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IRRC

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September 12, 2011

Silvan B. Lutkewitte, III
Chairman
Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101

Re: Regulation #126-1 (IRRC# 2885)
Philadelphia Taxicab and Limousine Regulations

Dear Chairman Lutkewitte:

After reviewing the Final Form of the Philadelphia Parking Authority's Taxicab and Limousine Regulations, we are pleased with the improvements and changes made to the regulations; however there remains one issue that demands clarification.

Section 1027.5(b) titled "Agreement of Sale" appears to void valid contracts without providing due process of law. The section particularly states: "An agreement of sale for transferable rights is void by operation of law if not executed by all parties in the presence of the Director or a designee."

This rule would deprive contracting parties of relief in a proper of court of law by automatically invalidating otherwise seemingly valid contracts. While it is understandable that the PPA may not approve agreements of sale if they are not signed before a director or designee, the PPA does not have the authority to declare these contracts as invalid. If the PPA had this power, it would deny contracting parties the opportunity to enforce agreements of sale in court. This rule would also derail how medallion transfers are currently conducted, and would cause great hardship to the industry.

The language of this section needs to be amended to clarify what the PPA truly intended, for I do not believe it intends to override longstanding principles of contract law by declaring valid agreements of sale as void by operation of law if not signed in the presence of a director. It should state that agreements of sale are valid contracts, but that in order to be approved by the PPA, they must be signed before a director or designee, as the current procedure requires.

Sincerely,



Inna Friedman

President, Pennsylvania Taxi Association, Inc.