

Regulatory Analysis Form

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INDEPENDENT AGENCY
REVIEW COMMISSION

IRRC Number: 2410

(1) Agency

Pennsylvania Public Utility Commission

(2) I.D. Number (Governor*s Office Use)

L-00020157/57-233

(3) Short Title

Final Rulemaking Amending 52 Pa. Code Chapters 29 and 31.

(4) PA Code Cite

52 Pa. Code Chapters 29 and 31.

(5) Agency Contacts & Telephone Numbers

Primary Contact: John Herzog 717-783-3714

Secondary Contact:

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
- Final Order Adopting Regulation
- Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
- Yes: By the Attorney General
- Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The final rulemaking deletes, modifies, and establishes various regulations governing common carriers of passengers and property, including household goods, operating within Pennsylvania. The final regulations delete obsolete regulations, modify existing regulations to be reflective of the current regulatory environment, and add regulations aimed at consumer protection and safety.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

66 Pa. C.S. §§ 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508, and Chapters 23 and 25. 45 P.S. 1201 et seq.

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The final regulations address changes to the appropriate levels of Commission oversight of common carriers operating within Pennsylvania. The appropriate level of Commission oversight has been affected by Federal preemption as well as the changing dynamics within the transportation market. In addition, the final regulations will create a safer transportation industry and offer greater consumer protection.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation is not an option. The legislature has determined that the Public Utility Commission oversee the transportation industry. Nonregulation would be adverse to the public interest and compromise safety.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The public will benefit due to increased safety requirements. Consumers will benefit due to various protections proposed. Finally, carriers will benefit due to deletion of obsolete and burdensome regulations.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

There will be no foreseeable adverse affects.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Common carriers operating within Pennsylvania.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Advance notice of rulemaking with comment period was provided. Numerous comments were filed by various common carriers. Following receipt of the comments, the Commission issued the Proposed Rulemaking Order. Comments were received by carriers as well as the Independent Regulatory Review Commission.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

There will be some modest costs incurred by passenger carriers operating vehicles with seating capacities of less than 15 passengers as well as household goods carriers. These costs result from the proposal to require driver history and criminal history checks.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

N/A

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

N/A

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

N/A

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(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

N/A

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

N/A

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

N/A

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

Comparison with other states was not directly made. However, the proposed rulemaking should not put Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

Yes. Only regulations of the Commission, as referenced in the proposal, will be affected.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Yes. The regulations change required accounting practices for common and contract carriers. Further, the addition of driver history and criminal history record checks will require additional record retention on the carrier.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

N/A

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will become effective upon publication in the Pennsylvania Bulletin following review by the standing committees and the Independent Regulatory Review Commission.

(31) Provide the schedule for continual review of the regulation.

The regulation will be reviewed on an ongoing basis after it becomes effective.

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(Pursuant to Commonwealth Documents Law)

2410

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REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General.

BY _____
(DEPUTY ATTORNEY GENERAL)

DATE OF APPROVAL _____

Check if applicable
Copy not approved. Objections attached

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Pennsylvania Public Utility Commission
(AGENCY)

DOCUMENT/FISCAL NOTE NO. L-00020157/57-233

DATE OF ADOPTION August 11, 2005

BY *James J. McNulty*
James J. McNulty

TITLE (SECRETARY)

Copy below is hereby approved as to form and legality. Executive or independent Agencies.

BY *Bohdan R. Pankiw*
Bohdan R. Pankiw
Chief Counsel

8-11-05
DATE OF APPROVAL

Check if applicable. No Attorney General approval or objection within 30 days after submission.

L-00020157/57-233
Final Rulemaking
Amending 52 Pa. Code Chapters 29 and 31

The Pennsylvania Public Utility Commission on August 11, 2005, adopted a final rulemaking order setting forth changes to regulations governing passenger service and property and household goods carriers. The contact person is John Herzog, Law Bureau, 783-3714.

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3256**

Public Meeting held August 11, 2005

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
William R. Shane
Kim Pizzingrilli, Statement attached
Terrance J. Fitzpatrick

Final Rulemaking Amending
52 Pa. Code Chapters 29 and 31

Docket No. L-00020157

FINAL RULEMAKING ORDER

BY THE COMMISSION:

On September 25, 2002, we issued an Advance Notice of Proposed Rulemaking Order, soliciting comments concerning changes to the Commission's regulations governing motor carriers of passengers, property, and household goods. 52 Pa. Code Chapters 29 and 31. The impetus for the Advance Notice was changes in the Commission's oversight of these industries mandated by federal preemption, (Federal Aviation Authorization Act of 1994 and the Transportation Equity Act for the 21st Century, P.L. 105-178), as well as changing dynamics within the transportation market. Following receipt of comments, we issued a Proposed Rulemaking Order on March 25, 2004. On June 1, 2004, the Attorney General approved the Proposed Regulations as to form and legality. Following approval, the Proposed Order was published in the Pennsylvania Bulletin on June 26, 2004. 34 Pa. B. 3258. Comments to the Proposed

Order were filed by numerous passenger and household goods carriers,¹ as well as the Independent Regulatory Review Commission (“IRRC”). Having reviewed the comments, we now offer the following changes to our regulations at 52 Pa. Code Chapters 29 and 31.

52 Pa. Code Chapter 29

§29.11. Applicability.

We proposed adding contract carriers of passengers to this section. This change is consistent with the scope and content of the chapter. See 52 Pa. Code §29.111. There were no comments to the proposal. However, upon further review, we will delineate the reference in this provision as subchapter.

§29.31. Sale or transfer of certificates.

We proposed redrafting this section to make it more readily understandable. There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.32. Death or incapacitation of a certificate holder.

We proposed modifying this provision to delete the self executing termination language. Before canceling or allowing the abandonment of a certificate of public convenience, the Commission must consider whether cancellation or abandonment is in the public interest. See 66 Pa. C.S. §§501, 1102, 1103. The rights and obligations conferred by a certificate can be terminated only upon application for abandonment or complaint to cancel the certificate. We proposed modifying this section so that it is consistent with our statutory charge.

IRRC filed two comments on this proposal. First, IRRC questioned whether the terminology referencing a certificate holder being “legally declared insane” was proper.

¹ A complete list of commentators is available from the Commission’s Secretary’s Bureau.

In response to this comment, we will revise the regulation to refer to an “incapacitated” person. See 20 Pa.C.S.A. §5501.

IRRC also questions where the “appropriate proceedings” referenced in this section, and section 29.61, can be found. In response, we direct IRRC to 52 Pa. Code §§5.21 to 5.31. The “appropriate proceedings” will be a complaint proceeding. However, critical to both changes is the notion that cancellation of a certificate may only occur if in the public interest, with notice and opportunity to be heard.

§29.33. Transfer of certificate without a hearing.

We proposed deleting this section. This section addresses the hearing requirement for certificate transfers. However, it is our position that this issue is adequately addressed at 52 Pa. Code §29.31. Further, §29.33 is not accurate to the extent that it does not contain a complete recitation of circumstances under which a certificate may be transferred without hearing. There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.41. Accounts and records.

We proposed deleting the requirement that motor carriers of passengers maintain books in conformity with the Uniform System of Accounts found at 99 CFR §1206.2. Interstate carriers are no longer required to comply with the Uniform System of Accounts. We see no benefit in requiring intrastate carriers to comply with this accounting system. Rather, we will simply direct that intrastate passenger carriers follow generally accepted accounting principles for all accounting and reporting matters. We note that we will leave language contained in original subsection (c) intact. There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.44. Accident reports.

We proposed amending this provision to provide for telephonic notification to our Bureau of Transportation and Safety within 24 hours of an accident that results in the

death of a person.² Our Order also noted that carriers must provide a written report of the accident to the Commission within 30 days of the accident. This was an error. No written notification is required. Also, carriers must maintain copies of police reports for any reportable accidents for one year from the date of the accident. We believe that these modifications adequately protect the public while not overburdening the industry or our staff.

There were no comments opposing the proposal. Therefore, we will change this provision as proposed.

§29.61. Commencement of service.

We proposed revising this provision to eliminate the automatic termination of the certificate of public convenience in the event a carrier fails to commence service within 30 days of authorization. See 52 Pa. Code §29.32. IRRC filed comments to this proposal questioning where the “appropriate proceeding” referenced in the proposal could be found. We refer to our discussion of 52 Pa. Code §29.32. Having reviewed the comments, we will change this section as proposed.

§29.62. Interruptions of service.

We proposed amending this provision to change the reference from “rule to show cause” to “complaint.” This change is consistent with current practice. There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.73. Posting notice prohibiting conversation.

We proposed deleting this section. This change is consistent with current Federal regulations. See 49 CFR Part 392, subpart G. There were no comments to the proposal. Therefore, we will change this provision as proposed.

² We limit applicability to carriers operating vehicles with seating capacities of 15 passengers or less, including the driver, since larger vehicles are governed by 52 Pa. Code §37.204.

§29.81. Smoking limitations.

We proposed deleting this section since we do not believe that it is necessary. There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.101. Operation of leased equipment.

We proposed modifying the current regulation by requiring drivers be qualified under the new driver regulations (subchapter F, below), prohibiting carriers (with the exception of call or demand carriers) from leasing vehicles to drivers, updating some cross references, and eliminating the formal inspection reports and annual reports. The prohibition against leasing vehicles to drivers is consistent with the intent of this section to ensure that the certificated carrier maintains control over the service provided under its authority. The elimination of the inspection report does not relieve the carrier's obligation to inspect leased vehicles and to maintain a certificate of inspection. We believe that the inspection report does not enhance safety enforcement and is simply cumbersome. Further, elimination of the annual report is consistent with current Commission practice.

We have also eliminated various sections that no longer serve a useful purpose. Specifically, we have eliminated the section concerning receipts, since we believe that the lease itself suffices as adequate documentation for our purposes. Further, we have eliminated original subsection (g), concerning scheduled route and group and party service. These provisions are not relevant in the current regulatory environment. We note that these carriers must continue to comply with the remainder of our leasing requirements.

Several commentators suggested in filing preliminary comments to the Advance Notice of proposed Rulemaking, that we amend this section to include a provision insulating carriers from prosecution if they utilize lease drivers who have a suspended or

inactive driver's license. We declined to adopt this suggestion, noting that it is a carrier's responsibility to ensure that all drivers operating under its authority are properly licensed. Pa. PUC v. Yellow Cab Company of Pittsburgh, Docket No. A-00049926C9803-C9812 (Order entered November 17, 1999). Commentators have again raised objection to requiring a carrier ensure all its drivers are properly licensed. We reject this comment, since we believe that it is ultimately the carrier's responsibility to ensure its drivers are licensed. This requirement is consistent with current Commission practice.

Subchapter C. Contract carriers and brokers.

We proposed deleting reference to "brokers" due to inapplicability. There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.111. Accounts, records and memoranda.

We proposed deleting references to 52 Pa. Code §§29.43, 29.73, and 29.81 to be consistent with current and proposed regulations. Further, we are deleting the annual report filing requirement for contract carriers. There were no comments to the proposal. Therefore, we will change this provision as proposed.

Scheduled Route Service

§29.301. Conditions.

We proposed revising this section to include reference to subchapters E (Vehicle Equipment and Inspection) and F (Driver Requirements, to be discussed below). There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.303. Service standards and requirements.

This provision, concerning scheduled route carriers, is revised to ensure that particular schedule changes are provided to the Commission. One commentator suggested that the regulation be revised to allow more flexibility for the carrier. However, no suggested changes were provided. We decline to adopt the comment.

§29.306. Consumer information.

This provision was added in order to advise the public of the appropriate forum in which to address complaints over service. We believe that this requirement will have minimal cost to the carrier yet be a significant benefit to the public. IRRC's comments suggested it was the Commission's intent to provide various compliance options to all carrier groups. However, this was not the intent of the Commission. No changes were made to the language of the subsection from the proposed version of the regulation.

Call or Demand Service

§29.311. Conditions.

We proposed revising this section to include reference to subchapters E (Vehicle Equipment and Inspection) and F (Driver Requirements, to be discussed below). There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.313. Service standards and requirements.

We proposed amending this provision to include a requirement that log sheets be completed contemporaneously with a trip. This requirement ensures reporting accuracy. Further, we proposed that origin and destination points provided in log sheets include a street name with address, if available, or some identifiable landmark.

Comments to our proposals indicated that the Commission should provide a log sheet format. We decline to adopt this suggestion. Log sheet requirements are adequately delineated in our regulations. Carriers are free to develop their own forms, according to their business needs, that contain the required information.

Commentators also suggest that electronic tracking of required log sheet data should be permitted by regulation. This proposal does not conflict with our requirements, so long as all required information is retained electronically. Therefore, we will modify the proposed regulation to permit electronic record keeping.

Finally, commentators object to the contemporaneous maintenance of log sheets. We disagree with this comment. Drivers cannot be relied on to recreate, with accuracy, all charges, locations, and mileages at the end of a shift. The contemporaneous completion of log sheet requirement ensures accuracy.

§29.314. Vehicle and equipment requirements.

We proposed making meters mandatory for all call or demand carriers. We proposed this as a more efficient and accurate means of charging the public for service. Meters are available at a cost of approximately \$225. Currently, approximately fifty per cent (50%) of call or demand carriers charge non-metered rates. We believed that the cost of installing the meters is not enormous and is certainly outweighed by the benefits associated therewith; i.e., charges that more accurately reflect the cost of transportation. Further, we proposed continuing to require all meters to be sealed for security and accuracy purposes. We proposed requiring carriers to provide an annual vehicle list to the Commission. This requirement will aid the Commission in its enforcement efforts. Further, we proposed requiring all taxicabs to have dome lights, which will aid the public in identifying taxicabs available for service. Finally, we proposed that no vehicles older than eight years be permitted to be utilized in taxi service. We believed this vehicle age limitation will ensure a current, reliable fleet. This requirement would be phased in over a one year period.

Commentators provided extensive feedback on these proposals. First, one commentator suggests that requiring meters for taxicabs, while affordable, is not economically viable for rural areas. Another commentator supported our meter proposal. We believe that our proposal is sound. No support was provided for the claim that meters are not economically viable for rural carriers. Certainly, a meter can be calibrated to reflect current zone rate charges. Therefore, we reject the comments regarding meters. Further, we have modified the meter seal requirement to include a waiver provision for carriers utilizing tamper-proof meters.

One commentator also objected to the dome light requirement. In support of its objection, the commentator suggests that some customers do not like their employers or other persons to know they are taking a taxi. Additionally, a dome light may compromise security of the patron's home, since it would alert thieves that the patron is not home. While we are mindful of these concerns, we do not believe that they are sufficient to outweigh the purpose of the dome light requirement; i.e., to aid the public in identifying taxicabs available for service. However, in an effort to accommodate the particular needs of a given locale, we will permit a possible exemption from this requirement, upon Commission approval.

Finally, much commentary was provided on the vehicle age requirement. Generally, the commentary suggested that this requirement would unnecessarily increase costs, including insurance costs. Further, commentators suggested that a vehicle's age is not an accurate barometer of the vehicle's condition.

While we understand that age is not synonymous with condition, we are also cognizant that age is one of the most important factors to ensure a vehicle is fit for service. We have the difficult task of ensuring a safe and reliable taxi fleet for the public, with only limited tools available to meet this challenge. Age of fleet is a viable, efficient tool for this job.

However, we recognize that this requirement may cause undue hardship on select carriers. Therefore, we will allow a compromise. We will continue to impose an 8 year limit, subject to specific exemption. A carrier may request our enforcement personnel to inspect any vehicle more than 8 years old to determine if that vehicle is fit for service. While this necessitates a certain amount of discretion be exercised by our enforcement personnel, this is the necessary result when the clear cut 8 year litmus test is rejected.

§29.315. Alternative forms of compensation.

We proposed technical amendments to this section updating cross references. There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.316. Tariff requirements.

We proposed amending this section by phasing out zone-based fares in three years. There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.317. Accounting requirements for alternative forms of compensation for drivers.

We proposed technical amendments to this section as well as phasing out references to zone-based fares. Further, the report required by subsection (c) will only be provided to drivers upon request. We believe that this proposal minimizes unnecessary paperwork for the carrier while retaining necessary protections for the driver.

One commentator argued that our current accounting requirements are burdensome to the certificate holder and that this burden should be transferred to the lease driver. We disagree. It is ultimately the certificate holder's responsibility to maintain log sheets and ensure their accuracy. A public utility cannot shift this responsibility as a matter of convenience.

§29.318. Complaint decals.

We proposed that all taxicabs be required to post a complaint decal inside their vehicles. The decal will advise a customer of relevant complaint information. The decals shall be provided by the Commission. Only decals provided by the Commission may be posted.

One commentator suggested that the Commission ensure that the decal remains permanently affixed to the vehicle. We disagree. The Commission will provide the decals. It is the certificate holder's responsibility to inspect its vehicles regularly for compliance. If a decal needs to be replaced, the certificate holder can get another one from the Commission.

Limousine Service

§29.331. Conditions.

We proposed amending this provision to include references to Subchapters E and F. There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.332. Method of operation.

We proposed amending this provision to prohibit the direct solicitation of passengers by a limousine driver. Commentators suggest that this prohibition is ambiguous and does not go far enough to prevent limousine carriers from encroaching on call or demand service. We are cognizant of the necessity to clearly delineate the boundaries of the taxicab and limousine industries. Complaints are common, primarily limited to Pittsburgh and Philadelphia, that limousine carriers are unfairly and illegally siphoning business from the taxicab industry. Given the different regulatory standards each industry must meet, it is imperative that limousines not be permitted to operate as defacto taxicabs. It is our intent and desire to ensure the health of each industry in order to serve the public's transportation needs.

While we cannot guarantee that on any particular trip, a limousine carrier will not breach its regulatory boundaries, we believe that the proposed language helps to ensure a separation of the industries. However, we also recognize that there may be some ambiguity attached to the proposed language. Therefore, we have modified the proposed language to further delineate our intent.

§29.333. Vehicle and equipment requirements.

We proposed amending this provision to include a requirement that limousines be no more than eight years old. Further, we proposed requiring limousine operators to provide the Commission with a vehicle list annually.

Commentators opposed the 8 year limitation, citing similar reasons to comments at

§29.314. We agree that there is a need for some flexibility and have modified the final regulations accordingly.

§29.334. Tariff requirements.

We proposed amending this section to prohibit the use of meters. We believe that meters are unique to taxi service and should not be utilized in luxury limousine service. Further, we propose restricting limousines from basing tariffs on mileage. We believe that a mileage based rate is more akin to taxicab service. Limousine service is a luxury service, and should not be viewed as a substitute for taxicab service. The industries serve different transportation needs. A time based tariff is more consistent with the nature of limousine service.

Commentators generally agreed with our proposals. However, they argue that the regulations should also include a minimum initial time period. Further, commentators suggest that carriers be permitted to charge flat rates for select destinations.

We agree that setting a minimum initial time period is consistent with our intent. A limousine charging by the minute would be more akin to taxi service. Therefore, we adopt this comment and incorporate a 30 minute minimum initial charge. Additionally, we will also require minimum 30 minute increments for the same reasons justifying the minimum initial charge. Finally, we will not permit flat rate pricing. While we recognize the need for exact quotes in certain circumstances, we believe that a carrier will be able to provide that certainty within the tariff structure adopted. We note that this modifies our prior Order permitting flexible ratemaking. Investigation into Flexible Ratemaking for the Bus and Limousine Industries. Docket No. I-00960063 (Order entered October 16, 1997.).

§29.335. Trip sheet requirements.

We proposed amending this provision to include a requirement that the origin point be included on trip sheets. Further, we proposed deleting odometer recording requirements, as irrelevant under our proposed tariff changes. There were no comments

to the proposal. Therefore, we will change this provision as proposed. We note that we have included a requirement that the trip sheet contain the certificate number of the carrier.

§29.336. Consumer information.

The Commission proposed mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We proposed offering limousine carriers three choices to comply with this initiative: (1) posting a Commission supplied complaint decal, (2) providing information on the service contract, or (3) providing information on the receipt for service. Having received no comments opposing the proposal, we will adopt it.

Airport Transfer Service

§29.341. Conditions.

We proposed amending this section to include reference to subchapters E and F. There were no comments to the proposal. Therefore, we will change this provision as proposed.

§29.344. Consumer information.

The Commission proposed mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We proposed offering airport transfer carriers two choices to comply with this initiative: (1) posting a Commission supplied complaint decal, or (2) providing information on the receipt for service. We believe this initiative will aid the public and enhance transportation service. While we received no comments opposing the proposal, upon further review, we have modified the initial proposal to afford the carrier greater latitude for compliance.

Other Services: Paratransit, Experimental

§29.351. Conditions.

We proposed amending this section to include reference to subchapters E and F. One commentator suggested that we delineate paratransit service as a stand-alone classification. We decline to adopt this suggestion. We believe that current regulations adequately define paratransit service.

§29.356. Consumer information.

The Commission proposed mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We proposed offering paratransit carriers two choices to comply with this initiative: (1) posting a Commission supplied complaint decal, or (2) providing information on the receipt for service. While we received no comments opposing the proposal, upon further review, we have modified the initial proposal to afford the carrier greater latitude for compliance.

Subchapter E. Vehicle Equipment and Inspection.

§29.401. Applicability

We proposed amending this provision to more clearly delineate its applicability to vehicles with seating capacities of 15 passengers or less, including the driver. Having received no comments opposing the proposal, we will adopt it.

§29.402. Vehicle equipment requirements.

We proposed amending this section to more clearly delineate applicability. See §29.401.

We also proposed amending this section to include a requirement that advertising be limited to the roof of the vehicle. We believe this requirement will ensure unobstructed views for driver and passenger. Further, it will aid in enforcement since vehicle identification markings will not be obscured by advertisements.

One commentator opposed our proposal, arguing that exterior and interior advertising should not be restricted so long as it does not obstruct a driver's view or relevant vehicle/driver information. We disagree for the reasons previously stated. However, to the extent a carrier wishes to deviate from this requirement, we will permit a waiver upon petition.

§29.403. Requirements for passenger service operation.

We proposed amending subsection (1) of this provision to include a reference to removable seats which are currently common in vehicles. Further, we proposed the following additional vehicle requirements: operative air conditioning, exterior free of dents or gouges more than four inches in diameter, vehicles must have four matching wheel covers or the equivalent, and seats shall be secure and undamaged with no protruding springs or cushioning. Having received no comments opposing the proposal, we will adopt it. We note that we have also included a prohibition against objects protruding from the exterior of the vehicle.

§29.404. Unsafe operations forbidden.

We proposed amending this section to include a prohibition against operating a vehicle in violation of 52 Pa. Code §29.403. Having received no comments opposing the proposal, we will adopt it.

§29.406. Inspection by enforcement officers.

We proposed amending this provision to clarify and simplify the out-of-service procedures employed by the Commission. Having received no comments opposing the proposal, we will adopt it.

Subchapter F. Driver Regulations

We proposed the addition of driver regulations for drivers of vehicles with seating capacities of 15 passengers or less, including the driver. We will require all drivers have

a current license and be at least 21 years of age. Further, we shall require carriers to obtain a driver history for each driver and update that history every 12 months. We will require carriers to obtain a criminal history record for all drivers and update same every two years. Finally, we will prohibit operation of vehicles by anyone under the influence of alcohol or a controlled substance. We believe these requirements will help to ensure the quality and safety of public utility service in Pennsylvania.

We further proposed additional driver standards for carriers operating vehicles with seating capacities of 9 to 15 passengers, including the driver. Recent amendments to federal regulations applicable to interstate carriers of this vehicle type are found at 49 CFR Part 390. We proposed adopting similar standards. Specifically, we proposed physical qualification and hours of service standards. We believe that the heightened scrutiny accorded drivers of these vehicles is warranted and in the public interest.

One Commentator suggested that since proposed Section 504, requires, inter alia, carriers to obtain a driver history report for its drivers, the carrier should not be responsible to ensure the status of a driver between required reporting periods. We decline to adopt this comment. As previously noted, it is the carrier's responsibility to ensure its drivers are properly licensed. While this may cause some difficulties, reasonable steps must be taken by carriers to ensure proper licensing.

Commentators also provided suggestions regarding the requirement that carriers obtain criminal history records for all drivers. There was no negative industry response to this proposal. In fact, the industry supported strengthening various portions of the proposal. However, IRRC commented that there is no statutory authority for a carrier to obtain criminal history records for its drivers. IRRC also commented that there is nothing in the Public Utility Code which authorizes the Commission to require that carriers or drivers obtain this information.

In response to IRRC's comments, we have reviewed the Criminal History Record Information Act, ("CHRIA") 18 Pa. C.S. §§9101-9183, and have determined that we are authorized to require carriers obtain criminal history records for their drivers. CHRIA specifically recognizes that prospective employers may require job applicants to submit a

criminal history record, to be used for the purpose of deciding whether to hire the applicant. 18 Pa. C.S. §9125. Felony and misdemeanor convictions may be considered by the employer only to the extent they relate to the applicant's suitability for employment. 18 Pa. C.S. §9125. Therefore, a carrier could require a potential driver to submit a criminal history record as a condition of hire.

The Public Utility Commission is charged with overseeing common carrier service within Pennsylvania. It is the Commission's foremost responsibility to ensure that common carrier service is provided safely. 66 Pa. C.S. §§1103, 1501. In our judgment, the general statutory standard that a carrier be fit easily encompasses a regulatory requirement that a carrier obtain a criminal history record for its drivers in order to evaluate suitability for employment. The key way the Commission can provide the necessary security for the public is by requiring a criminal history record review for each driver.³ We will not compromise public safety by deleting this proposal. Therefore, we will require all passenger motor carriers obtain and review criminal history records for their drivers to ensure their suitability for employment.

IRRC also suggests that we define "crime of moral turpitude," since it is ambiguous. We agree with this comment and have deleted this language.

52 Pa. Code Chapter 31

Our proposed revisions to this chapter were primarily aimed at provisions governing household goods carriers, 52 Pa. Code §§31.121-31.130. Those proposed changes attempted to strike a continuing balance between the shipper and the carrier. We also proposed some general revisions governing both property and household goods carriers.

³ The Commission required criminal history records for all Philadelphia medallion taxicab drivers. 52 Pa. Code §30.72. There is no specific statutory authorization for this requirement, beyond the requirement that a driver be "fit". 66 Pa. C.S. §2409.

§31.4. Transfer of Certificates and Permits.

We proposed modifying this provision to delete the self executing termination language found in subsection (c). Having received no comments opposing the proposal, we will adopt it.

§31.11. Reports of Accidents and Damages.

We proposed amending this provision to provide for telephonic notification to our Bureau of Transportation and Safety within 24 hours of an accident that results in the death of a person. Further, carriers must maintain copies of police reports for any reportable accidents for one year from the date of the accident. Having received no comments opposing the proposal, we will adopt it.

§31.32. Equipment.

We proposed revising this section to simplify and clarify leasing requirements. Having received no comments opposing the proposal, we will adopt it.

§31.33. Identification of equipment.

The proposed changes included deleting excess language and replacing the requirement that identification markings be painted on the vehicle. Having received no comments opposing the proposal, we will adopt it.

§31.121. Information for Shippers.

Our proposed modifications to this section included requiring carriers to provide shippers with the "Information for Shippers" form at least 48 hours in advance of the move, to ensure that shippers receive meaningful notice. Further, we proposed requiring an Inventory be completed by the carrier and provided to the shipper, as well as a bill of lading. We proposed raising the minimum valuation limits to 60 cents per pound per

article.⁴ We also proposed requiring carriers to use a Commission supplied form, which will be available on our web-site or upon request. This form will include the Commission's contact information for complaints. We also proposed requiring carriers to retain an executed copy of the form for two years from the date of the move. We proposed replacing "money order" with "cashier's check," due to the relative security of these instruments.

We received numerous comments to our proposals. First, commentators suggest that requiring carriers to provide the Information for Shippers form 48 hours prior to the move is too cumbersome and would impede the ability to accommodate last-minute shipment requests. We agree, and have provided a waiver option for the shipper.

Commentators also suggest that increasing the loss coverage from 30 cents per pound per article to 60 cents per pound per article would unnecessarily increase costs. We disagree. The proposed 60 cents coverage limit is consistent with coverage required for interstate shipments. 49 CFR §375.203. Our research indicates that this increase in valuation coverage will have minimal effect on the cost of the move. If a carrier requires a rate increase to cover this increased cost, it may properly petition the Commission.

Commentators also question the appropriateness of requiring an inventory for shorter time-based moves. Commentators suggest the inventory requirement will have little benefit, yet significantly increase costs due to the increased labor involved. Commentators indicate that for longer moves, inventories are routinely prepared. We agree with the comments and have modified the proposed regulation to provide for shipper waiver of an inventory for hourly based moves.

We also have modified the language regarding liability of the carrier to reflect that a carrier is only liable for damage to goods to the extent required by law.

Finally, we have modified the proposal to include the signature of the shipper.

⁴ We recognized that this proposal will necessitate a collateral proceeding to modify the existing rate structure.

§31.122. Estimate of Charges.

We proposed delineating all contents required on an estimate of charges form. Further, we proposed deleting current regulation §31.130, which is a sample “Estimate of Charges” form, as unnecessary. We also proposed that carriers retain the form for two years from the date of the move. Finally, we proposed moving the “Notification of Charges” section, since that section is distinct from “Estimate of Charges.”

Commentators to these proposals, including IRRC, questioned when the Estimate must be provided to the shipper. In the proposal, we had indicated that the estimate must be provided “prior to the move,” which was consistent with past regulation. After review of the comments, we will require that the Estimate be provided 48 hours prior to the move, unless the shipper agrees, in writing, to a shorter period. Also, commentators requested that the Commission allow some variation on the lettering requirements, which we have done.

§31.123. Delivery when Charges Exceed Estimates.

We proposed replacing “money order” with “cashier’s check,” due to increased security. Given that this change was reflected in the new Information for Shippers form, we did not believe that it was necessary to repeat it at this point, and deleted the sentence in the proposal. Commentators did not oppose this change.

§31.124. Report of Underestimates.

We proposed deleting the sample report form attached to the regulations. Further, we proposed carriers retain these reports for two years from the date of the move. Having received no comments opposing the proposal, we will adopt it.

§31.125. Obtaining Weight Tickets.

We proposed amending this section to eliminate the requirement for separate gross and tare weight tickets, since gross and tare weights are commonly included on the same weight ticket. Further, we proposed eliminating the requirement that copies of bills of

lading utilizing constructive weight be furnished to the Commission. Finally, we proposed that carriers retain the tickets for two years from the date of the move. Having received no comments opposing the proposal, we will adopt it. We note that our original proposed changes appearing in the Annex were inconsistent with our intent. We have modified the Annex accordingly.

§31.127. Failure to Comply with Provisions.

We proposed updating this section with appropriate statutory references. Having received no comments opposing the proposal, we will adopt it.

§31.130. Estimated Cost of Services.

We proposed deleting this provision since an example form is unnecessary in light of the specifications established for an estimated cost of services provided at §31.122. Having received no comments opposing the proposal, we will adopt it.

§31.131. Notification to Shipper of Charges.

We proposed moving the notification requirement currently found at 52 Pa. Code §31.122(1) to this location. This will reduce confusion and clarify that “Notification of Charges” is distinct from “Estimate of Charges.” Further, we proposed modifying the notification requirements by permitting notice by fax or e-mail. Having received no comments opposing the proposal, we will adopt it.

§31.132. Bill of Lading.

We proposed adding a new requirement that a household goods carrier prepare and provide to the shipper a bill of lading for the shipment. We believe that the bill of lading is currently used by carriers and should not be omitted from our regulations. The requirement is straightforward, places no undue burden on the carrier, and serves as a valuable consumer protection tool.

The only comments received on the proposal centered on the release from liability for damage provision. We have modified this provision to be consistent with our prior discussion at §31.121.

§31.133. Inventory.

We proposed requiring a household goods carrier to prepare an inventory of the shipment. Commentators opposed this provision for hourly based moves. As discussed previously, we will permit shipper waiver of the Inventory requirement for hourly based moves.

§31.134. Criminal History.

We proposed requiring carriers to obtain criminal history records for all persons providing moving services within a dwelling. We proposed prohibiting carriers from employing individuals who had been convicted of a felony or a crime of moral turpitude. Further, carriers may not permit an individual who has been convicted of a felony or misdemeanor to provide moving services in a shipper's dwelling, where the conviction relates adversely to the individual's suitability for employment. These requirements are reflective of fundamental shipper expectations when engaging a licensed carrier.

Commentators offered both support and opposition to this proposal. Several commentators indicated that due to the high turnover rate and the use of temporary help in the moving industry, requiring background checks would be unduly burdensome. Conversely, other commentators supported the proposal, with the caveat that it was too vague in draft form. We will adopt our original proposal, with modifications. We reject deleting the criminal background check, as suggested by some commentators, since, as noted earlier, we refuse to compromise public safety. We have removed the reference to crimes of moral turpitude as suggested by IRRC's comments.

The attached Annex A, is permitted by Sections 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508, and chapters 23 and 25 of the Public Utility Code. Accordingly, under section 501 of the Public Utility Code, 66 Pa. C.S. §501, and the Commonwealth

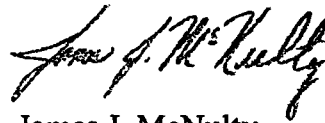
Documents Law, 45 P.S. §§1201 et seq., and regulations promulgated thereunder at 1 Pa. Code §§7.1, 7.2 and 7.5, we propose to amend the regulations at Chapters 29 and 31 as set forth in Annex A. **THEREFORE,**

IT IS ORDERED:

1. That 52 Pa. Code Chapters 29 and 31 are revised consistent with Annex A, attached hereto.
2. That the Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality.
3. That the Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.
4. That the Secretary shall submit this order and Annex A for review and approval by the designated standing committees of both Houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.
5. That the Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
6. That the revisions to Chapters 29 and 31 embodied in Annex A shall become effective upon final publication in the Pennsylvania Bulletin.
7. The contact person is John Herzog, Assistant Counsel, Law Bureau, (717) 783-3714.

8. That a copy of this order shall be served on all commentators to the Proposed Rulemaking order.

BY THE COMMISSION,



James J. McNulty

Secretary

(SEAL)

ORDER ADOPTED: August 11, 2005

ORDER ENTERED: AUG 16 2005

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 29. MOTOR CARRIERS OF PASSENGERS

Subchapter B. COMMON CARRIERS

PRELIMINARY PROVISIONS

§ 29.11. Applicability.

This SUBchapter applies to common carriers ~~and contract carriers of passengers,~~ and is subject to amendment, change, modification or exception as the Commission may deem advisable, just and proper.

TRANSFER OF RIGHTS

§ 29.31. Sale or transfer of certificates.

[No certificate or right described in §§ 29.31--29.35 (relating to transfer of rights) may be sold or transferred by act, deed or by operation of law, except as otherwise provided in §§ 29.31--29.35, unless the approval of the Commission is first obtained.] 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 such reasonable notice as the Commission may direct.

§ 29.32. Death or incapacitation of a ~~certificate holder~~ CERTIFICATEHOLDER.

Upon the death of a holder of a certificate, or upon an individual ~~certificate holder~~ CERTIFICATEHOLDER being legally declared ~~insane or otherwise incompetent~~ INCAPACITATED, the rights conferred by the certificate shall continue with the legal representative of the deceased or ~~insane~~ INCAPACITATED holder for a period of 1 year [, after which time the rights conferred shall terminate]. After the expiration of the one 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. In the event application is made by the legal representative not less than 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 ~~insane~~ 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 ~~insane~~ INCAPACITATED person may be deemed cause for the granting of the petitions by the Commission.

§ 29.33. [Transfer of certificate without a hearing] (Reserved).

[If the individual holder of a certificate dies or is legally declared insane or otherwise incompetent, and an application is made to transfer the rights granted under the certificate to his legal representative, or if the certificate holder is a copartnership and the application for a transfer is in effect to change one or more of the partners, the Commission may dispose of the application without a hearing.]

ACCOUNTS, RECORDS AND REPORTS

§ 29.41. Accounts and records.

(a) [A common carrier with average gross annual revenues, intrastate and interstate combined, during the preceding year, of \$1 million and over, shall maintain books, accounts and records in conformity with the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers, 49 CFR Part 1206 (relating to common and contract motor carriers of passengers), and the applicable current sections of 49 CFR (relating to transportation) governing the preservation of records of Class I motor carriers.] Common carriers of passengers shall follow generally accepted accounting principles for all accounting and reporting matters.

(b) [Other common carriers shall have the election of maintaining books, accounts and records in conformity with those required of motor carriers with average gross revenues of \$1 million and over, or on a modified basis as will permit the filing of properly completed annual reports or assessment reports with the Commission, and shall preserve their records under the applicable current sections of 49 CFR governing the preservation of records of Class I and Class II motor carriers.

(c) [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).

§ 29.44. Accident reports.

(a) [Within 30 days after a reportable accident occurs, a detailed report shall be mailed to Secretary, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg,

Pennsylvania 17120.] 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) [A reportable accident is one involving one or more of the following:

(1) The death of a person.

(2) Personal injuries which require medical attention.

(3) Property damage amounting to \$4200 or more, based on actual costs or reliable estimates.

(4) Collisions at grade crossings between motor vehicles operated under a certificate of public convenience and trains or streetcars, whether or not a person is killed or injured in the accident.

(c) In the event of the occurrence of an accident resulting in the death of a person, an immediate report of the accident shall be made by telephone or telegraph to the Bureau of Safety and Compliance of the Pennsylvania Public Utility Commission, in addition to the detailed written report required by subsection (a).

(d) The requirements of this section for the reporting of accidents correspond closely with those of the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and the Department of Transportation, Bureau of Traffic Safety, of the Commonwealth. A copy of the report to the Bureau of Motor Carrier Safety or the Bureau of Traffic Safety will be accepted in lieu of a separate accident report.]

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.

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, [the rights granted by the certificate shall terminate,] 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.

§ 29.62. 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 [a period of] 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. No order of revocation will issue until the carrier is given opportunity for a public hearing on a [rule to show cause] complaint AS TO why the rights should not be revoked and cancelled.

MARKINGS AND POSTING NOTICE

§ 29.73. [Posting notice prohibiting conversation] (Reserved).

[The following notice or a notice approved by the Commission shall be posted in a conspicuous place in the front part of the interior of each bus having seating capacity in excess of nine passengers:

**PENNSYLVANIA PUBLIC UTILITY COMMISSION ORDER
PROHIBITING CONVERSATION**

BY THE COMMISSION:

It is ordered: That operators of motor or trackless trolley buses engaged in intrastate common carrier service be and are hereby prohibited from conversing with passengers while the vehicle is in motion; and, further, that all passengers in such vehicles in motion be prohibited from distracting the attention of the operator by conversation or otherwise.]

[SAFETY]

§ 29.81. [Smoking limitations] (Reserved).

[(a) A motor common carrier of passengers subject to the act, which provides scheduled route service between fixed termini or over designated routes, and which desires to permit smoking of cigars, cigarettes or pipes, shall where smoking on passenger-carrying vehicles is not otherwise prohibited by law, provide a smoking area consisting of a number of seats at either the rear or the front of the passenger-carrying vehicle depending upon which area is best suited to the air circulating system of the vehicle, the area not to exceed 20% of the seating capacity of the vehicle.

(b) Subsection (a) does not apply to common carriers of passengers subject to the act when operating in call or demand or group or party service.]

MISCELLANEOUS PROVISIONS

§ 29.101. Operation of leased equipment.

(a) *General provisions.* General provisions [shall] include the following:

* * * * *

(2) *Drivers.* When used in the authorized service of the lessee, leased 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 shall be covered by insurance as provided by § [29.104 (Reserved)] 32.11 (relating to passenger carrier insurance) and shall conform with the requirements for registration of vehicles as set forth in 75 Pa.C.S. §§ 101--9910 (relating to the Vehicle Code).

* * * * *

(5) *Control.* Vehicles shall be owned by or leased by the certificate holder. Operation and service shall be under the direct control and supervision of the certificate holder. A common carrier of passengers may not lease a vehicle to a driver, except as provided in subsection (h) (F), relating to call or demand service.

* * * * *

(c) [*Receipts.* When possession of the equipment is taken by the certificate holder or its regular employe or agent authorized to act for it, such certificate holder, employe or agent shall give to the owner of the equipment or to the owner's employe or agent a receipt specifically identifying the equipment and stating the date and time possession thereof is taken; and, when possession by the certificate holder ends, it or its employe or agent shall obtain from the owner of the equipment, or its regular employe or agent authorized to act for it a receipt specifically identifying the equipment and stating therein the date and the time possession thereof is retaken. The receipts shall be retained by the certificate holder for not less than 2 years.

(d)] *Safety inspection.* It is the duty of the certificate holder, before taking possession of equipment, to inspect the [same] equipment or to have the [same] 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 [on a report in the form set forth in subsection (j)], which [report] certification shall be retained by the ~~certificate holder~~ CERTIFICATEHOLDER for a period of not less than 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 ~~certificate holder~~ CERTIFICATEHOLDER.

[(e)] (d) * * *

[(f)] (e) * * *

[(g) *Scheduled route; group and party.* The following applies to scheduled route carriers and to group and party carriers operating leased equipment:

(1) *Leases for less than 10 days.* Where a common carrier leases a vehicle for less than 10 days to another common carrier for operation in certificated service, subsections (c) and (d), relative to receipts and safety checks when taking possession of the leased vehicles are not applicable.

(2) *Joint-line service.* This section, with the exception of subsection (f), does not apply to vehicles when the vehicles are used in providing through transportation of passengers in regular service over the authorized routes of two or more carriers under a continuing interchange or lease of equipment arrangement between such carriers; provided that the schedules of the motor carriers show clearly the points or places between which each common carrier assumes and bears complete control and responsibility for the operation of the interchanged or leased vehicles.

(3) *Number of vehicles.* The seating capacity of the vehicles leased at any one time may not exceed the greater of one vehicle or 50% of the total seating capacity of the vehicles owned by the lessee and operated in the certificated service of the lessee; provided that, for purposes of this limitation, a vehicle shall be considered to be neither leased nor owned if the minimum duration of the lease is for a term of at least 120 days or if the lease has been continuously in force for a period of at least 120 days.

(h)] (f) *Call or demand.* The following applies to call or demand carriers operating leased equipment:

* * * * *

(2) The holder of a call or demand certificate may lease vehicles to drivers for operation in the service of the certificate holder only under the following conditions:

* * * * *

(iv) [The certificate holder shall be required to file an annual report in accordance with § 29.42 (relating to annual reports) which shall include gross operating revenues based upon the amount of the fares recorded on the daily log sheets maintained by the lessee-drivers.

(v)] The leasing plan of the certificate holder shall conform with the requirements of § 29.315 (relating to alternative forms of compensation).

[(i) [Reserved].

(j) *Form.* The following form is hereby made part of this section.]

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete the form which appears in 52 Pa. Code page 29-18, serial page (218744).)

Subchapter C. CONTRACT CARRIERS [AND BROKERS]

§ 29.111. Accounts, records and memoranda.

* * * * *

(b) A contract carrier shall comply with §§ 29.41, [29.43,] 29.44, [29.73, 29.81] and 29.101--29.103. [A contract carrier of passengers, regardless of the amount of gross annual revenues, intrastate and interstate combined, shall file, in properly completed form, signed and notarized, on or before March 31, covering the preceding calendar year, a contract carrier annual report form as prescribed and furnished by the Commission.

(c) Other matters relating to applications for permits by contract carriers shall, if practicable, conform with subsection (b).]

Subchapter D. SUPPLEMENTAL REGULATIONS

SCHEDULED ROUTE SERVICE

§ 29.301. Conditions.

This section and §§ 29.302--29.305 (relating to scheduled route service) applies to operations in the scheduled route class of common carriage. This section and §§ 29.302--29.305 [applies] apply in addition to relevant provisions of Subchapters A [and], B, E and F [(relating to general provisions; and common carriers)] (~~vehicle equipment and inspection; and driver regulations~~), as well as particular provisions contained in each certificate of a carrier.

§ 29.303. Service standards and requirements.

* * * * *

(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 [a period of not less than] 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 [do] does not apply to that portion of the service that is and will continue to be rendered on headways of 20 minutes or less.

* * * * *

§ 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 1-800-782-1100 or at www.puc.paonline.com. WWW.STATE.PA.US. Include the company name and A-number # for all complaints.

CALL OR DEMAND SERVICE

§ 29.311. Conditions.

This section and §§ 29.312--29.316 (relating to call or demand service) [applies] 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 [and], B, E and F [(relating to general provisions; and common carriers)], as well as particular provisions contained in each certificate of a carrier.

§ 29.313. Service standards and requirements.

* * * * *

(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 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 [certificate holder] certificateholder. The log sheets shall be retained by the [certificate holder] 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:

* * * * *

(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.

* * * * *

§ 29.314. Vehicle and equipment requirements.

* * * * *

(b) *Meters.* Meters shall conform with the following requirements:

(1) A call or demand vehicle operated within [a city, borough or township having a population of 20,000 or more] this Commonwealth shall be equipped with a meter.

* * * * *

(4) UNLESS OTHERWISE PERMITTED BY THE COMMISSION, the meter and meter driving equipment shall be sealed so that the meter case, meter driving equipment, or additional gear boxes, if any, cannot be disconnected without breaking a seal.

* * * * *

(8) 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 provision is invalid after January 1, 2007.

(c) *Vehicle list.* Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its call or demand authority. The list shall contain the year, make, vehicle identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

(d) *Vehicle age.* UNLESS OTHERWISE PERMITTED BY THE COMMISSION, a vehicle may not be operated in call and demand service which is more than 8 model years old. For example, the last day on which a 1996 model year vehicle may be operated in taxi service is December 31, 2004. This provision is effective a date 1 year after _____. (Editor's note: The blank refers to the effective date of adoption of this proposed rulemaking.)

(e) *Dome lights.* UNLESS OTHERWISE PERMITTED BY THE COMMISSION, vehicles operated by call and demand carriers shall 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.

§ 29.315. Alternative forms of compensation.

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

* * * * *

(2) The [certificate holder] certificateholder shall be responsible for providing and maintaining insurance as required by § [29.104 (Reserved)] 32.11 (relating to passenger carrier insurance).

(3) The [certificate holder] certificateholder shall comply with [Subchapter] Subchapters E and F (relating to vehicle equipment and inspection; and driver regulations).

* * * * *

§ 29.316. Tariff requirements.

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

(1) [such] The amount as is calculated and registered on the meter[;].

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

(3) [when] 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 [certificate holder] 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 must be available in the vehicle for the passenger to examine, and a representative of the [certificate holder] certificateholder must 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.

* * * * *

§ 29.317. Accounting requirements for alternative forms of compensation for drivers.

(a) *Revenues.*

(1) *Metered rates.*

* * * * *

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

(2) *Zoned rates and flat rates.* A requirement of paragraph (1) except for meter verification is 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.

* * * * *

(c) *Reporting.* At the end of a calendar year, the [certificate holder] 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.

§ 29.318. Complaint decals. CONSUMER INFORMATION.

To provide passengers with the NECESSARY information necessary 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.

LIMOUSINE SERVICE

§ 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 [and] B, E and F [(relating to general provisions; and common carriers)], as well as a particular provision contained in a certificate of a carrier.

§ 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:

* * * * *

~~(3) A limousine driver may not directly solicit a passenger.~~ DIRECT, IN-PERSON SOLICITATION OF A PASSENGER BY THE DRIVER OR A REPRESENTATIVE OF THE DRIVER OR CARRIER, IS PROHIBITED.

§ 29.333. Vehicle and equipment requirements.

* * * * *

(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 shall 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 [AM/FM cassette stereo radio,] CD changer, internet access, reading lights, work desk or table, cellular phone, refrigerator, television, VCR, DVD player, extended wheelbase and privacy dividers.

* * * * *

(d) Vehicle list. Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its limousine authority. The list shall contain the year, make, vehicle identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

(e) Vehicle age. UNLESS OTHERWISE PERMITTED BY THE COMMISSION, a vehicle may not be operated in limousine service which is more than 8 model years old. For example, the last day on which a 1996 model year vehicle may be operated in limousine service is December 31, 2004. This provision is effective _____. (Editor's note: The blank refers to 1 year from the effective date of adoption of this proposed rulemaking.)

§ 29.334. Tariff requirements.

Limousine rates [may] shall be based solely on [mileage or] time, [or both,] 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 SHALL BE NO LESS THAN 30 MINUTES.

§ 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 shall contain the following information:

* * * * *

(2) The name AND CERTIFICATE NUMBER of the ~~certificated~~ carrier.

* * * * *

(5) The origin and intended destination.

* * * * *

[(7) The initial odometer reading.]

(b) At the conclusion of the trip, the driver shall record the ending time [and final odometer reading] 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 in § 23.64 (relating to data required in filing increases in operating revenues).

§ 29.336. Consumer information.

To provide passengers with the NECESSARY information necessary to file a complaint, limousines must: LIMOUSINE CARRIERS SHALL:

(1) Post, on the inside of the right rear window of the vehicle, along the bottom edge, 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 service:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. WWW.STATE.PA.US. Include the company name and A-number # for all complaints.;

(2) Provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

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 [and], B, E and F [(relating to general provisions; and common carriers)], as well as [a] particular provisions contained in a certificate of a carrier.

§ 29.344. Consumer information.

To provide passengers with the information necessary to file a complaint, airport transfer carriers shall post, on the inside of the right rear window of the vehicle, along the bottom edge, a Commission-issued complaint decal 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 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A-number for all complaints.

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 1-800-782-1100 OR AT WWW.STATE.PA.US INCLUDE THE COMPANY NAME AND A - # FOR ALL COMPLAINTS.

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 [and], B, E and F [(relating to general provisions; and common carriers] (vehicle equipment and inspection; and driver regulations), as well as [a] particular provisions contained in a certificate of a carrier.

§ 29.356. Consumer information.

~~To provide passengers with the information necessary to file a complaint, paratransit and experimental service carriers shall post, on the inside of the right rear window of the vehicle, along the bottom edge, a Commission issued complaint decal 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 1-800-782-1100 or at www.puc.paonline.com. Include the company name and A number for all complaints.~~

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 1-800-782-1100 OR AT WWW.STATE.PA.US INCLUDE THE COMPANY NAME AND A - # FOR ALL COMPLAINTS.

Subchapter E. VEHICLE EQUIPMENT AND INSPECTION

§ 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, [in] 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).

§ 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:

* * * * *

(3) [Exterior and interior advertising] UNLESS OTHERWISE PERMITTED BY THE COMMISSION, ADVERTISING 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.

§ 29.403. Requirements for passenger service operation.

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 [set forth] in § 29.402 (relating to vehicle equipment requirements):

(1) Vehicles which are equipped with folding [or], temporary or removable seats shall have hinges, latches, brackets or other hardware associated with the seats in working order.

* * * * *

(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 shall have 4 matching wheel covers, or the equivalent.

(8) A vehicle shall have operative air conditioning.

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

§ 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.

§ 29.406. Inspection by enforcement officers.

* * * * *

(b) [The PUC Driver--Equipment Compliance Check Form will] 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) [will] shall be declared [out of service] 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) [Vehicles being used to transport passengers which are found upon inspection not to comply with the requirements of § 29.403 (relating to requirements for passenger service operation) will be declared out-of-passenger service by an enforcement officer employed by the Commission and placed out-of-passenger service utilizing the Commission's out-of-passenger service sticker.

(e) 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 [PUC Driver--Equipment Compliance Check Form] Commission have been satisfactorily completed, except as provided in § 29.404 (relating to unsafe operations forbidden).

[(f) A common carrier or contract carrier may not require or permit a person to transport passengers, nor may a person transport passengers in a vehicle declared and placed out-of-passenger service until repairs or maintenance required by the PUC Driver--Equipment Compliance Check Form have been completed.

(g) (e) A person may not remove an out-of-service sticker [or an out- of-passenger service sticker] from a vehicle prior to completion of the repairs required by the [PUC Driver--Enforcement Compliance Check Form] Commission.

[(h) (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 [on] by the [PUC Driver--Equipment Compliance Check Form] 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.

(i) (g) The carrier's disposition of [PUC Driver--Equipment Compliance Check Form] the form shall be as follows:

(1) The operator of a vehicle receiving [a PUC Driver--Equipment Compliance Check Form] the form placing the vehicle out-of-service shall deliver the form to the common carrier or contract carrier operating the vehicle[; it shall be the sole responsibility of the common carrier or contract carrier to return the form to the Commission in accordance with the terms prescribed thereon and in paragraphs (2) and (3)].

* * * * *

(3) [Common carriers and contract carriers shall complete the Motor Carrier Certification of Action Taken on the form in accordance with the terms prescribed thereon. They shall return the form to the Commission at the address indicated on the form within 15 days following the date of the vehicle inspection.] Carriers shall retain a copy of the form at their principal place of business for 1 year from the date of inspection.

Subchapter F. DRIVER REGULATIONS

Sec.

29.501. Applicability.

29.502. Current drivers 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.

§ 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 permit a person to operate a vehicle in its authorized service unless that person has a current, valid driver's license.

§ 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 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.

(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. 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 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 WITHIN 90 DAYS OF _____. (Editor's note: The blank refers to THE DATE OF PUBLICATION OF FINAL FORM REGULATION a date 90 days after the effective date of adoption of this proposed rulemaking.)

(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 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 by reason of felony conviction.* 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 and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional

institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.

(d) *Disqualification for conviction of crime of moral turpitude.* A common or contract carrier shall not permit a person to operate a vehicle in its authorized service when the person was convicted of a crime of moral turpitude, whether a felony or misdemeanor, under the laws of the Commonwealth or under the laws of another jurisdiction and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.

(e) *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.

**CHAPTER 31. MOTOR CARRIER PROPERTY AND HOUSEHOLD
GOODS TRANSPORTATION**

GENERAL PROVISIONS

* * * * *

§ 31.4. Transfer of certificates and permits.

* * * * *

(c) Upon the death of an individual holder of a certificate or permit or upon an individual ~~certificate holder~~ CERTIFICATEHOLDER being legally declared ~~incompetent~~ INCAPACITATED, the rights conferred by the certificate or permit shall continue with the legal representative of the deceased or ~~incompetent~~ INCAPACITATED holder for 1 year. [After that time, the rights conferred shall terminate.] 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, legatee 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 [not less than] at least 30 days prior to the end of the period of 1 year, the Commission may, for cause shown, permit the transfer of rights to the executors, administrators, guardians, trustees or other legal representatives of the deceased or incompetent 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 incompetent INCAPACITATED person may be deemed cause for the granting of the application by the Commission.

* * * * *

§ 31.11. Reports of accidents and damage.

(a) [Within 30 days after a reportable accident occurs, a detailed report shall be mailed to: Secretary, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105.

(b) A reportable accident is one involving one or more of the following:

(1) The death of a person.

(2) Personal injuries which require medical attention.

(3) Property damage amounting to \$4,200 or more, based on actual costs or reliable estimates.

(4) Collisions at grade crossings between motor vehicles operated under a certificate of public convenience or contract carrier permit and trains or streetcars, whether or not a person is killed or injured in the accident.

(c) If the occurrence of an accident results in the death of a person, an immediate report of the accident shall be made by telephone or telegraph to the Bureau of Transportation and Safety, in addition to the detailed written report required by subsection (a).

(d) The requirements of this section for the reporting of accidents correspond closely with those of the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and the Department of Transportation, Bureau of Traffic Safety, of the Commonwealth. A copy of the report to the Bureau of Motor Carrier Safety or the Bureau of Traffic Safety will be accepted in lieu of a separate accident report.]

Accidents involving death of a person. Motor carriers of property and household goods 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, the carrier shall maintain a copy of that report for 1 year from the date of the accident.

* * * * *

**COMMON CARRIERS OF PROPERTY AND
HOUSEHOLD GOODS IN USE**

* * * * *

§ 31.32. Equipment leasing.

(a) *Applicability.* This section applies to the [augmenting] leasing of equipment by motor carriers engaged in transporting property and household goods by motor vehicle between points in this Commonwealth [, the interchange of equipment between motor carriers of property by motor vehicle engaged in transporting property between points in this Commonwealth and the rental of equipment by motor carriers of property to private carriers and shippers, for use in transporting property between points in this Commonwealth].

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

Authorized employe or agent—A person authorized to act for and on behalf of a motor carrier or owner of equipment and subject to the supervision, direction and control of the motor carrier in whose service he is acting.

Equipment—A motor vehicle, straight truck, tractor, semitrailer, full trailer, combination tractor-and-semitrailer, combination straight truck and full trailer and other types of equipment used in the transportation of property for-hire.

Motor carrier—A person or corporation authorized to engage in the transportation of property or household goods as a common or contract carrier by motor vehicle under 66 Pa.C.S. § § 1101—3315 (relating to Public Utility Code).

(c) [*Augmenting*] Leasing equipment. [The augmenting of equipment]Equipment leasing by a motor carrier shall conform with the following:

(1) *General.* [Other than equipment exchanged between motor carriers in interchange service as defined in subsection (d), no] A motor vehicle may not be operated between points in this Commonwealth in intrastate commerce by a motor carrier, unless the vehicle is either owned by the motor carrier or is leased to the motor carrier under the conditions in paragraphs (2)—(4).

(2) *Contract requirements.* A contract is subject to the following:

(i) *Parties.* The contract, lease or other arrangement for the use of equipment shall be between the motor carrier and the owner of equipment.

(ii) *Written.* The agreement shall be in writing and signed by the parties thereto or their drivers, employes or agents authorized in writing.

(iii) [*Minimum duration.* A lease between owners of equipment and motor carriers shall be in effect for a term of 30 days or more, except that the 30-day minimum period does not apply to the following:

(A) Dump equipment leased to a motor carrier for use in transporting salt and calcium chloride, in bulk, for ice and snow control purposes, during the period from October 1 to April 30, both inclusive, of each year.

(B) Equipment owned or held under lease by motor carriers of automobiles or tank truck carriers used respectively in the transportation of automobiles or commodities in bulk, if leased or sub-leased to other motor carriers.

(C) Equipment without drivers leased by a motor carrier.

(D) Equipment operated to meet peak demands, not exceeding 5 consecutive days in a 30-day period, or in case of an emergency such as equipment breakdown or publicly declared civil emergency.

(E) Equipment owned by the lessor or held by the lessor under a lease of 30 days or more.]

(iv)] *Exclusive possession, control and responsibility.*

(A) *Lease.* A lease shall provide for and be carried out so that the possession, control and use of the equipment is the complete and exclusive responsibility of the lessee for the full term of the lease, except during the period provided for in clauses (B) and ~~(C)~~.

(B) *Sublease.* The lease agreement may contain a provision permitting the lessee to sublease equipment to other motor carriers for a period not exceeding the duration thereof, if the sublessee assumes full responsibility in the manner set forth in clause (A).

[(C) *Household goods carriers: intermittent operations under long-term lease.* If leases are entered into by motor carriers of household goods, clause (A) need only apply during the period the equipment is in operation by or for the motor carrier, lessee.

(v)](iv) *Compensation.* The lease agreement shall specify the amount of compensation to be paid by the lessee for the rental of the leased equipment.

(vi)](v) *Duration.* The lease agreement shall specify the time and date or the circumstances on which the contract, lease or other arrangement begins and the time or the circumstances on which it ends. [The duration of the contract, lease or other arrangement shall coincide with the time for the giving of receipts for the equipment as set forth in paragraph (3).

(vii)](vi) *Documentation.* A lease shall be executed in triplicate. The original shall be retained by the motor carrier in whose service the equipment is to be operated, one copy shall be retained by the owner of the equipment and one copy shall be carried on the equipment specified therein during the entire period of the contract, lease or other arrangement, unless a certificate is carried on the equipment in lieu thereof, certifying that the equipment is being operated by [it] lessee, the name of the owner, the date of the lease, contract or other arrangement, the period thereof and the location where the original of the lease, contract or other arrangement is retained by the motor carrier. [If the equipment is being leased for periods of less than 30 days, the motor carrier shall prepare and keep documents covering each trip for which the equipment is used in its service. The documents shall contain the name and address of the owner of the equipment, the point of origin, the time and date of departure and the point of final destination. The motor carrier shall also carry papers with the leased equipment during its operation containing this information and identifying the lading and clearly indicating that the transportation is under its responsibility. The papers shall be preserved by the motor carrier as part of its transportation records. Trip leases which contain the information required by this paragraph may be used and retained instead of the documents or papers.] The certificate holder CERTIFICATEHOLDER shall retain leases for 2 years following their expiration date.

(3) [*Receipts for equipment.* If possession of equipment is taken by the motor carrier or its regular employe or agent authorized to act for it, the carrier, employe or agent shall give to the owner of the equipment, or the owner's employe or agent, a receipt specifically identifying the equipment and stating the date and the time possession is taken. When possession by the motor carrier ends, the carrier or its employe or agent shall obtain from the owner of the equipment, or its regular employe or agent authorized to act for it, a receipt specifically identifying the equipment and stating therein the date and the time possession thereof is retaken. The receipts shall be retained by the motor carrier for a period of at least 1 year.

(4)] *Safety inspection of equipment.* It is the duty of the motor carrier, before taking possession of equipment, to ensure that the equipment has a valid State ~~inspection~~ INSPECTION decal or complies with the periodic inspection requirements in § 37.204(7) (relating to adoption of portions of 49 CFR by reference), or to inspect or to have the equipment inspected by a person who is competent and qualified to make an inspection and who has been authorized by the carrier to make the inspection as a representative of the carrier, to ensure that the equipment is in a safe condition to be operated on the highways. The person making the inspection shall certify the results thereof, which certification [inspection report] shall be retained by the motor carrier 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 motor carrier. [The

person making the inspection shall certify the results on a report in the form which follows:

REPORT OF VEHICLE INSPECTION

Description of vehicle:

Make Year
 Model Serial No.
 Type: Tractor Trailer
 Semitrailer
 License plate: No. State
 Owner's name
 Name of authorized carrier

Indicate in the proper column the result of the inspection of each item listed:

Item	Not defective	Defective	Description of defect
Body			
Brakes			
Cooling system			
Drive line			
Emergency equipment			
Engine			
Exhaust			
Fuel system			
Glass			
Horn			
Leaks			
Lights (state which)			
Reflectors			
Speedometer			
Springs			
Steering			
Tires			
Wheels			
Windshield wiper			

Any other items requiring attention

I hereby certify that on the day of, I carefully inspected the equipment described above and that this is a true and correct report of the result of such inspection.

(Signature of person making inspection)

I hereby certify that on the date stated above the person who made the inspection covered by this report was competent and qualified to make such inspection and was duly authorized to make such inspection as a representative of

(Name of authorized carrier)

(Signature of carrier, partner, officer, safety director, or other supervisory employe responsible for safety compliance)

Date

(5) *Limitation on leasing.* The number of pieces of powered equipment leased by a motor carrier for operation in its certificated Commonwealth intrastate service may not exceed the number of pieces of powered equipment owned by that motor carrier and operating in its certificated Commonwealth intrastate service. For purposes of this paragraph, the following shall be considered to be neither leased nor owned:

(i) Leased equipment if the minimum duration of the lease is for a term of at least 120 days or if the lease has been continuously in force for a period of at least 120 days.

(ii) Equipment being leased under the interchange provisions of subsection (d).

(iii) Equipment specified in the minimum duration exemptions listed in paragraph (2)(iii).

(d) *Interchange of equipment between motor carriers.* This subsection applies to those motor carriers who own or hold equipment under a lease and who are authorized by their certificates or by the application of the regulations of the Commission to interchange freight. If carriers are so authorized, the movement to which the interchange applies shall be between points included in the interline authority of each carrier. Under these circumstances, a motor carrier may receive equipment from another motor carrier in connection with the through movement of freight, subject to the following:

(1) There shall be a written lease or other agreement describing specifically the time and date when the lease or agreement begins and ends, the equipment to be interchanged, the specific points of interchange, the use to be made of the equipment and the consideration for the use. The lease or agreement shall be signed by the parties thereto or their authorized employees or agents.

(2) The traffic shall move on a through bill of lading issued by the originating carrier and shall show the points of interchange with connecting carriers.

(3) The carrier receiving the equipment at the interchange point shall identify the equipment as required by § 31.33 (relating to identification of equipment) and shall remove the identification when the equipment is returned to the service of the originating carrier.

(e)](d) *Leasing equipment to shippers.* [Unless the service is specified in their operating authority, a] A motor carrier is prohibited from leasing equipment with or without drivers to shippers or private carriers.

§ 31.33. Identification of equipment.

(a) [This section applies to the augmenting of equipment by motor carriers engaged in transporting property by motor vehicle between points in this Commonwealth, the interchange of equipment between motor carriers of property

between points in this Commonwealth, and the rental of equipment by motor carriers of property to private carriers and shippers, for use in transporting property between points in this Commonwealth.

(b) A motor carrier shall cause to be painted on each side of every] Every motor vehicle operated by [him,] a motor carrier shall be marked on each side, in letters [not less than] at least 2 inches in height, and [not less than] at least 1/2 inch in width, the name and address of the motor carrier and the number of the certificate of public convenience or permit as follows: "PA. P.U.C. NO. A___." If the vehicle is owned by someone other than the motor carrier operating it, there shall be shown on each side of the vehicle, in letters [not less than] at least ~~two~~ 2 inches in height and [not less than] at least 1/2 inch in width, the wording: "OPERATED BY (name and address of authorized motor carrier), PA. P.U.C. NO. A___." If a removable device is used to identify the operating carrier as lessee, the device shall be of durable material and securely affixed, to the vehicle operated, throughout the duration of the lease.

[(c)](b) * * *

[(d)](c) * * *

* * * * *

TRANSPORTATION OF HOUSEHOLD GOODS IN USE

31.121. Information for shippers.

(a) When a prospective shipper requests moving service and before an order for service is prepared, the household goods carrier shall furnish the prospective shipper with [a statement entitled] the following Commission supplied form entitled "Information for Shippers[.]" [in accordance with the following specimen]:

[INFORMATION FOR SHIPPERS

The carrier must give you a written estimate that will approximate the amount he believes it will cost you to move your household furnishings. In this connection it is important that you inform the estimator of *everything* you intend to move. The total actual charges may be more or less than the estimate, depending on the size of your shipment, the distance it is to move, and other circumstances relating to your shipment.

You will be required ultimately to pay the mover's applicable tariff charges based on an hourly rate (if distance is 40 miles or less) or on a weight and mileage basis (if distance is over 40 miles).

Where the mover has not informed you *prior to delivery* that he will extend credit, the mover will expect you to make payment of the charges at time of delivery in cash, money order or certified check.

If the total actual charges *do not exceed* the estimate by more than 10 percent, you must be prepared to pay *all of the actual charges* prior to the mover unloading your goods. If the total actual charges *do exceed* the estimate by more than 10 percent, the mover is required to deliver the full and complete shipment upon payment of the estimated charges plus an additional \$25, or 10 percent of the estimate whichever is greater, and you may defer paying the balance for 15 days after delivery.

In case you sustain a loss or damage to your household effects, you are protected only up to but not exceeding 30 cents per pound per article. If you desire protection greater than 30 cents per pound, you may declare such valuation and pay the increased tariff rate applicable to the valuation you declare. You may also protect yourself to the full valuation of your goods by taking out a policy of transit insurance.

Upon completion of the delivery the driver will ask you to sign either the delivery receipt, the inventory, or both. Before signing either one, be sure that one or the other notes all the damage and any lost articles. If the driver will not make such notations, make them yourself before signing. Remember, telling the driver about these things is not enough. Do not sign any delivery papers for the driver until delivery is completed. When you sign the delivery receipt, you accept your goods in apparent good condition, except as noted on the receipt.

I hereby certify that a copy of above Information for Shippers was furnished

_____ on _____
Name of Shipper Date

Signature of Carrier Representative]

INFORMATION FOR SHIPPERS

ESTIMATE

The carrier must give you a written estimate 48 HOURS PRIOR TO THE MOVE, UNLESS THE SHIPPER AGREES, IN WRITING, TO A SHORTER PERIOD. THE ESTIMATE that will approximate the amount he believes it will cost you to move your household furnishings. It is important that you inform the estimator of everything you intend to move. The actual charges may be more or less than the estimate.

RATES

If the move is 40 miles or less, the charge will be based on an hourly rate. If the move is over 40 miles, the charge will be based on weight and mileage. You will be required to pay any increase in charges resulting from changes to the carrier's rates between the time of the estimate and the actual move.

INVENTORY

The carrier must complete a detailed inventory listing all items to be moved and their condition. YOU MAY WAIVE THIS REQUIREMENT, IN WRITING, FOR MOVES 40 MILES OR LESS. All items must be given an identification number. The inventory must be completed before loading. You should observe and verify the inventory, noting the condition of all items. The carrier must provide you with a copy of the completed inventory before loading and it must be signed by you and the carrier. Upon delivery, you should verify all items in the inventory were delivered and their condition. You should note on the inventory any missing or damaged items. Retain your copy of the inventory until all disputes are settled.

BILL/RECEIPT

The carrier must give you a bill/receipt for the move within 15 days after the delivery date. The bill/receipt must detail all charges for the move. It must also contain copies of the Inventory and the Estimated Cost of Services.

PAYMENT

You will be required to pay the mover's tariff charges. If the mover has not informed you prior to delivery that he will extend credit, the mover will expect you to make payment of the charges at time of delivery in cash, cashier's check or certified check.

If the actual charges do not exceed the estimate by more than 10 percent, you must pay all of the actual charges prior to the mover unloading your goods. If the total actual charges exceed the estimate by more than 10 percent, the mover is required to deliver the full and complete shipment upon payment of the estimated charges plus an additional \$25, or 10 percent of the estimate, whichever is greater. You may defer paying the balance for 15 days after delivery.

LOSS AND ~~INSURANCE~~-DAMAGE COVERAGE

If you sustain a loss or damage to your goods, you are protected only up to but not exceeding 60 cents per pound, per article. If you desire protection greater than 60 cents per pound, per article, you may secure increased coverage by paying a higher tariff rate applicable to the coverage you desire. You may also protect yourself to the full valuation of your goods by taking out a policy of transit insurance with an insurance agent.

PROOF OF DAMAGE/ RECEIPT

Upon completion of the delivery, the driver will ask you to sign the delivery receipt. Do not sign any delivery papers until delivery is completed. Before signing, be sure all damage and any lost articles are noted on the receipt or inventory. If the driver will not make such notations, make them yourself before signing. Remember, telling the driver about these things is not enough. Do not sign the delivery receipt if it contains language purporting to release or discharge the carrier from liability OTHERWISE REQUIRED BY AGREEMENT OR LAW. Strike this language out before signing or refuse delivery if the mover refuses to provide a proper delivery receipt.

Complaints COMPLAINTS

For complaints and information, contact the PA Public Utility Commission at 1-800-782-1100 or at www.puc.paonline.com. WWW.STATE.PA.US. Include the company name and A-number # for all complaints.

I hereby certify that a copy of above Information for Shippers was furnished on

DATE _____ TIME _____ (THIS FORM, AND THE ESTIMATE, MUST BE PROVIDED TO THE SHIPPER, IN WRITING, AT LEAST 48 HOURS BEFORE THE MOVE, UNLESS THE SHIPPER AGREES, IN WRITING, TO A SHORTER NOTICE PERIOD.)

Name of Shipper

SIGNATURE OF SHIPPER

Signature of Carrier Representative

(b) The carrier shall retain [a] an executed copy of this certification with shipping order for 2 years from the date of the move.

(c) [A sample form, Estimated Cost of Services, is set forth in § 31.130 (relating to estimated cost of services).] The carrier shall provide the form to the shipper at least 48 hours prior to the move, UNLESS THE SHIPPER AGREES, IN WRITING, TO A SHORTER NOTICE PERIOD.

§ 31.122. [Estimate of charges.] Estimated cost of services.

(a) A [common carrier by motor vehicle engaged in transporting] household goods carrier [in use between points in this Commonwealth] shall prepare an [Estimate of Charges] estimated cost of services for the proposed service, on a form. [and in the following manner:] The form shall be supplied to the shipper AT LEAST 48 HOURS prior to the move, UNLESS THE SHIPPER AGREES, IN WRITING, TO A SHORTER NOTICE PERIOD. THE ESTIMATE and shall contain the following information:

(1) *[Notification to shipper of charges.* Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, and supplies the carrier with an address or telephone number at which the communication shall be received, the carrier shall comply with the request immediately upon determining the actual weight and charges. The notification shall be made by telephone, first-class mail or in person at the carrier's expense unless the carrier provides in its tariff that the actual cost of the notification shall be collected from the shipper.

(2) *Form for estimates of charges.* Across the top of each form there shall be imprinted in letters not less than 1/2 inch high the words "Estimated Cost of Services". The form shall be fully executed as appropriate in each case in accordance with the instructions therein and shall set forth special services for handling, packing, use of containers, the rates for vehicles and labor, weight and distance charges if applicable, and other information that may be provided in this chapter. The original or a true legible copy of each completed estimate of charges shall be given to the shipper, and a copy thereof shall be maintained by the carrier as part of its record of transportation.]

UNLESS OTHERWISE PERMITTED BY THE COMMISSION, Across ACROSS the top of each form there shall be imprinted in letters at least 1/2 inch high the words "Estimated Cost of Services."

(2) The names and addresses of the carrier and shipper.

(3) The origin and destination of the shipment.

(4) The date of the estimate and the date of the proposed move.

(5) A certification that the shipper accepts or rejects the minimum COVERAGE insurance limits FOR LOSS OR DAMAGE.

(6) The applicable rates for handling, packing, container use, vehicles, labor, weight and distance, and excess LOSS/DAMAGE COVERAGE insurance above the minimum.

(7) Notification to the shipper that he will be required to pay any increase in charges resulting from changes to the carrier's tariff between the time of the estimate and the actual move.

(8) The signature of the carrier representative and the shipper, INCLUDING THE DATE AND TIME THE ESTIMATE WAS PROVIDED.

(b) The Carrier shall maintain a copy of the estimated cost of services for 2 years from the date of the move.

§ 31.123. Delivery when charges exceed estimates.

If actual charges exceed the amount shown in the carrier's estimate, the carrier, upon request of the shipper or [his] the shipper's representative, shall relinquish possession of the complete shipment at destination upon payment of the estimated amount plus 10% over the estimate or \$25, whichever is greater. Carrier shall defer demand for the remainder of the tariff charges for [a period of] 15 days following delivery. [If carrier does not extend credit to shipper, he shall notify shipper prior to delivery that payment of charges shall be required to be made in cash, money order or certified check.]

§ 31.124. Report of underestimates.

(a) A motor common carrier of household goods in use shall file with the Pennsylvania Public Utility Commission, Bureau of [Investigations, Service and Enforcement] Transportation and Safety, Harrisburg, Pennsylvania, 17105-3265, a quarterly report [commencing with the 3-month period ending December 31,

1973,] containing instances during the period wherein charges exceeded the estimate by more than 10% with the explanation of the reasons for the variances. [For this purpose the mover may use the Report of Underestimates which is set forth in subsection (b) or the quarterly report form prescribed by the Interstate Commerce Commission.] The report shall be filed within 30 days after the end of the quarter reported. The carrier shall retain the report for 2 years after the date of filing.

(b) [A Report of Underestimates is attached hereto and made a part of this chapter:

INTERSTATE COMMON CARRIERS OF HOUSEHOLD GOODS REPORT OF UNDERESTIMATES		I.C.C. DOCKET NUMBER
TO: PA. PUBLIC UTILITY COMMISSION HARRISBURG, PA.		NAME AND ADDRESS OF CARRIER
<small>INSTRUCTIONS: A quarterly report of underestimates is required to be filed with the Pennsylvania Public Utility Commission pursuant to Rule 703, General Order No. 29. Submit only the original copy of this report, no later than the end of the month following the quarter reported on. When no reportable underestimates occur, a report is not required. Retain one copy of the report and each enclosure for three years. Specimen copies of this form will be supplied upon request without charge. Additional copies may be reproduced using the same format and size. Failure to submit this report is subject to the penalties provided under Article XIII of the Public Utility Law.</small>		
TOTAL NUMBER OF SHIPMENTS MOVED THIS QUARTER		
TOTAL NUMBER OF SHIPMENTS FOR WHICH ESTIMATES WERE GIVEN <small>All estimates of approximations of charges must be in writing.</small>		
TOTAL NUMBER OF SHIPMENTS IN WHICH ACTUAL CHARGES EXCEEDED ESTIMATED CHARGES BY 10% OR MORE		
REASON(S) FOR UNDERESTIMATES REPORTED ABOVE <small>Include: Bill of lading number, date of shipment, shipper's estimated and actual charges.</small>		NUMBER OF UNDERESTIMATES
SIGNATURE AND TITLE OF RESPONSIBLE EMPLOYEE		<small>Quarterly Period Ending</small> 3-31-197__ 6-30-197__ 9-30-197__ 12-31-197__ <small>Please circle period</small>

Content. The report shall contain the carrier's name, address, and certificate number. The report shall also contain the total number of shipments made for the

quarter, the total number of reportable underestimates, and the reasons for the underestimates.

§ 31.125. Obtaining weight tickets.

The carrier shall cause every shipment of household goods in use for distances over 40 miles to be weighed by a public weighmaster. ~~[Separate weight]~~ Weight tickets evidencing gross and tare weights shall be obtained from the public weighmaster, which the driver shall identify by recording thereon the bill of lading number of the shipment. True copies of the weight tickets shall be attached to the receipt or bill of lading accompanying the shipment and retained in the carrier's file. True copies of the weight tickets shall also be furnished to the shipper upon request. Under circumstances where a public weighmaster is not available to the mover at origin or at a point within a radius of 10 miles thereof, a constructive weight based on ~~[seven]~~ 7 pounds per cubic foot of properly loaded van space may be used. ~~[Where]~~ When constructive weight is used, the mover shall designate same on the bill of lading, ~~and a copy of the bill of lading shall be furnished to the Pennsylvania Public Utility Commission, Bureau of [Investigations, Service and Enforcement]~~ Transportation and Safety, Harrisburg, Pennsylvania. Weight tickets shall be maintained by the carrier for 2 years from the date of the move.

* * * * *

§ 31.127. Failure to comply with provisions.

A common carrier by motor vehicle engaged in transporting household goods shall comply with this chapter, and failure to comply therewith may subject the carrier to the penalties provided under ~~[Article XIII of the Pennsylvania Public Utility Law (66 P. S. § 1491 et seq.) (Repealed).]~~ 66 Pa. C.S. §§3301-3316 (relating to violations and penalties). Whenever circumstances are present which in the opinion of the Commission indicate that a common carrier of household goods is persistently in violation of this chapter or ~~[the Pennsylvania Public Utility Law (66 P. S. 1101 et seq.) (Repealed)]~~ Code, 66 Pa. C.S. (relating to public utility code), the Commission may institute appropriate enforcement action. ~~[with the view of revoking or suspending the certificate of the common carrier.]~~

* * * * *

§ 31.130. [Estimated cost of services.] (Reserved).

[An estimated cost of services is attached hereto and made a part of this chapter:

ESTIMATED COST OF SERVICES
This is only an Estimate not a Contract for Transportation
SHIPPER PLEASE READ!

Name of shipper _____ Phone No. _____
 Address of shipper _____ Zip code _____
 Shipper's address _____
 Shipper's telephone number _____ Phone No. _____
 Packing Date _____ Loading Date _____ Delivery Date or
 requested _____ period of time requested _____

IMPORTANT NOTICE: This estimate covers only the articles and services listed. It is not a guarantee that the actual charges will not exceed the amount of the estimate. Common carriers are required by law to collect transportation and other incidental charges on shipment on the basis of rates shown in their lawfully published tariffs, regardless of prior rate quotations or estimates made by the carrier or its agents. Charges for additional services will be added to the transportation charges.

ESTIMATED COST OF SERVICES (Based on tariff) ESTIMATE CHARGES per 100 lbs
 Shipments of distance over 40 miles are estimated on weight and mileage. _____
 Transportation for less than 40 miles are estimated on weight and mileage. _____
 Transportation of shipments for distance of 40 miles or less are based on man and vehicle hours
 Estimated man and vehicle hours: Number of hours _____ @ per hour _____
 Minimum charge per tonnage in part of tonnage in excess of 100 lbs. (When no lower rates apply)
 (Cargo liability is 30¢ per pound if additional insurance coverage is requested on shipments over 40 miles the rate per pound will be increased based on the carrier's published tariff.)

Additional insurance coverage may be obtained by shipper purchasing **INSURANCE**.
 1. SHIPPER ACCEPTS RELEASED LIABILITY FOR LOSS OF OR DAMAGE TO ARTICLES YES NO
 2. SHIPPER REQUESTS VALUATION OF: _____ \$ _____
 (INCLUDES PACKING AND UNPACKING (SEE BELOW)) _____ \$ _____
 SPECIAL SERVING OF APPLIANCES _____ \$ _____
 LABOUR _____ MEN PER _____ HRS PER _____ (OVER 1/2 PER HOUR) _____ \$ _____
 OTHER SERVICES _____ (EXPLAIN) _____ \$ _____

Storage in Transit (Rate each 30 days in forward direction) _____ lbs @ _____ Rate per 100 lbs. _____ \$ _____
 Storage in Transit (Reverse Charge) _____ lbs @ _____ Rate per 100 lbs. _____ \$ _____
 Warehouse Storage (same time charges) _____ lbs @ _____ Rate per 100 lbs. _____ \$ _____
 Pick-up in Delivery for Storage at Terminal _____ lbs @ _____ Rate per 100 lbs. _____ \$ _____

IMPORTANT NOTICE: If no final bill charges for the listed articles and services, the carrier reserves the right to adjust the bill upon receipt of the actual weight and volume of the shipment. The bill will be subject to payment by the shipper within 15 days. Minimum amount to be paid on delivery of most C.O.D. shipments is cash, cert of check or money order in full estimated cost plus 10% of \$15.00 with a maximum of \$25.00.

PACKING
ESTABLISHED CHARGES FOR PACKING, UNPACKING, AND UNLOADING SERVICES

	ESTIMATED NUMBER	CHARGE PER UNIT	TOTAL
BARREL, each pack, drum, cask, etc.			
BOXES, each case, etc. (over 5 cubic feet)			
CARTONS, Less than 1/2 cubic feet			
1 - 1/2 cubic feet			
3 cubic feet			
1 1/2 cubic feet			
6 cubic feet			
6 1/2 cubic feet			
Specialty Cases			
2 1/2 Shrink Carton			
Shrink Carton (over 1/2 cubic feet) 34 x 25 1/2			
Shrink Carton (over 1/2 cubic feet) 34 x 25 1/2			
Shrink Carton (over 1/2 cubic feet)			
TRAYS AND CONTAINERS (Specially designed for uniform, padded, flat or flexible bags and similar fragile articles) (When requested of article is suitable)			
		TOTAL ESTIMATED COST	

REMARKS: _____
 NOTICE: On shipments over 40 miles cubic measurements shall be applied in accordance with the Table of Measurements and Weights, Motor Rate Number No. 2, Order of Com. March 22, 1965. Articles to be shipped should be indicated by a "check mark" in the column provided on the table of measurements.

 (SIGNATURE AND TITLE OF ESTIMATOR) DATE: _____

§31.131. Notification to shipper of charges.

Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, and supplies the carrier with an address or telephone number, the carrier shall comply with the request immediately upon determining

the actual weight and charges. The notification shall be made by telephone, first-class mail, fax, e-mail, or in person at the carrier's expense unless the carrier provides in its tariff that the actual cost of the notification shall be collected from the shipper.

§31.132. Bill of lading.

(a) A household goods carrier shall issue a bill of lading (receipt) for each shipment. The bill of lading shall contain the following information:

(1) The name, address and telephone number of the carrier.

(2) The carrier's certificate number.

(3) The name and address of the shipper.

(4) The date of the shipment.

(5) The origin and destination of the shipment.

(6) A detailed account of the charges and applicable rates.

(7) A total of the charges due and acceptable methods of payment.

(b) The carrier shall present the bill of lading to the shipper within 15 days of the delivery date.

(c) The carrier shall attach a copy of the estimated cost of services and inventory to the bill of lading.

(d) A copy of the bill of lading must accompany the shipment at all times.

(e) Carriers shall retain a copy of the bill of lading for 2 years from the date of the move.

(f) The bill of lading may not contain any language purporting to release or discharge the carrier from liability for damage OTHERWISE REQUIRED BY AGREEMENT OR LAW. The bill of lading may include a statement that the property was received in apparent good condition except as noted on the inventory.

§31.133. Inventory.

(a) A household goods carrier shall prepare a written, itemized inventory for each shipment. The inventory shall identify every carton and every uncartoned item shipped. An identification number corresponding to the inventory shall be placed on each article in the shipment.

(b) The inventory shall be prepared before the shipment is loaded for transportation.

(c) The shipper shall be provided the opportunity to observe and verify the accuracy of the inventory.

(d) The carrier shall provide a copy of the inventory, signed by both the shipper and carrier, to the shipper prior to loading.

(e) Upon delivery, a carrier shall provide the shipper with the opportunity to observe and verify that the same articles are being delivered and the condition of the articles. A carrier shall also provide the shipper the opportunity to note, in writing, any missing articles and the condition of any damaged articles. The carrier shall provide the shipper with a copy of all notations.

(f) FOR MOVES OF 40 MILES OR LESS, A SHIPPER MAY WAIVE THE INVENTORY REQUIREMENT, IN WRITING.

(G) The carrier shall retain an inventory, OR WAIVER THEREOF, for 2 years from the date of the shipment.

§31.134. Criminal History.

(a) ~~Criminal History Record Required~~ HISTORY RECORD REQUIRED. A household goods carrier may not permit a person to provide moving services in a shipper's dwelling until it has obtained AND REVIEWED a criminal history record from the Pennsylvania State Police and from every other state in which the person resided for the last 12 months. For current employees, carriers must obtain a criminal history record within 90 days of _____. (Editor's Note: the blank refers to the date of publication of final form regulation.)

(b) Frequency of record check. Following receipt of the initial criminal history record, a household goods carrier shall obtain AND REVIEW a criminal history record for each employee providing moving services from the Pennsylvania State Police every 2 years from the date of the last criminal history check.

(c) Disqualification by reason of felony conviction. A household goods carrier may not permit a person to provide moving services in a shipper's dwelling 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 ~~and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.~~

(d) Disqualification for conviction of crime of moral turpitude. A household goods carrier may not permit a person to provide moving services in a shipper's dwelling when the person was convicted of a crime of moral turpitude, whether a felony or misdemeanor, under the laws of the Commonwealth or under the laws of another jurisdiction ~~and who is under the supervision of a court or correctional institution as a result of that conviction, so long as a court or correctional institution maintains some form of supervision. The supervision may include incarceration, probation, parole and furlough.~~

(e) Record retention. A copy of the criminal history shall be maintained by the household goods carrier for at least 3 years.

EXECUTIVE SUMMARY

L-00020157/57-233
Final Rulemaking
Amending 52 Pa. Code Chapters 29 and 31

The Pennsylvania Public Utility Commission is vested with jurisdiction over common carriers operating within Pennsylvania. 66 Pa. C.S. §§102, 501, 1101, 1102, 1103. In furtherance of this statutory charge, the Commission has promulgated regulations governing common carriers of passengers and property, including household goods. 52 Pa. Code Chapters 29 and 31. Due to changes in the appropriate levels of Commission oversight of these industries mandated by federal preemption as well as the changing dynamics within the transportation market, the Commission has adopted modifications and additions to its current regulations.

Changes to regulations governing passenger service include implementation of procedural safeguards in the event of the death or incapacitation of a certificate holder, deletion of unduly burdensome accounting requirements, modification of accident reporting requirements, deletion of obsolete regulations governing smoking and passenger/driver conversation, modification of leasing regulations, implementation of a consumer information requirement for most carrier classes, and the addition of driver regulations for vehicles with seating capacities of 15 passengers or less.

Changes to regulations governing property and household goods carriers include implementation of procedural safeguards in the event of the death or incapacitation of a certificate holder, modification of accident reporting requirements, modification of leasing regulations, modification of the "Information for Shippers" form provided by household goods carriers, implementation of a requirement that household goods carriers must prepare an

Inventory and a Bill of Lading, and implementation of a requirement that household carriers obtain criminal history records for all persons providing moving services within a dwelling.

The contact person is John Herzog, Assistant Counsel, Law Bureau, (717) 783-3714.



PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG, PENNSYLVANIA

WENDELL F. HOLLAND
CHAIRMAN

May 17, 2006

The Honorable John R. McGinley, Jr.
Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

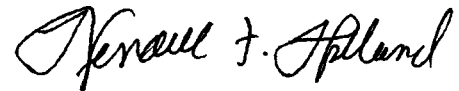
Re: L-00020157/57-233
Final Rulemaking
Amending 52 Pa. Code
Chapters 29 and 31

Dear Chairman McGinley:

Enclosed please find one (1) copy of the regulatory documents concerning the above-captioned rulemaking. Under Section 745.5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15) the Commission, on June 16, 2004, submitted a copy of the Notice of Proposed Rulemaking to the House Committee on Consumer Affairs, the Senate Committee on Consumer Protection and Professional Licensure and to the Independent Regulatory Review Commission (IRRC). This notice was published at 34 Pa.B. 3258, on June 26, 2004. In compliance with Section 745.5(b.1) copies of all comments received were provided to your Commission and the Committees.

In preparing this final form rulemaking, the Public Utility Commission has considered all comments received from the Committees, IRRC and the public.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wendell F. Holland". The signature is written in a cursive, flowing style.

Wendell F. Holland
Chairman

Enclosures

cc: The Honorable Robert M. Tomlinson
The Honorable Lisa Boscola
The Honorable Robert J. Flick
The Honorable Joseph Preston, Jr.
Legislative Affairs Director Perry
Chief Counsel Pankiw
Regulatory Coordinator DelBiondo
Assistant Counsel Herzog
Judy Bailets, Governor's Policy Office

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: L-00020157/57-233

Subject: Amending 52 Pa. Code Chapters 29 and 31

Pennsylvania Public Utility Commission

TYPE OF REGULATION

- _____ Proposed Regulation
- _____ Final Regulation with Notice of Proposed Rulemaking Omitted.
- X Final Regulation
- _____ 120-day Emergency Certification of the Attorney General
- _____ 120-day Emergency Certification of the Governor

RECEIVED
MAY 17 2006
HOUSE OF REPRESENTATIVES
REGULATORY REVIEW ACT

FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
5/17/06	<i>Linda Sascogne</i>	<u>HOUSE COMMITTEE</u> Consumer Affairs
5/17/06	<i>Mary Walmer</i>	<u>SENATE COMMITTEE</u> Consumer Protection and Professional Licensure
5/17/06	<i>Kathleen Cooper</i>	Independent Regulatory Review Commission Attorney General
_____	_____	Legislative Reference Bureau