipment, and one copy to be carried on the leased vehicle for the duration of the contract.~~ The certificateholder shall retain leases and Owner-Operator Agreements for 2 years following their expiration date. It shall not be necessary for a lease or Owner-Operator Agreement to be signed each time a vehicle is operated by the driver.

(ii) *Certificates.* In lieu of a copy of the lease, a certificate or rental form identifying the leased vehicle shall be carried on the leased vehicle certifying that the equipment is to be operated exclusively in the service of the certificateholder named therein as lessee, the names and addresses of the owner and lessee, the date of the lease, the location of the original lease retained by the certificateholder, and the exact expiration date of the lease. This certificate or rental form shall be certified as true and correct by the certificateholder or an authorized representative.

(c) *Safety inspection.* It is the duty of the certificateholder, before taking possession of equipment, to inspect the equipment or to have the equipment inspected by a person who is competent and qualified to make an inspection as a representative of the carrier to insure that the equipment is in a safe condition to be operated on the highway. The person making the inspection shall certify the results thereof. The certification shall be retained by the certificateholder for at least 1 year. If the inspection discloses that the equipment is not in a safe condition to be operated on the highways, possession thereof may not be taken by the certificateholder.

(d) *Registration of vehicles.* When the Department of Transportation, at the request of the owner, designates the lessee certificateholder as the registrant of the vehicle and the name and address of the lessee are substituted for the address of the lessor, the Commission will approve the registration when the certificate is in good standing, but the approval is effective only for the period during which the lease remains in effect.

(e) *Identification.* ~~If a removable device is used to identify the operating carrier as lessee, the device must be made of durable material securely affixed to the vehicle operated, throughout the duration of the lease. Upon relinquishing possession of the equipment, the certificateholder operating the leased vehicle under this subsection shall remove the legend or removable device displayed on the vehicle.~~ All lease vehicles and owner-operator vehicles shall use the trade dress of the certificateholder. At the end of the period of allowable use for lease vehicles and/or the termination of the owner-operator agreement, the trade dress of the vehicle must be removed.

(f) ~~Call or demand~~ Other provisions. The following shall also apply to call or demand carriers operating with the use of lease drivers or owner-operators ~~leased equipment~~:

~~(1) (1) A certificateholder may not lease, contract with or make an arrangement with an employee driver under which the certificateholder is given custody, possession or use of a vehicle owned or leased by the employee driver or his nominee. For the purpose of this paragraph, a nominee shall include the employee driver, his spouse, children, parents or a trust for their benefit or an affiliated corporation, partnership or association.~~ Other than as provided for herein, a certificateholder may not lease, alienate or otherwise convey to any person or entity any of its rights, duties, or obligations under its Certificate of Public Convenience. The certificateholder is responsible for all operations undertaken via the use of its Certificate of Public Convenience and assumes all liabilities for operations thereunder. Unless specifically granted such rights by the Commission, no certificate may be leased or franchised to any other person or entity.

~~(122)~~ The holder of a call or demand certificate may lease vehicles to drivers or use owner-operators for operation in the service of the certificateholder only under the following conditions:

(i) The leased vehicle or owner-operator vehicle shall be operated under the direct control and supervision of the certificateholder.

(ii) The driver-lessee or owner-operator of the vehicle and the certificateholder shall be required to keep and retain daily log sheets or electronic manifest as prescribed by § 29.313(c) (relating to service standards and requirements).

(iii) The certificateholder shall be required to furnish and maintain adequate service to the public which shall be reasonably continuous and without unreasonable interruptions or delays.

(iv) For leases in excess of 24 hours, the vehicle may be kept at the driver's residence upon notice to the certificated carrier. Owner-operators may house their vehicles at the residence upon notice to the certificated carrier.

(v) The certificateholder may operate according to flexible shifts based upon passenger need and demand for service.

(vi) For both lease drivers and owner-operators the certificateholder shall require a stated payment from drivers for use of the vehicles and shall permit drivers to keep all revenues and gratuities in excess of this stated payment.

~~(iv) The leasing and lease-to-own plan of the certificateholder must conform with § 29.315 (relating to alternative forms of compensation).~~

### **Authority**

The provisions of this § 29.101 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.101 adopted April 15, 1946; amended through February 21, 1966; amended March 18, 1977, effective March 19, 1977, 7 Pa.B. 752; amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (218741) to (218744) and (263615).

### **Cross References**

This section cited in 52 Pa. Code § 29.111 (relating to accounts, records and memoranda); and 52 Pa. Code § 29.315 (relating to alternative forms of compensation).

### **§ 29.102. Transportation of blind or deaf persons with dog guides.**

Common carriers shall transport dogs trained for the purpose of guiding blind or deaf persons when accompanying blind or deaf persons paying a regular fare. The dog guides shall be properly leashed and may not occupy a seat in the conveyance.

### **Source**

The provisions of this § 29.102 adopted April 15, 1946; amended through February 21, 1966; amended April 20, 1984, effective April 21, 1984, 14 Pa.B. 1390; amended November 21, 1986, effective November 22, 1986, 16 Pa.B. 4568. Immediately preceding text appears at serial page (89978).

### **Notes of Decisions**

#### *Transportation of Guide Dog*

When taxi company alleged improper muzzling of visually handicapped persons guide dog for the first time in its Petition for Review of Public Utility Commission's

order, consideration of that issue is deemed waived in accordance with 1 Pa. Code § 35.213 (relating to effect of failure to except to proposed report); thus, Commission's order will not be overturned for lack of substantial evidence. *Metro Transportation Company v. Pennsylvania Public Utility Commission*, 525 A.2d 24, 26 (Pa. Commw. 1987).

### Cross References

This section cited in 52 Pa. Code § 29.111 (relating to accounts, records and memoranda).

#### § 29.103. ~~[Reserved] Simulating color or design.~~

~~Common carriers are prohibited from marking, painting or designing their vehicles so as to simulate vehicles operated by other carriers within the same local area. The simulation of design or other act intended to invite patronage by deception will be considered sufficient ground for revocation of certificates.~~

#### ~~Source~~

~~The provisions of this § 29.103 adopted April 15, 1946; amended through February 21, 1966.~~

#### ~~Cross References~~

~~This section cited in 52 Pa. Code § 29.111 (relating to accounts, records and memoranda); and 52 Pa. Code § 30.31 (relating to vehicle equipment requirements).~~

#### § 29.104. [Reserved].

### Source

The provisions of this § 29.104 adopted April 15, 1946; amended through February 21, 1966; amended August 24, 1970, effective August 25, 1970, 1 Pa.B. 224; reserved July 31, 1987, effective August 1, 1987, 17 Pa.B. 3217; corrected November 20, 1987, effective August 1, 1987, 17 Pa.B. 4726. Immediately preceding text appears at serial pages (120420) to (120421). (**Editor's Note:** The insurance provisions for common carriers previously contained in this section have been moved to Chapter 32 (relating to motor carrier insurance).)

### Notes of Decisions

### *Duty to Maintain Insurance*

In the absence of evidence of legislative intent to impose absolute liability on insurers of common carriers, the duty to maintain insurance coverage on vehicles is placed on the transportation company; the insurer is not liable for injuries to a third party resulting from an accident involving a vehicle not covered by the terms of the insurance contract. *Czarnecki v. Delco Cab, Inc.*, 419 A.2d 139 (Pa. Super. 1980).

### *Rejection of Insurance*

Taxi company that rejected uninsured motorist coverage in its policies of insurance has by that action chosen to be self-insured for uninsured motorist coverage. *Jones v. Travelers Insurance Co.*, 514 A.2d 576 (Pa. Super. 1986).

An order conditioning the reinstatement of a cancelled certificate was affirmed where that order merely affirmed an earlier order cancelling the certificate and added conditions for its reinstatement, and where the certificate holder had not timely answered a complaint based upon her failure to provide evidence of insurance and failure to file an annual report, so the facts in that complaint were deemed admitted. *De Gregorio v. Pennsylvania Public Utility Commission*, 481 A.2d 1241 (Pa. Cmwlt. 1984).

### *Retroactive Application*

This section will not be retroactively applied to cancel coverage of insurance policy in cases of successive policies, thereby eliminating a source of insurance funds for third-party claimants, in that application of such regulation could not be considered purely procedural. Minimum coverage, for common carriers if not provided for, shall be read into all insurance contracts. *Metro Transportation Co. v. North Star Reinsurance Co.*, 912 F.2d 672 (3d. Cir. 1990).

## **§ 29.105. Employee commuter van pooling.**

(a) The following words and terms when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Company*—The person, partnership, association, entity or governmental unit or agency which employs persons to whom the service is rendered.

*Transportation*—Transportation of passengers, as defined in 66 Pa.C.S. § 102 (relating to definitions).



*Van*—A motor vehicle accommodating no more than 15 persons, including the driver.

(b) When all of the following circumstances are present, the Commission will regard an operation as private carriage and therefore beyond the regulatory jurisdiction of the Commission:

(1) The transportation is provided in a van registered in the name of the company, and the company is in fact the owner; or, the transportation is provided in a van leased by the company, and the company is obligated to pay the rent from its own funds.

(2) The vans are operated only by bona fide employees of the company in rendering the transportation provided for in this section.

(3) The transportation is provided solely to and from places of employment for employees using the van when the company facility is open for business.

(4) Employees transported in the vans may pay or contribute only such amounts as do not exceed the cost of operation of the employer.

(5) The transportation is conducted on a nonprofit basis, as an incident to the primary noncarrier business of the employer.

(c) The Commission will also regard multiple-company operations, which are bona fide cooperatives, arranged along the lines set forth in subsection (b) as falling beyond its regulatory jurisdiction.

(d) The statements set forth in subsections (b) and (c) may not be regarded as implying that all other similar operations necessarily fall within the regulatory jurisdiction of the Commission or that the vehicles may never be used for any other purpose.

### **Authority**

The provisions of this § 29.105 issued under 45 Pa.C.S. § 702; and the Public Utility Code, 66 Pa.C.S. § § 102 and 501.

### **Source**

The provisions of this § 29.105 adopted March 18, 1977, effective March 19, 1977, 7 Pa.B. 751; amended November 2, 1979, effective November 3, 1979, 9 Pa.B. 3645. Immediately preceding text appears at serial page (32872).

## **§ 29.106. Taxicab service zones—Philadelphia.**

The following zones will be used in assigning areas in Philadelphia to taxicab, call or demand, certificates under the 40% service requirement at 66 Pa.C.S. § 1103 (relating to procedure to obtain certificates of public convenience):

(1) *Zone A.* All of that territory within the city of Philadelphia lying within the following boundaries: Beginning at the intersection of Schuylkill Expressway and City Line Avenue south and east along the Schuylkill Expressway to its intersection with Girard Avenue, west on Girard Avenue to 34th Street, thence south on 34th Street to its intersection with South Street, thence east on South Street to the Delaware River, continuing along the Delaware River to its intersection with the Schuylkill River, thence north along the Schuylkill River to Penrose Avenue, thence south on Penrose Avenue to Interstate 95, thence along Interstate 95 to its intersection with Lindberg Boulevard, thence north on Lindberg Boulevard to its intersection with Cobbs Creek Parkway, thence along Cobbs Creek Parkway to its intersection with City Line Avenue, thence north to its place of beginning.

(2) *Zone B.* All of that portion of the city of Philadelphia which lies within the following boundaries: Beginning at the intersection of Front Street and Spring Garden Street, thence west on Spring Garden Street to the Schuylkill River, thence north along the Schuylkill River to the city boundary, continuing along the city boundary to its intersection with Front Street, thence south on Front Street to the place of beginning.

(3) *Zone C.* All of that portion of the city of Philadelphia which lies within that area east of Front Street as it extends from Spring Garden Street to Cheltenham Avenue and west of the Delaware River from Spring Garden Street north to the city boundary.

### **Authority**

The provisions of this § 29.106 issued under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 1102 and 1103.

### **Source**

The provisions of this § 29.106 adopted March 18, 1977, effective March 19, 1977, 7 Pa.B. 751; reserved November 2, 1979, effective November 3, 1979, 9 Pa.B. 3645; amended August 1, 1980, effective August 2, 1980, 10 Pa.B. 3188; amended February

17, 1984, effective February 18, 1984, 14 Pa.B. 543. Immediately preceding text appears at serial pages (59632) to (59634).

## **Subchapter C. CONTRACT CARRIERS**

Sec.

29.111. Accounts, records and memoranda.

### **§ 29.111. Accounts, records and memoranda.**

(a) A contract carrier shall keep complete and accurate accounts, records and memoranda of the movement of traffic, of the receipts and expenditures of money, of revenues and income earned, of expenses incurred, of the cost of property and other assets, of the amounts of debts and obligations, and of every other pertinent matter and thing; and shall preserve the accounts, records and memoranda until the destruction or other disposition of the same is authorized by the Commission.

(b) A contract carrier shall comply with § § 29.41, 29.44 and 29.101—29.103.

#### **Authority**

The provisions of this § 29.111 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

#### **Source**

The provisions of this § 29.111 adopted April 15, 1946; amended through February 21, 1966; amended May 25, 1979, effective May 26, 1979, 9 Pa.B. 1670; amended December 22, 1989, effective December 23, 1989, 19 Pa.B. 5424; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (263618) to (263619).

## **Subchapter D. SUPPLEMENTAL REGULATIONS**

Sec.

- 29.121. [Reserved].
- 29.122. [Reserved].
- 29.123. [Reserved].
- 29.124. [Reserved].
- 29.125. [Reserved].
- 29.126. [Reserved].
- 29.127. [Reserved].
- 29.128. [Reserved].
- 29.129. [Reserved].
- 29.130. [Reserved].
- 29.131. [Reserved].
- 29.132. [Reserved].
- 29.133. [Reserved].
- 29.134. [Reserved].
- 29.135. [Reserved].
- 29.136. [Reserved].
- 29.137. [Reserved].

### **SCHEDULED ROUTE SERVICE**

- 29.301. Conditions.
- 29.302. Method of operation.
- 29.303. Service standards and requirements.
- 29.304. Vehicle and equipment requirements.
- 29.305. Tariff requirements.
- 29.306. Consumer information.

### **CALL OR DEMAND SERVICE**

- 29.311. Conditions.
- 29.312. Method of operation.
- 29.313. Service standards and requirements.
- 29.314. Vehicle and equipment requirements.
- 29.315. Alternative forms of compensation.
- 29.316. Tariff requirements.
- 29.317. Accounting requirements for alternative forms of compensation for drivers.
- 29.318. Consumer information.

## **GROUP AND PARTY SERVICE**

- 29.321. Conditions.
- 29.322. Method of operation.
- 29.323. Vehicle and equipment requirements.
- 29.324. Tariff requirements.

## **LIMOUSINE SERVICE**

- 29.331. Conditions.
- 29.332. Method of operation.
- 29.333. Vehicle and equipment requirements.
- 29.334. Tariff requirements.
- 29.335. Trip sheet requirements.
- 29.336. Consumer information.

## **AIRPORT TRANSFER SERVICE**

- 29.341. Conditions.
- 29.342. Method of operation.
- 29.343. Tariff and schedule requirements.
- 29.344. Consumer information.

## **OTHER SERVICES: PARATRANSIT, EXPERIMENTAL**

- 29.351. Conditions.
- 29.352. Experimental service.
- 29.353. Method of operation in paratransit service.
- 29.354. Vehicle and equipment requirements: paratransit service.
- 29.355. Tariff requirements.
- 29.356. Consumer information.

### **Source**

The provisions of this Subchapter D amended January 23, 1981, effective January 24, 1981, 11 Pa.B. 409, unless otherwise noted. Immediately preceding text appears at serial pages (48987) to (48990), (20811), (20812), (28776), (28777), (37298), (37299), (52612) to (52615) and (48991).

## Notes of Decisions

### *Writ of Mandamus*

These regulations limit the type of motor vehicle to be used in call or demand service to taxicabs and do not grant such a clear right to receive certification from the PUC for licensing of vehicles in the eight to twelve passenger class as would justify issuing a writ of mandamus. *Karpe v. Pennsylvania Public Utility Commission*, 370 A.2d 399 (Pa. Cmwlth. 1977).

## Cross References

This subchapter cited in 52 Pa. Code § 29.13 (relating to scheme of classification).

**§ 29.121. [Reserved].**

### Source

The provisions of this § 29.121 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (48988).

**§ 29.122. [Reserved].**

### Source

The provisions of this § 29.122 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (48989).

**§ 29.123. [Reserved].**

### Source

The provisions of this § 29.123 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (48989).

## Notes of Decisions

### *Type of Vehicle*

The Public Utility Commission supplemental taxicab regulations clearly limit the type of vehicle to be used as a taxicab to a four-door passenger automobile, with immovable hardtop, having a closed body with a single compartment for passengers and the operator. *Port Authority of Allegheny County v. Pennsylvania Public Utility Commission*, 431 A.2d 243 (Pa. 1981).

### **§ 29.124. [Reserved].**

#### **Source**

The provisions of this § 29.124 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (20811).

### **§ 29.125. [Reserved].**

#### **Source**

The provisions of this § 29.125 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (20811).

#### **Notes of Decisions**

### *Group Riding*

Group riding in taxicabs is limited to periods of abnormal demand and subject to the consent of the first party to engage the taxicab. *Port Authority of Allegheny County v. Pennsylvania Public Utility Commission*, 431 A.2d 243 (Pa. 1981).

### **§ 29.126. [Reserved].**

#### **Source**

The provisions of this § 29.126 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (20811).

**§ 29.127. [Reserved].**

**Source**

The provisions of this § 29.127 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial pages (20811) and (20812).

**§ 29.128. [Reserved].**

**Source**

The provisions of this § 29.128 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (20812).

**§ 29.129. [Reserved].**

**Source**

The provisions of this § 29.129 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (20812).

**§ 29.130. [Reserved].**

**Source**

The provisions of this § 29.130 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial pages (20812) and (28776).

**Notes of Decisions**

The fact that a paratransit van charges a flat rate for use and that all taxicab must be equipped with taximeters is further evidence that the two services are not equivalent. *Port Authority of Allegheny County v. Pennsylvania Public Utility Commission*, 431 A.2d 243 (Pa. 1981).



**§ 29.131. [Reserved].**

**Source**

The provisions of this § 29.131 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial pages (28778) to (28779).

**Notes of Decisions**

*Group Riding*

Group riding in taxicabs is limited to periods of abnormal demand and subject to the consent of the first party to engage the taxicab. *Port Authority of Allegheny County v. Pennsylvania Public Utility Commission*, 431 A.2d 243 (Pa. 1981).

**§ 29.132. [Reserved].**

**Source**

The provisions of this § 29.132 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (28779).

**§ 29.133. [Reserved].**

**Source**

The provisions of this § 29.133 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (28779).

**§ 29.134. [Reserved].**

**Source**

The provisions of this § 29.134 adopted April 15, 1946; amended through February 21, 1966; amended August 7, 1976, effective August 8, 1976, 6 Pa.B. 1840; reserved

January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial pages (28777) and (37298).

**§ 29.135. [Reserved].**

**Source**

The provisions of this § 29.135 adopted April 15, 1946; amended through February 21, 1966; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (37298).

**§ 29.136. [Reserved].**

**Source**

The provisions of this § 29.136 adopted April 15, 1946; amended through February 21, 1966; amended March 18, 1977, effective March 19, 1977, 7 Pa.B. 752; amended October 14, 1977, effective October 15, 1977, 7 Pa.B. 3082; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial pages (37298) to (37299) and (52612) to (52613).

**§ 29.137. [Reserved].**

**Source**

The provisions of this § 29.137 adopted April 15, 1946; amended through February 21, 1966; amended October 14, 1977, effective October 15, 1977, 7 Pa.B. 3083; corrected at 7 Pa.B. 3199; reserved January 23, 1981, effective January 24, 1981, 11 Pa.B. 409. Immediately preceding text appears at serial page (52613) to (52614) and (48991).

**SCHEDULED ROUTE SERVICE**

**§ 29.301. Conditions.**

This section and §§ 29.302—29.305 (relating to scheduled route service) apply to operations in the scheduled route class of common carriage. This section and

§ § 29.302—29.305 apply in addition to relevant provisions of Subchapters A, B, E and F, as well as particular provisions contained in each certificate of a carrier.

### **Authority**

The provisions of this § 29.301 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.301 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (263624).

### **Cross References**

This section cited in 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

### **§ 29.302. Method of operation.**

(a) *Scheduled routes.* Unless otherwise specifically provided in the certificate, a common carrier operating a scheduled route service shall have the right to pick up and discharge persons at a point along the route authorized by the certificate.

(b) *Route deviations.* No scheduled route carrier may deviate from its designated route unless specifically authorized to do so by its certificate.

(c) *Route consolidation.* No scheduled route common carrier operating over two or more routes under certificates of public convenience approved separately may consolidate its routes, or any two of them, thereby furnishing through service without change of vehicle, unless specific authority therefor has been granted by the Commission.

(d) *Emergency digressions.* Digressions from published routes under conditions of emergency may not be construed as being in violation of this section.

### **Source**

The provisions of this § 29.302 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

### **Cross References**

This section cited in 52 Pa. Code § 29.301 (relating to conditions); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

### **§ 29.303. Service standards and requirements.**

(a) *Time schedules.* Common carriers providing scheduled route service shall file with the Commission an original of time schedules applicable to the service at least 10 days prior to the effective date thereof. Printed time schedules and information with respect thereto shall be made available to the public upon a reasonable request.

(b) *Notice of schedule changes.* Notice of proposed changes in routes or in time schedules involving retiming or withdrawal of a trip shall be conspicuously posted in vehicles engaged in services affected by the changes and at stations and stops where practicable, for at least 10 days prior to the effective date thereof. Notice of any changes shall be provided to the Commission, in writing, 10 days prior to implementation. This section relating to changes in time schedules does not apply to that portion of the service that is and will continue to be rendered on headways of 20 minutes or less.

(c) *Unexpected demands.* Changes in time schedules to meet unexpected changes in traffic demands such as might occur upon changes in shift periods of industrial establishments, changes in school periods, or similar conditions which prevent prior notice of digression will not be construed as being in violation of this section.

(d) *Supplementary service.* Nothing in this section may be construed to prevent the rendition of additional or supplementary service without prior notice, on any part of a scheduled route, to meet varying traffic demands.

#### **Authority**

The provisions of this § 29.303 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 523, 1102, 1103, 1301, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

#### **Source**

The provisions of this § 29.303 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181; amended January 10, 2014, effective January 11, 2014, 44 Pa.B. 249. Immediately preceding text appears at serial pages (321678) and (326547).

#### **Cross References**

This section cited in 52 Pa. Code § 29.301 (relating to conditions); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

#### **§ 29.304. Vehicle and equipment requirements.**

A scheduled route service may be operated only in vehicles with seating capacities of six passengers or greater, excluding the driver.

#### **Source**

The provisions of this § 29.304 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

#### **Cross References**

This section cited in 52 Pa. Code § 29.301 (relating to conditions); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

#### **§ 29.305. Tariff requirements.**

The rates charged and collected shall be contained in a tariff filed, posted and published in accordance with law and this title.

#### **Source**

The provisions of this § 29.305 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

#### **Cross References**

This section cited in 52 Pa. Code § 29.301 (relating to conditions); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

#### **§ 29.306. Consumer information.**

To provide passengers with the necessary information to file a complaint, scheduled route carriers shall post a Commission-issued complaint decal in a conspicuous location inside the vehicle which lists the telephone number and website to be used to lodge a complaint or provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at (800) 782-1110 or at [www.state.pa.us](http://www.state.pa.us). Include the company name and A-# for all complaints.

### **Authority**

The provisions of this § 29.306 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.306 adopted August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181.

## **CALL OR DEMAND SERVICE**

### **§ 29.311. Conditions.**

This section and §§ 29.312—29.316 (relating to call or demand service) apply only to operations in the “call or demand”—taxi—class of common carriage. These sections apply in addition to relevant provisions of Subchapters A, B, E and F, as well as particular provisions contained in each certificate of a carrier.

### **Authority**

The provisions of this § 29.311 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.311 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (218756).

### **Cross References**

This section cited in 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

### **§ 29.312. Method of operation.**

Unless otherwise specifically provided in the certificate of public convenience, a common carrier operating a call or demand service shall have the rights and be subject to the conditions as follows:

(1) *General.* Vehicles engaged in call or demand service may transport persons on request, on an exclusive basis, or on a nonexclusive basis.

(2) *Noninterference with scheduled service.* When offering nonexclusive call or demand service, owners and drivers of vehicles shall be prohibited from permitting or causing the vehicle to be operated on a fixed time schedule over a route of a scheduled route carrier or a public transit system so as to pass specific points in a regular manner, at regular intervals, for the purpose of picking up passengers unless that route is not then in operation. The purpose of this paragraph is to prohibit call or demand operations from interfering with scheduled service.

(3) *Unauthorized persons forbidden in exclusive service.* Whenever a call or demand vehicle is occupied by a fare-paying passenger or by members of a party of fare-paying passengers who have engaged the vehicle on an exclusive basis, the driver of the vehicle may not permit another person to occupy or ride in the vehicle, unless the consent of the party then occupying the vehicle is obtained.

(4) *Territorial restrictions, exclusive service.* When engaged in service on an exclusive basis, a call or demand vehicle may transport persons:

(i) In the area authorized by the certificate.

(ii) From a point in the area authorized by the certificate to a point in this Commonwealth.

(iii) From a point in this Commonwealth to a point in the area authorized by the certificate, provided that the request for the transportation is received in the area authorized by the certificate.

(5) *Territorial restrictions, nonexclusive service.* When engaged in service on a nonexclusive basis, a call or demand vehicle may transport persons as follows:

(i) In the area authorized by the certificate.

(ii) From the area authorized by the certificate to a point in this Commonwealth within an airline distance of 5 statute miles from the boundary of the area authorized by the certificate.

(iii) From a point within the 5-mile region referred to in subparagraph (ii) to a point within the area authorized by the certificate, provided that the request for the transportation is received in the area authorized by the certificate.

(6) *Service in unauthorized territory.* Call or demand service between points outside authorized territory may not be validated by the subterfuge of routing the vehicle through authorized territory. An operator may not attempt to evade a restriction attaching to his operating rights by encouraging or causing the passengers to make a theoretical or actual fare-paying break in a trip by routing it through authorized territory.

(7) *Requirement to offer exclusive service.* A call or demand certificate holder shall at least offer exclusive service unless its certificate provides otherwise.

### Source

The provisions of this § 29.312 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

### Notes of Decisions

The question of whether a taxicab was being used for business purposes was tied to whether a proper fare was arranged and also whether the trip involved may have violated the territorial restrictions on service set forth in the company's PUC license. *Guaranty National Insurance v. Chester County Housing Authority*, 714 F. Supp. 747 (1989).

### Cross References

This section cited in 52 Pa. Code § 29.311 (relating to conditions); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

### § 29.313. Service standards and requirements.

(a) *Required to provide service.* A driver of a call or demand vehicle shall, at all times when on duty and not engaged, furnish trip service on demand to an orderly person for lawful purposes.

(b) *Shortest route to be followed.* A driver of a call or demand vehicle shall transport passengers to their destinations by the shortest practical route, unless directed by a passenger to take a different route.

(c) *Log sheets.* A driver of a vehicle in call or demand service shall keep a log sheet or manifest for each shift he operates unless [the vehicle is equipped with a digital dispatch system, mobile data transmitter or GPS dispatching system which records and stores, either on the device itself or on a computer or server located elsewhere, the](#)



~~following information: some other method is, upon petition, specifically approved by the Commission. These log sheets shall be filled out contemporaneously with the trip, on a form supplied by the certificateholder. The log sheets shall be retained by the certificateholder for at least 2 years. Log sheets may be retained in electronic format. Log sheets, or comparable printouts from an electronic storage device, shall be turned over upon request to an authorized representative of the Commission upon the rendering of a receipt. Drivers shall fill out the log sheets with the following information:~~

- (1) The date.
- (2) The time he commenced the shift and the time he ended the shift and ceased driving.
- (3) The vehicle identification number.
- (4) The times and places of origin and destination of each trip including the odometer or meter mileage at the origin and destination of each passenger trip. Origin and destination places shall contain a street name and address or, if unavailable, an identifiable landmark.
- (5) The number of passengers and the fare collected on each trip, indicating separately each fare collected from each passenger or party of passengers sharing the ride.
- (6) Each trip on which packages were delivered and the charge for the trip.
- (7) The meter readings at the beginning and end of each shift, if applicable.
- (8) The name and number of the driver.
- (9) The signature of the driver attesting to the accuracy of the data recorded unless the data is stored electronically. -
- (10) Other information as may be required by this title.

If a certificated carrier has a system which electronically stores the information, a paper log shall not be required. A certificated carrier shall store and hold all paper and electronic logs for a two-year period.

(d) *Baggage.* No charge may be made by a certificateholder or driver for a hand baggage or hand luggage carried by a fare-paying passenger.

(e) *Expressage*. The driver may carry packages or parcels when the merchandise is accompanied by a passenger but shall refuse to carry the packages or parcels when the contents cause the vehicle to become stained or evil smelling. Nothing contained in this subsection may be interpreted as permitting the hiring of vehicles for expressage purposes only unless the rights are specifically included in a certificate held by the carrier.

(f) *Fare receipts*. The driver of a call or demand vehicle shall, if requested, deliver to the person paying for hire of the same, at the time of payment, a correct receipt therefor. Upon this receipt shall be legibly printed or written the name of the carrier, a method of identifying the vehicle and its driver, items for which a charge is made, the total amount paid and the date of payment. A certificateholder shall supply each of its drivers with blank receipts assembled in book form.

### **Authority**

The provisions of this § 29.313 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.313 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (218758) and (263627).

### **Notes of Decisions**

#### *Log Sheets*

In holding that reduction of a fine was out of the Court's scope of review, the Court noted that the log requirements for call or demand service may now be found at 52 Pa. Code § 29.313(c). *Radell v. Pennsylvania Public Utility Commission*, 459 A.2d 887 (Pa. Cmwlth. 1983).

### **Cross References**

This section cited in 52 Pa. Code § 29.101 (relating to operation of leased equipment); 52 Pa. Code § 29.311 (relating to conditions); 52 Pa. Code § 29.317 (relating to accounting requirements for alternative forms of compensation for drivers); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

**§ 29.314. Vehicle and equipment requirements.**

(a) *Seating capacity.* A call or demand service may be operated only in vehicles with seating capacities of eight passengers or less, excluding the driver.

(b) *Meters.* ~~Meters must conform with the following requirements: A call or demand vehicle operated within this Commonwealth must be equipped with a meter. A device constituting a meter shall include, but not be limited to:~~

- 1) A traditional or mechanical meter;
- 2) A mobile data transmitter unit;
- 3) A GPS-based Internet application using a tablet or computer; or
- 4) Another accurate technology to track distance and fare that meets with commission approval and reliably demonstrates the correct fare according to the authorized certificate holder's tariff. ~~(1) A call or demand vehicle operated within this Commonwealth shall be equipped with a meter.~~

~~(52)~~ The meter shall be installed in the ~~front of the~~ vehicle so that, at all times, it is plainly visible to and the fare is readily ascertainable by all occupants of the vehicle. The face of the meter must be properly illuminated at all times.

~~(3) No meter affixed to a vehicle may be operated from a drive other than the transmission of the vehicle unless some other method is, upon petition, specifically approved by the Commission.~~

~~(64)~~ Unless otherwise permitted by the Commission, mechanical ~~the~~ meter and meter driving equipment must be sealed so that the meter case, meter driving equipment or additional gear boxes, if any, cannot be disconnected without breaking a seal.

~~(75)~~ The responsibility for sealing the meter and appurtenant equipment and for maintaining the seals intact while the vehicle is in operation lies with the certificateholder.

~~(86)~~ It is the responsibility of the certificateholder to cause the meters to be so regulated that the fare is calculated and registered in accordance with the current tariff rates on file with and approved by the Commission.

~~(97)~~ The meter must be in operation during the entire time the vehicle is engaged by a passenger, and the passenger shall be required to pay only the amount recorded by the meter, except that, when back-mileage or surcharge provisions of the tariff of

the carrier apply, the back-mileage charge or surcharge shall be added to the amount recorded by the meter. Each meter charge shall be collected only once regardless of whether the vehicle is being used in exclusive service or in nonexclusive service.

(108) Paragraph (7) does not apply when the filed tariff provides for a flat rate in lieu of a metered charge for transportation beyond a certain mileage point or for a zone-based fare structure. This paragraph is invalid after January 1, 2007.

(c) *Vehicle age and mileage.* On the last day of each calendar year, a certificate holder shall remove from service, all vehicles greater than 10 model years old or with greater than 350,000 miles. Any vehicle that surpasses 350,000 miles during a calendar year may remain in service until the end of that calendar year, but in no event shall the vehicle remain in service after reaching 400,000 miles. The vehicle age and mileage restrictions under this section shall not apply to any of the following:

(i) An electric vehicle or hybrid electric vehicle as defined under 75 Pa.C.S. § 102 (relating to definitions).

(ii) A vehicle utilizing alternative fuels as defined under 75 Pa.C.S. § 9002 (relating to definitions).

(iii) A wheelchair-accessible vehicle. ~~A vehicle that is more than 10 model years old or has more than 350,000 miles of cumulative mileage registered on its odometer may not be operated in call and demand service. For example, for a vehicle with less than 350,000 miles, the last day on which a 2016 model year vehicle may be operated in taxi service is December 31, 2026. Electric vehicles, hybrid electric vehicles and vehicles utilizing alternative fuels, as defined in 75 Pa.C.S. § § 102 and 9002 (relating to definitions), may operate in call and demand service until the vehicle age of 12 model years or the cumulative mileage level of 350,000 miles registered on the odometer. For example, for a vehicle with less than 350,000 miles, the last day on which a qualifying model year 2016 alternative fuel vehicle, hybrid electric vehicle or electric vehicle may be operated in taxi service is December 31, 2028. This subsection is effective January 19, 2016.~~

(d) *Dome lights.* Unless otherwise permitted by the Commission, vehicles operated by call and demand carriers must have a dome light affixed to the roof of the vehicle. The dome light shall be visible from a distance of 100 feet from the front and rear of the vehicle. The dome light shall be illuminated only when a customer does not occupy the vehicle.

### **Authority**

The provisions of this § 29.314 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1301, 1501, 1502, 1504, 1506, 1508 and 2301 and Chapters 23 and 25.

## Source

The provisions of this § 29.314 adopted January 23, 1987, effective January 24, 1987, 11 Pa.B. 409; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181; amended July 17, 2015, effective January 19, 2016, 45 Pa.B. 3828. Immediately preceding text appears at serial pages (321683) to (321685).

## Notes of Decisions

### *Technical Fitness*

Substantial evidence supported the Commission's findings and conclusions in regard to technical and financial fitness in granting the common carrier application even though loan applications and some equipment purchases were still pending. *Yellow Cab Co. v. Pennsylvania Public Utility Commission*, 673 A.2d 1015 (Pa. Cmwlth. 1996).

## Cross References

This section cited in 52 Pa. Code § 29.311 (relating to conditions); 52 Pa. Code § 29.353 (relating to method of operation in paratransit service); and 52 Pa. Code § 30.31 (relating to vehicle equipment requirements).

### § 29.315. ~~[Reserved] Alternative forms of compensation.~~

~~(a) Certificateholders' plans for alternative forms of compensation for call or demand drivers, as permitted by § 29.101 (relating to operation of leased equipment), must conform with the following conditions:~~

~~—(1) A certificate holder may enter into conditional lease or sale agreements with drivers of a vehicle if the certificate holder does the following:~~

~~(i.) Provides required levels of insurance on the vehicle.~~

~~(ii.) Ensures that the vehicle is subjected to and complies with all vehicle inspection requirements.~~

~~(iii.) Ensures that the driver complies with all the requirements of this Chapter and commission regulations.~~

~~(iv.) Terminates insurance as required by § 32.11 (relating to passenger carrier insurance) to a driver who completes purchase of the vehicle or who no longer provides driver services to the taxi or limousine company.~~

~~—(2) The certificateholder shall at all times own the vehicles or lease them from a non to a driver owner pursuant to equipment leasing procedures authorized by this chapter.~~

~~—(32) The certificateholder shall be responsible for providing and maintaining insurance as required by § 32.11 (relating to passenger carrier insurance).~~

~~—(43) The certificateholder shall comply with Subchapters E and F (relating to vehicle equipment and inspection; and driver regulations).~~

~~—(54) Vehicles shall be kept at specifically designated garages or parking locations when they are not being used in the public service.~~

~~—(65) The certificateholder shall ensure that drivers adhere to regular shifts of operation and utilize disciplinary procedures for drivers who fail to adhere to these shifts.~~

~~—(76) The certificateholder shall require a stated payment from drivers for use of the vehicles and shall permit drivers to keep all revenues and gratuities in excess of this stated payment.~~

~~—(87) For those certificateholders utilizing radio dispatching, the vehicles they operate shall be radio dispatched. The certificateholder shall ensure that drivers answer radio dispatches promptly and utilize disciplinary procedures for drivers who fail to answer radio dispatches.~~

~~—(98) The certificateholder shall be responsible for daily supervision of drivers and utilize disciplinary procedures for drivers who fail to comply with applicable laws, including this title.~~

~~(b) Certificateholders whose plans for alternative forms of driver compensation do not conform with the conditions in subsection (a) shall submit plans to the Commission for review 30 days in advance of a proposed starting date. Review will include but will not necessarily be limited to the factors enumerated in subsection (a).~~

~~(c) In all alternative forms of compensation for drivers, whether authorized by this section or by order of the Commission, the certificateholder and driver shall comply with § 29.317 (relating to accounting requirements for alternative forms of compensation for drivers).~~

## Authority

The provisions of this § 29.315 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### Source

The provisions of this § 29.315 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended April 20, 1984, effective April 21, 1984, 14 Pa.B. 1390; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (263628) and (218761).

### Notes of Decisions

In holding that reduction of a fine was out of the Court's scope of review, the Court noted that the provision requiring a cab owner to keep the vehicle in a safe and orderly condition may now be found at 52 Pa. Code § 29.315(c). *Radell v. Pennsylvania Public Utility Commission*, 459 A.2d 887 (Pa. Cmwlth. 1983).

### Cross References

This section cited in 52 Pa. Code § 29.101 (relating to operation of leased equipment); 52 Pa. Code § 29.311 (relating to conditions); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

### § 29.316. Tariff requirements.

- a) Taxi Tariffs.- A motor carrier of call and demand service shall, prior to furnishing or offering to furnish service, file with the commission tariffs showing the rates or other compensation demanded for the service as provided for in this section. The following shall apply:
- 1) A taxi tariff must be filed, posted and published in accordance with law and title 52 Pa Code. Fares may be charged:
    - i) In the amount that is calculated and registered on the meter.
    - ii) As a fixed amount for the trip.
    - iii) As the amount shown to be due on the meter plus a surcharge.
  - 2) A cancellation, no-show and cleaning fee may be applied as necessary and included within the tariff or charged separately with advance notice to the customer.
  - 3) A motor carrier of call and demand service must disclose the fare calculation method, the applicable rates being charged and provide an estimated fare to the customer upon the customer's request.
  - 4) A motor carrier of call and demand service may charge a minimum fare of \$1 and a maximum fare equal to 4X the approved base tariff rates with advance

notice to the customer. For the purposes of this Section, the base tariff rate shall include the amount charged for the flag drop, each additional mile, and any applicable surcharge, if any.

5) Nothing in this section shall be precluded to prohibit a certificate holder from offering promotional discounts.

~~(a) Charges. Every call or demand carrier shall charge according to its tariffs filed, posted and published in accordance with law and this title:~~

~~—(1) The amount as is calculated and registered on the meter.~~

~~—(2) When authorized by the tariff, a fixed amount for the trip or the amount shown to be due on the meter plus a surcharge. This provision is invalid after January 1, 2007.~~

~~—(3) When authorized by the tariff, a charge tabulated according to the zones entered in the course of the trip. This provision is invalid after January 1, 2007.~~

~~(b) Zone tariff requirements. If the rates of fare specified in the tariff of the certificateholder are calculated according to the zones entered in the course of the trip: a map of the service territory on which each zone is delineated and in which the cost calculations for trips are described shall be available in the vehicle for the passenger to examine, and a representative of the certificateholder shall be available to quote to the passenger in advance the estimated cost of the particular trip of the passenger. This provision is invalid after January 1, 2007.~~

(be) Posting of fare rate. Every operator of a call or demand service with fares based on a meter or flat rate shall post the rates of fare in a conspicuous place in each of its vehicles or digital platform.

(cd) Full fare information about alternative services. When a customer requests call or demand service from a certificateholder who offers service under tariffs authorizing both exclusive and nonexclusive services: the dispatcher shall, if requested by the customer, quote to the customer the estimated fare for the trip of the customer as priced under both of these two alternative services, considering the number of people in the traveling group of the customer; and the dispatcher shall explain to the customer, if necessary, the difference in these two types of service.

## **Authority**



The provisions of this § 29.316 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### Source

The provisions of this § 29.316 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (218761) to (218762).

### Cross References

This section cited in 52 Pa. Code § 29.311 (relating to conditions); 52 Pa. Code § 29.353 (relating to method of operation in paratransit service); and 52 Pa. Code § 30.31 (relating to vehicle equipment requirements).

### § 29.317. Accounting requirements for lease drivers and owner-operators~~alternative forms of compensation for drivers.~~

(a) *Revenues.*

(1) *Metered rates.*

(i) Log sheets required to be prepared under § 29.313(c) (relating to service standards and requirements) shall be signed, including through the use of a digital signature, by the lease driver, independent contractor or another designation of a person not an employee-driver of a call or demand certificateholder—lease driver—and turned in to an authorized employee. The employee shall sign and retain a log sheet and attest to the signature of the driver who is responsible as to the accuracy of the revenues reported, which agrees with the information shown on the sealed meter at the end of a shift.

(ii) It is the responsibility of the certificateholder to ensure that appropriate information from the log sheets is properly and correctly recorded under § § 29.41 and 29.43 (relating to accounts and records; and assessment reports).

~~(2) *Zoned rates and flat rates.* The requirements of paragraph (1) except for meter verification are applicable when the fare is based on zones entered in the course of the trip or on flat rates. This provision is invalid after January 1, 2007.~~

(b) *Expenses.*

(1) A copy of receipts relative to operating expenses incurred to keep the vehicle in operating condition shall be given to the certificateholder by a lease driver or owner-operator if the lease driver or owner-operator pays for the expense.

(2) It is the responsibility of the certificateholder to insure that reported expenses are properly and correctly recorded in the accounting records required by the Commission at § 29.41.

(c) *Reporting.* At the end of a calendar year, the certificateholder shall supply a lease driver, upon request, with a statement of operating revenues and operating expenses based on the information supplied as required by subsections (a) and (b). The statement may be provided during the calendar year when appropriate.

### **Authority**

The provisions of this § 29.317 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.317 adopted September 10, 1982, effective September 11, 1982, 12 Pa.B. 3091; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (218762) and (263629).

### **Cross References**

This section cited in 52 Pa. Code § 29.315 (relating to alternative forms of compensation).

### **§ 29.318. Consumer information.**

To provide passengers with the necessary information to file a complaint, taxicabs must display a Commission-issued complaint decal which lists the telephone number and web site to be used to lodge a complaint. The decal shall be posted on the inside of the right rear window of the vehicle, along the bottom edge.

### **Authority**

The provisions of this § 29.318 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.318 adopted August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181.

## **GROUP AND PARTY SERVICE**

### **§ 29.321. Conditions.**

This section and §§ 29.322—29.324 (relating to group and party service) apply to operations in the group and party class of common carriage. These sections apply in addition to relevant provisions of Subchapters A and B (relating to general provisions; and common carriers) as well as particular provisions contained in a certificate of a carrier.

### **Source**

The provisions of this § 29.321 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

### **Notes of Decisions**

#### *Violation*

The Commission's determination that proposal did not violate this section and §§ 29.311—29.324 was supported by substantial evidence, and was a matter of regulatory interpretation. *Professional Paramedical Services, Inc. v. Pennsylvania Public Utility Commission*, 525 A.2d 1274 (Pa. Cmwlth. 1987); appeal denied 538 A.2d 879 (Pa. 1988).

### **Cross References**

This section cited in 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

### **§ 29.322. Method of operation.**

Unless otherwise specifically provided in the certificate of public convenience, a common carrier operating group and party service shall have the following rights and be subject to the conditions as follows:

(1) A group and party carrier may provide the services listed in this paragraph in the area authorized by its certificate except where limited by specific restrictions in its certificate:

(i) *Charter service.* This service shall be limited to the transportation of groups and parties of persons the charge for which is based upon the transportation of a group and not upon the number of persons carried and for which payment is made by a single individual or organization and not by the passengers as individuals.

(ii) *Tour or sightseeing service.* This service shall include tours and sightseeing trips on which the general public is invited: limited to trips which originate and terminate at the same point, on which advertised stops are made for sightseeing or recreational purposes, and for which each passenger pays the rate contained in the filed tariff. The charge for the trip may be for transportation alone or may include meals, hotel expenses and admission charges to points of interest.

(iii) *Special excursions.* This service shall be limited to advertised trips to a definite destination on which trips the general public is invited and for which transportation a passenger pays the rate contained in the filed tariff.

(2) If there is a direct or connecting service rendered by a single scheduled route carrier or a public transit system between the points of origin and destination of a contemplated special excursion or between the point of origin and a stop of a sightseeing trip, the contemplated service may not be rendered by other than the carrier unless a special permit has been obtained from the Commission. Requests for special permits shall be made to the Commission, and a copy thereof shall be served upon the carrier concerned, not less than 7 days before the date set for the trip. For purposes of this paragraph, a carrier shall be considered to be rendering direct or connecting service if it has a scheduled stop in the municipality where the trip is to originate and within 1/2 mile of the actual point of destination.

### **Source**

The provisions of this § 29.322 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

### **Notes of Decisions**

#### *Violation*

The Commission's determination that proposal did not violate this section and §§ 29.321, 29.323 and 29.324 was supported by substantial evidence, and was a

matter of regulatory interpretation. *Professional Paramedical Services, Inc. v. Pennsylvania Public Utility Commission*, 525 A.2d 1274 (Pa. Cmwlth. 1987); appeal denied 538 A.2d 879 (Pa. 1988).

### **Cross References**

This section cited in 52 Pa. Code § 29.321 (relating to conditions); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

### **§ 29.323. Vehicle and equipment requirements.**

A group and party service may be operated only in vehicles with seating capacities of ten passengers or greater, excluding the driver.

### **Source**

The provisions of this § 29.323 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

### **Notes of Decisions**

#### *Violation*

The Commission's determination that proposal did not violate this section and §§ 29.321, 29.322 and 29.324 was supported by substantial evidence, and was a matter of regulatory interpretation. *Professional Paramedical Services, Inc. v. Pennsylvania Public Utility Commission*, 525 A.2d 1274 (Pa. Cmwlth. 1987); appeal denied 538 A.2d 879 (Pa. 1988).

### **Cross References**

This section cited in 52 Pa. Code § 29.321 (relating to conditions); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

### **§ 29.324. Tariff requirements.**

The rates charged and collected shall be contained in the tariff filed, posted and published under the statute and this title.

### **Source**

The provisions of this § 29.324 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

## Notes of Decisions

### *Violation*

The Commission's determination that proposal did not violate this section and §§ 29.231—29.233 was supported by substantial evidence, and was a matter of regulatory interpretation. *Professional Paramedical Services, Inc. v. Pennsylvania Public Utility Commission*, 525 A.2d 1274 (Pa. Cmwlth. 1987); appeal denied 538 A.2d 879 (Pa. 1988).

## Cross References

This section cited in 52 Pa. Code § 29.321 (relating to conditions); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

## LIMOUSINE SERVICE

## Notes of Decisions

Where the Commission applied regulations adopted after the issuance of the petitioner's certificate to operate a limousine service, the Commission did not apply the regulations retroactively, but prospectively to existing certificate holders. *Burgit v. Pennsylvania Public Utility Commission*, 475 A.2d 1339 (Pa. Cmwlth. 1984).

### **§ 29.331. Conditions.**

This section and §§ 29.332—29.335 (relating to limousine service) apply to operations in the limousine class of common carriage. These sections apply in addition to relevant provisions of Subchapters A, B, E and F, as well as a particular provision contained in a certificate of a carrier.

## Authority

The provisions of this § 29.331 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

## Source

The provisions of this § 29.331 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended November 29, 1996, effective January 29, 1997, 26

Pa.B. 5812; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (279214).

### **Cross References**

This section cited in 52 Pa. Code § 29.333 (relating to vehicle and equipment requirements); 52 Pa. Code § 29.353 (relating to method of operation in paratransit service); and 52 Pa. Code § 41.14 (relating to evidentiary criteria used to decide motor common carrier applications—statement of policy).

### **§ 29.332. Method of operation.**

Unless otherwise specifically provided in the certificate of public convenience, a common carrier operating limousine service shall have the rights and be subject to the conditions as follows:

(1) To transport persons on an exclusive basis between points as authorized by the certificate, if the order for service is received in advance through a call, digital platform, or other Internet-based electronic platform ~~of the actual rendering of service~~ and not by street hail. The following shall apply:

(a) A verbal order for service made by a hotel doorman or employee at a restaurant and other similar venue, or by others arranging for limousine service in person, shall be deemed a violation of this section.

(b) A person is in violation of 52 Pa. Code Ch. 39 (relating to brokers) if the person arranges for limousine service on behalf of the riding public without the appropriate broker's authority issued by the commission.

(2) To charge for service based upon use of a limousine with payment made by a single person or organization and not by passengers as individuals.

(3) Direct, in-person solicitation of a passenger by the driver or a representative of the driver or carrier, is prohibited.

(4) Charge rates based on time, distance or both as filed in tariff or posted and published as required by this Chapter.

(5) Prohibit the use of meters.

### **Authority**

The provisions of this § 29.332 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.332 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (279214) to (279215).

### **Notes of Decisions**

Where evidence presented at hearing prior to issuance of certificate indicated services offered would be similar to those subsequently defined in regulation as “airport transfer service,” the fact that the certificate referred to “limousine service” did not mean that certificate holder was limited to providing services subsequently defined by regulation as “limousine services.” *Limelight Limousine, Inc. v. Pennsylvania Public Utility Commission*, 509 A.2d 1364 (Pa. Cmwlth. 1986).

### **Cross References**

This section cited in 52 Pa. Code § 29.331 (relating to conditions); 52 Pa. Code § 29.333 (relating to vehicle and equipment requirements); 52 Pa. Code § 29.353 (relating to method of operation in paratransit service); and 52 Pa. Code § 41.14 (relating to evidentiary criteria used to decide motor common carrier applications—statement of policy).

### **§ 29.333. Vehicle and equipment requirements.**

(a) Limousine service may be operated only in luxury type vehicles with seating capacities of ten passengers or less, excluding the driver.

(b) Luxury type vehicles are vehicles manufactured or subsequently modified so that they have physical configurations and accessory features that are not considered as being ordinary, standard or commonplace in lower to moderately priced vehicles. Luxury type vehicles are intended to afford patrons a higher level of service and comfort than are ordinarily available in call or demand, paratransit and airport transfer services. To qualify as a luxury type vehicle, a vehicle must have at a minimum: air conditioning, AM/FM stereo radio, deluxe leather or deluxe fabric upholstery, deluxe wheels or wheel covers, four doors and a wheelbase of at least 109 inches. Other amenities which limousine service might afford are CD changer, Internet access, reading lights, work desk or table, cellular phone, refrigerator, television, VCR, DVD player, extended wheelbase and privacy dividers.



(c) Section 29.71(a) (relating to marking of vehicles) does not apply to luxury type vehicles engaged in limousine service under this section and § § 29.331, 29.332, 29.334 and 29.335.

(d) A vehicle with more than 350,000 miles of cumulative mileage registered on its odometer may not be operated in limousine service. This subsection is effective January 19, 2016.

### **Authority**

The provisions of this § 29.333 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1301, 1501, 1502, 1504, 1506, 1508 and 2301 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.333 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended November 20, 1987, effective November 21, 1987, 17 Pa.B. 4726; amended November 29, 1996, effective January 29, 1997, 26 Pa.B. 5812; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181; amended July 17, 2015, effective January 19, 2016, 45 Pa.B. 3828. Immediately preceding text appears at serial pages (337324) and (326549).

### **Cross References**

This section cited in 52 Pa. Code § 29.71 (relating to marking of vehicles); 52 Pa. Code § 29.331 (relating to conditions); 52 Pa. Code § 29.353 (relating to method of operation in paratransit service); and 52 Pa. Code § 41.14 (relating to evidentiary criteria used to decide motor common carrier applications—statement of policy).

### **§ 29.334. Tariff requirements.**

Limousine Tariffs.- A limousine tariff must be based on time, distance or both and shall be available to the commission for review upon request. Agreed pricing between passenger and limousine carrier shall be deemed legally appropriate and binding.

~~Limousine rates shall be based solely on time, and shall be contained in a tariff filed, posted and published under statute and this title. The use of meters is prohibited. The initial time period and each subsequent increment must be at least 30 minutes.~~

### **Authority**

The provisions of this § 29.334 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.334 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (279215) to (279216).

### **Cross References**

This section cited in 52 Pa. Code § 29.331 (relating to conditions); 52 Pa. Code § 29.333 (relating to vehicle and equipment requirements); 52 Pa. Code § 29.353 (relating to method of operation in paratransit service); and 52 Pa. Code § 41.14 (relating to evidentiary criteria used to decide motor common carrier applications—statement of policy).

### **§ 29.335. Trip sheet requirements.**

(a) A driver of a luxury type vehicle engaged in providing limousine service shall have a trip sheet in the vehicle evidencing that the vehicle is in service. The trip sheet must contain the following information:

- (1) The date of service.
- (2) The name and certificate number of the carrier.
- (3) The name of the engaging person or organization.
- (4) The service being provided and corresponding rate charged.
- (5) The origin and intended destination.
- (6) The starting time and length of time for which the vehicle has been reserved.

(b) At the conclusion of the trip, the driver shall record the ending time on the trip sheet.

(c) The trip sheet shall be retained by the certificateholder for a minimum of 1 year. Copies of the documents may be required to be submitted in support of carrier proposed tariff rate increases in addition to other documentation required in § 23.64 (relating to data required in filing increases in operating revenues).

(d) A trip sheet shall not be required if the vehicle is equipped with a digital dispatch system or gps dispatching system that records the information required by § 29.335 (a).

### **Authority**

The provisions of this § 29.335 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.335 adopted November 29, 1996, effective January 29, 1997, 26 Pa.B. 5812; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (279216).

### **Cross References**

This section cited in 52 Pa. Code § 29.331 (relating to conditions); 52 Pa. Code § 29.333 (relating to vehicle and equipment requirements); and 52 Pa. Code § 41.14 (relating to evidentiary criteria used to decide motor common carrier applications—statement of policy).

### **§ 29.336. Consumer information.**

To provide passengers with the necessary information to file a complaint, limousine carriers shall post, a Commission-issued complaint decal in a conspicuous location inside the vehicle which lists the telephone number and website to be used to lodge a complaint, or provide the following notice on the receipt for service or service contract:

For complaints and information, contact the Pennsylvania Public Utility Commission at (800) 782-1110 or at [www.state.pa.us](http://www.state.pa.us). Include the company name and A-# for all complaints.

### **Authority**

The provisions of this § 29.336 issued under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.336 adopted August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181.

## AIRPORT TRANSFER SERVICE

### § 29.341. Conditions.

This section and §§ 29.342—29.343 (relating to airport transfer service) apply to operation in the airport transfer, airport limousine, class of common carriage. These provisions apply in addition to relevant provisions of Subchapters A, B, E and F, as well as particular provisions contained in a certificate of a carrier.

#### Authority

The provisions of this § 29.341 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

#### Source

The provisions of this § 29.341 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (263635).

#### Cross References

This section cited in 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

### § 29.342. Method of operation.

Unless otherwise specifically provided in the certificate of public convenience, a common carrier operating airport transfer service shall have rights and be subject to conditions as follows:

(1) To transport persons on a nonexclusive, individual charge basis from points authorized by the certificate to the airport specified by the certificate, and *vice versa*.

(2) Airport transfer service may be offered on a scheduled basis serving specified points according to a published time schedule or on a request basis with the origin or destination of the transportation to or from the airport arranged between the individual and the carrier, or on both bases. A material change in a time schedule shall be posted at terminals and in vehicles engaged in service affected by the change for a period of not less than 7 days prior to the effective date of the change.

## Source

The provisions of this § 29.342 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

## Notes of Decisions

### *Airport Transfer Service*

Where evidence presented at hearing prior to issuance of certificate indicated services offered would be similar to those subsequently defined in regulation as “airport transfer service,” the fact that the certificate referred to “limousine service” did not mean that certificate holder was limited to providing services subsequently defined by regulation as “limousine services.” *Limelight Limousine, Inc. v. Pennsylvania Public Utility Commission*, 509 A.2d 1364 (Pa. Cmwlth. 1986).

## Cross References

This section cited in 52 Pa. Code § 29.341 (relating to conditions); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

### **§ 29.343. Tariff and schedule requirements.**

An airport transfer carrier operating on a scheduled basis shall file with its tariff a copy of the schedule indicating the points served. Rates shall be based on provisions contained in tariffs filed, posted and published under statute and this title.

## Source

The provisions of this § 29.343 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

## Cross References

This section cited in 52 Pa. Code § 29.341 (relating to conditions); and 52 Pa. Code § 29.353 (relating to method of operation in paratransit service).

### **§ 29.344. Consumer information.**

To provide passengers with the necessary information to file a complaint, airport transfer carriers shall post a Commission-issued complaint decal in a conspicuous location inside the vehicle which lists the telephone number and website to be used to lodge a complaint or provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at (800) 782-1110 or at [www.state.pa.us](http://www.state.pa.us). Include the company name and A-# for all complaints.

### **Authority**

The provisions of this § 29.344 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.344 adopted August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181.

## **OTHER SERVICES: PARATRANSIT, EXPERIMENTAL**

### **§ 29.351. Conditions.**

This section and §§ 29.352—29.355 (relating to other services: paratransit, experimental) apply to operations conducted under certificates granting paratransit or experimental rights. These provisions apply in addition to relevant provisions of Subchapters A, B, E and F, as well as particular provisions contained in a certificate of a carrier.

### **Authority**

The provisions of this § 29.351 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.351 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (263636).

### **§ 29.352. Experimental service.**

In order to advance and promote the public necessity, safety and convenience, the Commission may, upon application, grant a new certificate or an amendment to an existing certificate in order to allow to be provided a new, innovative or experimental

type or class of common carrier service. An application for a certificate or amendment shall state that it is an application for an experimental service. Holders of experimental certificates shall abide by this chapter except those which the Commission shall explicitly state do not apply. Holders of experimental certificates shall abide by an additional regulations or requirements, including informational and reporting requirements, which the Commission shall stipulate upon granting the certificate. A certificate for experimental service shall be valid only until the service is abandoned, until 2 years have elapsed from the time the certificate was approved or until the Commission enacts amendments to this chapter pertaining to the new class of service represented by the experimental service, whichever event occurs first.

### **Source**

The provisions of this § 29.352 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

### **Cross References**

This section cited in 52 Pa. Code § 29.351 (relating to conditions).

### **§ 29.353. Method of operation in paratransit service.**

Unless otherwise specifically provided in the certificate of public convenience, a common carrier operating paratransit service shall have the rights and be subject to the conditions as follows:

(1) To transport persons on a nonexclusive, advance reservation basis between points as authorized by the certificate.

(2) No right, power or privilege is granted to provide service as described in §§ 29.301—29.305 (relating to scheduled route service), service as described in §§ 29.311—29.316 (relating to call or demand service), service as described in §§ 29.321—29.324 (relating to group and party service), service as described in §§ 29.331—29.334 (relating to limousine service) or service as described in §§ 29.341—29.343 (relating to airport transfer service).

### **Source**

The provisions of this § 29.353 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

### **Notes of Decisions**

### *Violation*

The Commission's determination that proposal issued by Philadelphia Corporation for the Aging did not violate this section was supported by substantial evidence. *Professional Paramedical Services, Inc. v. Pennsylvania Public Utility Commission*, 525 A.2d 1274 (Pa. Cmwlth. 1987); appeal denied 538 A.2d 879 (Pa. 1988).

### **Cross References**

This section cited in 52 Pa. Code § 29.351 (relating to conditions).

### **§ 29.354. Vehicle and equipment requirements: paratransit service.**

(a) *Seating capacity.* Paratransit service may be operated only in vehicles with seating capacities of 15 passengers or less, excluding the driver, unless otherwise specified in the certificate.

(b) *Handicapped service.* Vehicles used to serve handicapped persons shall contain equipment necessary for the safety and comfort of handicapped passengers, including the equipment the Commission may specify by order.

### **Source**

The provisions of this § 29.354 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.

### **Cross References**

This section cited in 52 Pa. Code § 29.351 (relating to conditions).

### **§ 29.355. Tariff requirements.**

(1) *Adherence to tariff.* Rates shall be based on provisions contained in tariffs filed, posted and published in accordance with law and this title.

(2) *Paratransit reservation time.* The minimum times for advance reservations for paratransit service shall be specified in the tariff of the certificate holder.

### **Source**

The provisions of this § 29.355 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 409.



## Notes of Decisions

### *Hourly Rate Structure*

Hourly rate structure is permitted to paratransit operators, and does not require them to violate other tariff provisions. *Professional Paramedical Services, Inc. v. Pennsylvania Public Utility Commission*, 525 A.2d 1274 (Pa. Cmwlth. 1987); appeal denied 538 A.2d 879 (Pa. 1988).

## Cross References

This section cited in 52 Pa. Code § 29.351 (relating to conditions).

### **§ 29.356. Consumer information.**

To provide passengers with the necessary information to file a complaint, paratransit and experimental carriers shall post a Commission-issued complaint decal in a conspicuous location inside the vehicle which lists the telephone number and website to be used to lodge a complaint or provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at (800) 782-1110 or at [www.state.pa.us](http://www.state.pa.us). Include the company name and A-# for all complaints.

## Authority

The provisions of this § 29.356 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

## Source

The provisions of this § 29.356 adopted August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181.

# **Subchapter E. VEHICLE EQUIPMENT AND INSPECTION**

Sec.

- 29.401. Applicability.
- 29.402. Vehicle equipment requirements.
- 29.403. Requirements for passenger service operation.
- 29.404. Unsafe operations forbidden.
- 29.405. State inspection.
- 29.406. Inspection by enforcement officers.
- 29.407. Civil penalties for violations.

### **Authority**

The provisions of this Subchapter E issued under the Public Utility Code, 66 Pa.C.S. § § 501 and 1501, unless otherwise noted.

### **Source**

The provisions of this Subchapter E adopted April 20, 1984, effective April 21, 1984, 14 Pa.B. 1390, unless otherwise noted.

### **Cross References**

This subchapter cited in 52 Pa. Code § 29.301 (relating to conditions); 52 Pa. Code 29.311 (relating to conditions); 52 Pa. Code § 29.315 (relating to alternative forms of compensation); 52 Pa. Code § 29.331 (relating to conditions). 52 Pa. Code § 29.341 (relating to conditions); and 52 Pa. Code § 29.351 (relating to conditions);

### **§ 29.401. Applicability.**

This subchapter applies to vehicles having a designed seating capacity of 15 passengers or less, including the driver, which are used by common carriers or contract carriers to transport passengers in scheduled route service, call or demand service, group and party service, limousine service, airport transfer service, or paratransit and experimental service defined in § 29.13(6) (relating to scheme of classification).

### **Authority**

The provisions of this § 29.401 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.401 adopted April 20, 1984, effective April 21, 1984, 14 Pa.B. 1390; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (288305).

### **§ 29.402. Vehicle equipment requirements.**

A common carrier or a contract carrier may not permit a vehicle having a seating capacity of 15 passengers or less, including the driver, to be operated unless it complies with the following requirements:

(1) Vehicles must comply with applicable Department of Transportation equipment inspection standards as set forth in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) at all times when the vehicle is being operated.

(2) Vehicles must have door hinges and latches in working order, and doors must operate easily and close securely.

~~(3) Unless otherwise permitted by the Commission, advertising on vehicles is limited to the exterior roof of the vehicle. Advertising displayed on a vehicle shall be securely fastened and may not obscure the driver's view in any direction.~~

#### **Authority**

The provisions of this § 29.402 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

#### **Source**

The provisions of this § 29.402 adopted April 20, 1984, effective April 21, 1984, 14 Pa.B. 1390; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (288305) to (288306).

#### **Notes of Decisions**

##### *Incorporation of Department of Transportation Regulations*

The Commission's incorporation of Department of Transportation regulations in an area where the two agencies possess overlapping authority is not inappropriate; rather, it represents sensible cooperation and harmonization. *Harrisburg Taxicab & Baggage Co. v. Pennsylvania Public Utility Commission*, 786 A.2d 288 (Pa. Cmwlth. 2001).

##### *Regulatory Authority*

The Commission is vested with the authority and the duty to regulate the facilities of taxicab services and to ensure that necessary repairs are made to ensure safety. Those facilities include equipment such as vehicles. Even if this authority may overlap with that of the Department of Transportation, that overlap does not divest the Commission of its statutory authority. *Harrisburg Taxicab & Baggage Co. v. Pennsylvania Public Utility Commission*, 786 A.2d 288 (Pa. Cmwlth. 2001).

### Cross References

This section cited in 52 Pa. Code § 29.403 (relating to requirements for passenger service operation); 52 Pa. Code § 29.404 (relating to unsafe operations forbidden); 52 Pa. Code § 29.406 (relating to inspection by enforcement officers); and 52 Pa. Code § 29.407 (relating to civil penalties for violations).

#### § 29.403. Requirements for drivers and vehicles of passenger service operation.

(a) Vehicle requirements-- A common carrier or a contract carrier may not permit a vehicle having a designed seating capacity of 15 passengers or less, including the driver, to be operated to transport passengers unless it complies with the following requirements, in addition to those in § 29.402 (relating to vehicle equipment requirements):

- (1) Vehicles which are equipped with folding, temporary or removable seats must have hinges, latches, brackets or other hardware associated with the seats in working order.
- (2) Vehicles must be in clean and sanitary condition.
- (3) Vehicles must have a factory-type heater, capable of producing heat for the accommodation of passengers. The heater must be in working order.
- (4) Trunk compartments must be clean and suitable for carrying passengers' luggage.
- (5) Vehicles must have snow tires or all-weather tires on the drive wheels between October 1 and April 1 of the following year.
- (6) A vehicle's exterior may not have any dents or gouges larger than 4 inches in diameter or damage that protrudes from the vehicle.
- (7) A vehicle must have 4 matching wheel covers, or the equivalent.

(8) A vehicle must have operative air conditioning.

(9) A vehicle's seats must be secure and not be damaged so as to allow springs or other cushioning or support devices to protrude through the seat.

(10) Vehicles shall not be required to have child restraint systems for passengers under eight years of age. Passengers traveling in a taxi with a child under eight years of age shall supply and install child restraint systems in accordance with 75 Pa.C.S. § 4581 (relating to restraint systems). Operators and drivers of passenger services shall not be liable for personal or property damage resulting from the transport of an unsecured child.

b) *Taxi Driver Requirements*--A taxi driver shall be required to:

1) Comply with the act of June 13, 2008 (P.L.182, No.27), known as the Clean Indoor Air Act, and may not smoke or permit smoking in the taxi.

2) Be responsible for providing clean, safe and courteous taxi service, including the following:

i) Representing a neat, clean and hygienic appearance while providing taxi service.

ii) Dressing in clean clothing.

### **Authority**

The provisions of this § 29.403 amended under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.403 adopted April 20, 1984, effective April 21, 1984, 14 Pa.B. 1390; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (288306) and (218773).

### **Cross References**

This section cited in 52 Pa. Code § 29.404 (relating to unsafe operations forbidden); 52 Pa. Code § 29.406 (relating to inspection by enforcement officers); and 52 Pa. Code § 29.407 (relating to civil penalties for violations).

### **§ 29.404. Unsafe operations forbidden.**

A common carrier or contract carrier may not permit or require a driver to operate a vehicle revealed by inspection or operation not to comply with § 29.402 or § 29.403

(relating to vehicle equipment requirements; and requirements for passenger service operation). If a vehicle being operated on a highway is discovered not to comply with § 29.402 or § 29.403, it may be continued in operation to the carrier's nearest terminal, the carrier's place of business or other similar location where repairs can be effected safely; however, this operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

### **Authority**

The provisions of this § 29.404 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.404 adopted April 20, 1984, effective April 21, 1984, 14 Pa.B. 1390; corrected December 4, 1987, effective April 21, 1984, 17 Pa.B. 5048; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial page (218773).

### **Cross References**

This section cited in 52 Pa. Code § 29.406 (relating to inspection by enforcement officers).

### **§ 29.405. State inspection.**

Common carriers and contract carriers shall insure that vehicles operated under their certificates or permits receive the annual State inspection required by 75 Pa.C.S. Chapter 47 (relating to inspection of vehicles).

### **Source**

The provisions of this § 29.405 adopted April 20, 1984, effective April 21, 1984, 14 Pa.B. 1390.

### **§ 29.406. Inspection by enforcement officers.**

(a) An enforcement officer employed by the Commission is authorized to perform inspections of vehicles to determine compliance with this subchapter under 66 Pa.C.S. §§ 307 and 506 (relating to inspectors for enforcement; and inspection of facilities and records). To perform these inspections, Commission enforcement officers are authorized to stop vehicles in operation. Commission enforcement officers are also

authorized to enter upon the premises of the agent or lessee of a common carrier or contract carrier at a reasonable time for the purpose of performing inspections upon vehicles used in regulated operations. A certificate holder may designate a vehicle as out of service on the certificate holder's lot prior to an inspection. The commission may not require a certificate holder to present a vehicle for a group inspection in numbers that would affect the operation of the certificate holder's service.

(b) A form designated by the Commission shall be used to record findings from vehicles selected for inspection.

(c) Vehicles in operation which are found upon inspection not to comply with §§ 29.402 and 29.403 (relating to vehicle equipment requirements; requirements for passenger service operations) shall be declared out-of-service by an enforcement officer employed by the Commission and shall be placed out-of-service utilizing the Commission's out-of-service sticker.

(d) A common carrier or contract carrier may not require or permit a person to operate nor may a person operate a vehicle declared and placed out-of-service until repairs required by the Commission have been satisfactorily completed, except as provided in § 29.404 (relating to unsafe operations forbidden).

(e) A person may not remove an out-of-service sticker from a vehicle prior to completion of the repairs required by the Commission.

(f) The person completing the repairs required by the out-of-service notice shall sign the Certificate of Repairman in accordance with the terms prescribed by the Commission, entering the name of the person's shop or garage and the date and time the required repairs were completed. If the vehicle operator completes the required repairs, the operator shall sign and complete the Certification of Repairman.

(g) The carrier's disposition of the form shall be as follows:

(1) The operator of a vehicle receiving the form placing the vehicle out-of-service shall deliver the form to the common carrier or contract carrier operating the vehicle.

(2) Violations or mechanical defects noted on a form shall be corrected. To the extent that vehicle operators are shown not to be in compliance with this chapter, appropriate corrective action shall be taken by the common carrier or contract carrier.

(3) Carriers shall retain a copy of the form at their principal place of business for 1 year from the date of inspection.

### **Authority**

The provisions of this § 29.406 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508 and Chapters 23 and 25.

### **Source**

The provisions of this § 29.406 adopted April 20, 1984, effective April 21, 1984, 14 Pa.B. 1390; amended August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181. Immediately preceding text appears at serial pages (218773) to (218775).

### **Cross References**

This section cited in 52 Pa. Code § 29.407 (relating to civil penalties for violations).

#### **§ 29.407. Civil penalties for violations.**

If a vehicle in operation is inspected under § 29.406 (relating to inspection by enforcement officers) and does not comply with § 29.402 (relating to vehicle equipment requirements) or if a motor vehicle being operated in passenger transportation service does not comply with § 29.403 (relating to requirements for passenger service operation), a complaint upon the motion of the Commission or other appropriate action may be instituted in accordance with 66 Pa.C.S. § 701 (relating to complaints) for the purpose of levying civil penalties as prescribed by 66 Pa.C.S. § 3301 (relating to civil penalties for violations).

### **Source**

The provisions of this § 29.407 adopted April 20, 1984, effective April 21, 1984, 14 Pa.B. 1390.

## **Subchapter F. DRIVER REGULATIONS**

Sec.

- 29.501. Applicability.
- 29.502. Current driver's license required.
- 29.503. Age restrictions.
- 29.504. Driver history.



- 29.505. Criminal history.  
29.506. Alcohol prohibition.  
29.507. Controlled substance prohibition.  
29.508. Common or contract carriers operating vehicles with seating capacities of 9 to 15 passengers, including the driver.  
29.509. Civil penalties for violations.

### **Authority**

The provisions of this Subchapter F issued under the Public Utility Code, 66 Pa.C.S. § § 501, 1102, 1103, 1502, 1504, 1506, 1508, and Chapters 23 and 25, unless otherwise noted.

### **Source**

The provisions of this Subchapter F adopted August 4, 2006, effective August 5, 2006, 36 Pa.B. 4181, unless otherwise noted.

### **Cross References**

This section cited in 52 Pa. Code § 29.101 (relating to operation of leased equipment); 52 Pa. Code § 29.301 (relating to conditions); 52 Pa. Code § 29.311 (relating to conditions); 52 Pa. Code § 29.315 (relating to alternative forms of compensation); 52 Pa. Code § 29.331 (relating to conditions); 52 Pa. Code § 29.341 (relating to conditions); and 52 Pa. Code § 29.351 (relating to conditions).

#### **§ 29.501. Applicability.**

This subchapter applies to drivers of vehicles having a designed seating capacity of 15 passengers or less, including the driver, which are used by common carriers or contract carriers to transport passengers in scheduled route service, call or demand service, group and party service, limousine service, airport transfer service, or paratransit service and experimental service, as defined in § 29.13 (relating to scheme of classification).

#### **§ 29.502. Current driver's license required.**

A common or contract carrier may not knowingly permit a person to operate a vehicle in its authorized service unless that person has a current, valid driver's license. Failure to hold a valid driver's license while operating a vehicle in certificated service shall subject the driver to immediate disqualification as a driver and to such fines and penalties as the commission deems appropriate.

### § 29.503. Age restrictions.

A common or contract carrier may not permit a person to operate a vehicle in its authorized service unless that person is at least 21 years of age.

### § 29.504. Driver history.

- a) (a) A common or contract carrier may not permit a person to operate a vehicle in its authorized service until it has obtained and reviewed a driver history from the appropriate agency of every state in which that person held a motor vehicle operator's license or permit during the preceding 3 years or independent third party licensed to collect and share driver history data. Any person convicted of any of the following within the three years immediately preceding the request date of the driving record may not be a driver:
- i) More than three moving violations.
  - ii) A major violation, including attempting to evade a police officer, reckless driving or driving with a suspended license.

(b) Following receipt of the initial driver history report, a common or contract carrier shall, at least once every 12 months from the date of the last report, obtain a driver history for each driver operating under its authority from the appropriate agency of the state in which the driver held an operator's license during the time period. A common or contract carrier shall not be deemed to be in violation of this subsection if an eligible driver is convicted of subsection (i) or (ii) between the mandated driver history review periods if the driver fails to inform the common or contract carrier of the violation(s) at the time of the offense or if a real-time driver history report and notification system is not available from the state agency. ~~Compliance with this subsection does not relieve a common or contract carrier of the responsibility to ensure its drivers hold a current, valid driver's license.~~

(c) A copy of the driver history shall be maintained by the common or contract carrier for at least 2 years.

### § 29.505. Criminal history.

(a) *Criminal history record required.* A common or contract carrier may not permit a person to operate a vehicle in its authorized service until it has obtained and reviewed a criminal history record through the use of the Pennsylvania State Police's or Commission's database and systems, or equivalent systems for each taxi or limousine driver. ~~from the Pennsylvania State Police and every other state~~ in which the person resided for the last 12 months. ~~For current drivers, carriers shall obtain a criminal history record by November 9, 2006.~~ The criminal history record information shall

consist of a national, state and local criminal background check, including the National Sex Offender Registry.

(b) *Frequency of record check.* Following receipt of the initial criminal history record, a common or contract carrier shall obtain and review a criminal history record on a biannual basis. ~~for each driver operating under its authority from the Pennsylvania State Police every 2 years from the date of the last criminal history check.~~

(c) *Disqualification.* A person who has been convicted, pled guilty or pled no contest to any of the following is not permitted to operate a vehicle in the authorized service area of a common or contract carrier:

- i) Driving under the influence of drugs or alcohol, within the last seven years;  
or
- ii) Fraud, a sexual offense, use of a motor vehicle to commit a felony, a crime involving property damage or theft, acts of violence or acts of terrorism.

~~A common or contract carrier may not permit a person to operate a vehicle in its authorized service when the person was convicted of a felony or a misdemeanor under the laws of the Commonwealth or under the laws of another jurisdiction, to the extent the conviction relates adversely to that person's suitability to provide service safely and legally.~~

(d) *Record retention.* A copy of the criminal history shall be maintained by the common or contract carrier for at least 3 years.

#### **§ 29.506. Alcohol prohibition.**

A driver may not use alcohol, be under the influence of alcohol, or have any measured alcohol concentration or detected presence of alcohol, while operating a vehicle in passenger service.

#### **§ 29.507. Controlled substance prohibition.**

A driver may not use a controlled substance, be under the influence of a controlled substance, or have any measured concentration or detected presence of a controlled substance, while operating a vehicle in passenger service.

#### **§ 29.508. Common or contract carriers operating vehicles with seating capacities of 9 to 15 passengers, including the driver.**

(a) A common or contract carrier may not permit a person to drive a vehicle with a seating capacity of 9 to 15 passengers, including the driver, unless the driver complies with the following:

(1) The driver is physically qualified in accordance with 49 CFR 391.41—391.49 (relating to physical qualifications and examinations).

(2) The driver is in compliance with the hours of service provisions of 49 CFR 395.5 and 395.8 (relating to maximum driving time for passenger-carrying vehicles; and driver's record of duty status).

(3) Drivers are exempt from 49 CFR 395.8 if they fall within exemption in 49 CFR 395.1(e). In this circumstance, carriers shall keep time records in accordance with 49 CFR 395.1(e)(5) (relating to scope of rules in this part).

### **§ 29.509. Civil penalties for violations.**

A complaint may be initiated against the carrier for violations of this subchapter.

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