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Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

2014 JUL 31 PM 1:11

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency

Philadelphia Parking Authority

(2) Agency Number: 126

Identification Number: 9

IRRC Number: 3058

(3) PA Code Cite: 52 Pa. Code §§ 1001.43 (relating to Authority fee schedule), 1011.3 (relating to annual rights renewal process, 1011.4 (relating to annual assessments and renewal fees), 1051.3 (relating to annual rights renewal process, 1051.4 (relating to annual assessments and renewal fees).

(4) Short Title: Annual filing requirements.

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Dennis Weldon, General Counsel, at PRM101@philapark.org, 215-683-9630 (FAX: 215-683-9619), 701 Market Street, Suite 5400, Philadelphia, PA 19106.

Secondary Contact: James R. Ney, Director, Taxicab and Limousine Division at jney@philapark.org, 215-683-6417 (FAX: 215-683-9437), 2415 South Swanson Street, Philadelphia PA 19148.

(6) Type of Rulemaking (check applicable box):

Proposed Regulation

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The proposed regulation will eliminate the use of the term "expired" in reference to a certificate of public convenience ("CPC"). Each person with Authority issued rights must complete an annual filing with the Authority to update key regulatory information and to assure continued compliance with the regulations. The current regulations provide that CPCs (and other rights) are considered "expired" if the annual filing is not made, although the CPC remains valid pending a complaint and due process. Because the Authority's regulations do not provide for the expiration of a CPC this terminology has caused confusion.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Sections 13 and 17 of the act of July 16, 2004, (P.L. 758, No. 94), *as amended*, 53 Pa.C.S. §§5701 *et seq.*, §§ § 5714 (a) and (b), 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P.L. 287, No. 22), *as amended*, 53 Pa. C.S. §§ 5505(d)(17) (d)(23); (d)(24), 5707, 5707.1 and 5710.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action. No.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as

possible and approximate the number of people who will benefit.

We incorporate our response provided in response to No 7. The regulation will not create an additional obligation or cost to any person, agency or government unit. The regulation merely seeks to eliminate reference to the term "expired" to avoid further confusion. The proposed regulation will also reference the proper statutory section regarding fees. That section was amended by Act 64 of 2013. The proposed regulation will eliminate any potential confusion associated with that citation as well.

(11) 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 regulations. No.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

The proposed regulation does not create a new reporting obligation, but modifies the language associated with that requirement. Many states require regulated parties to make reports to the regulator at regular intervals. The minor clarifying changes proposed will not impact Pennsylvania's ability to compete.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations. Other than amending the stated regulations, the proposed regulation will not affect any other regulation of the Authority or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

There were no communications of this nature related to the proposed regulation.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The Authority approximates that those affected by the regulation will be:

Drivers: 3,750 drivers all of whom are individuals.

Owners: 700 taxicab medallion owners and 6 partial-rights carriers, each of which is a small business.

Dispatchers: 11, each of which is a small business.

No impact is anticipated at all. The regulation merely clarifies that certificates of public convenience do not "expire" under the regulations simply because the annual filing is late.

(16) List the persons, groups or entities, including small businesses that will be required to comply with the regulation. Approximate the number that will be required to comply.

The regulation does not create a new requirement. We have provided this number in response to No. 15, which we incorporate here.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The proposed regulation will eliminate the use of the term "expired" in reference to a certificate of public

convenience. Each person with Authority issued rights must complete an annual filing with the Authority to update key regulatory information and to assure continued compliance with the regulations. The current regulations provide that CPCs (and other rights) are considered “expired” if the annual filing is not made, although the CPC remains valid pending a complaint and due process. Because the Authority’s regulations do not provide for the expiration of a CPC this terminology has caused confusion.

Other than providing that point of clarification there is no impact created by the proposed regulation.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The regulation does not create a new requirement. There are no costs created by the proposed regulation.

(19) 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. Explain how the dollar estimates were derived. None.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived. None.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived. None.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements. None.

(23) 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:	\$0.00	\$	\$	\$	\$	\$
Regulated Community	\$	\$	\$	\$	\$	\$
Local Government						
State Government(PPA)						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						

REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
N/A.	n/a	n/a	n/a	n/a

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
N/A
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
N/A
- (c) A statement of probable effect on impacted small businesses.
N/A
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.
N/A

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

None.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No other alternatives were considered.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
N/A
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses; N/A
- c) The consolidation or simplification of compliance or reporting requirements for small businesses; N/A
- d) The establishment of performing standards for small businesses to replace design or operational

standards required in the regulation; N/A

e) The exemption of small businesses from all or any part of the requirements contained in the regulation. N/A. We incorporate our response to question No. 18.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable. No data was necessary.

(29) Include a schedule for review of the regulation including:

- | | |
|---|----------------------------------|
| A. The date by which the agency must receive public comments: | N/A |
| B. The date or dates on which public meetings or hearings will be held: | N/A |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | November, 2014 |
| D. The expected effective date of the final-form regulation: | December, 2014 |
| E. The date by which compliance with the final-form regulation will be required: | Upon publication in <i>Pa. B</i> |
| F. The date by which required permits, licenses or other approvals must be obtained: | N/A |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Authority will continually analyze the impact of this regulation.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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

BY _____
(DEPUTY ATTORNEY GENERAL)

DATE OF APPROVAL

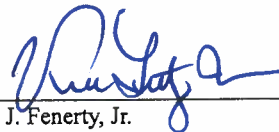
Check if applicable
Copy not approved. Objections attached

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

Philadelphia Parking Authority
(AGENCY)

DOCUMENT/FISCAL NOTE NO. Docket No. 126-9


DATE OF ADOPTION July 30, 2014

BY 

Vincent J. Fenerty, Jr.

TITLE: Executive Director

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

BY 

Dennis G. Weldon, Jr.
General Counsel

JULY 30, 2014

DATE OF APPROVAL

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

Final Rulemaking No. 126-9
Final Rulemaking
Philadelphia Taxicab and Limousine Regulations
52 Pa. Code §§ 1001.43, 1011.3, 1011.4, 1051.3 and 1051.4

The Philadelphia Parking Authority on July 30, 2014, adopted the final-form rulemaking order to modify existing annual filing requirements to eliminate reference to the term "expire" when used in conjunction with a certificate of public convenience and that filing requirement. While the Authority's regulations do not provide for the expiration of certificates of public convenience, some industry members have expressed confusion over the use of this term. The final regulation is intended only for those clarification purposes. The contact person is Dennis G. Weldon, Jr., General Counsel, 215-683-9630.

THE PHILADELPHIA PARKING AUTHORITY

In Re: Proposed Rulemaking Order :
Philadelphia Taxicab and :
Limousine Regulations : Docket No. 126-9
Annual Information Review :
:

FINAL RULEMAKING ORDER

BY THE AUTHORITY:

The Authority is the sole regulator of all taxicab and limousine service in Philadelphia.¹ In furtherance of those regulatory functions, the Authority issued a proposed regulation at this docket number on March 25, 2014. The initial public comment period for this rulemaking proceeding concluded on June 9, 2014, the Independent Regulatory Review Commission (“IRRC”) submitted its comments on July 9, 2014. The Authority has completed its review of the comments and now issues the final-form regulation.

Purpose of the Final-Form Regulation

The Authority’s existing regulations require all regulated parties to make an annual information filing (renewal) with the Authority to ensure that the individual or business entity is in continuing compliance with the act and the Authority’s orders and regulations. This annual update or “renewal” process was an issue during the promulgation of the regulations because of the regulations use of the term “expired” regarding certificates of public convenience. *See* 41 Pa.B. 6499, 6526 (December 11, 2011)

¹ The act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§5701 *et seq.*, as amended, (the “act”)

In order to eliminate confusion, the final-form regulation will eliminate the use of the word expired as to taxicab, limousine and dispatcher certificates of public convenience. Because driver certificates and broker registrations do expire, the term will continue to apply in that context. Driver certificates and broker registrations will continue to be subject to an annual review process that will include the potential for expiration of those authorizations.

DISCUSSION

The Authority has reviewed IRRC's comments to the proposed regulation and has adopted each recommended change. There were no public comments.

§ 1011.4. Annual assessments and renewal fees.

This section remains unchanged from the proposed regulation, except where changed in subsections (b) and (c) to clarify that a certificate holder has 30 days from the date of an assessment notice to make either the entire payment or an installment payments, as permitted. IRRC suggested these clarifications, which will also be more closely aligned with the language of the statute. *See* 53 Pa. C.S § 5707.1 (a). We agree with IRRC's comment and have also made this clarification applicable to limousine CPC holders in § 1051.4 (relating to annual assessments and renewal fees).

§ 1051.3. Annual rights renewal process.

This section remains unchanged from the proposed regulation, except where changed in subsections (g)(6). The term "TLD Inspection" sticker is amended and replaced with "Limousine Rights" sticker, which is the name of the annual sticker issued to limousine companies. The term limousine rights sticker is defined in § 1055.1. The Authority does not issue an "Inspection Sticker" annually to each

limousine, because only a portion of the fleet of limousines in Philadelphia is inspected each year, whereas taxicabs are inspected twice each year.

Also, in the same sentence, IRRC correctly noted that the term “taxicab” is used instead of “limousine”. That error has been corrected.

1051.4. Annual assessment and renewal fees.

This section remains unchanged from the proposed regulation, except where we have corrected an inaccurate cross reference noted by IRRC. The reference to § 1051.3(c)(4) has been corrected to “§ 1051.3(c)(3)”.

Affected Parties.

The regulation will affect the holders of an Authority certificate of public convenience or renewable authority rights, but will not create any new obligation or burden. The filing requirements at issue predate the final-form regulation.

Fiscal Impact.

The final-form regulation will have no fiscal impact or increase any paperwork obligation as to any party, the Commonwealth, any political subdivisions, private sector person or the general public.

Effective Date and Conclusion

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. Accordingly, under sections 13 and 17 of the Act, 53 Pa.C.S. §§ 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P.L. 287, No. 22), *as amended*, 53 Pa. C.S. §§ 5505(d)(17), (d)(23), (d)(24); sections 201 and 202 of the Act of July 31, 1968, P.L. 769 No. 240, 45 P.S. §§ 1201-1202, and the regulations promulgated thereunder at 1 Pa.

Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P.S. 732.204(b); section 745.5 of the Regulatory Review Act, 71 P.S. § 745.5, and Section 612 of the Administrative Code of 1929, 71 P.S. § 232, and the regulations promulgated at 4 Pa. Code §§ 7.231-7.234 the Authority proposes adoption of the final regulations set forth in Annex A, attached hereto;

THEREFORE,

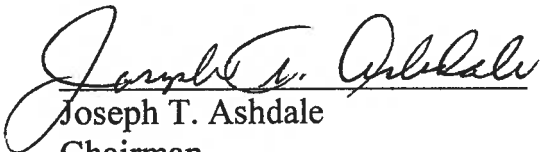
IT IS ORDERED THAT:

1. The Authority hereby adopts the final regulation in Annex A.
2. The Executive Director shall cause this order and Annex A to be submitted to the Office of Attorney General for approval as to legality.
3. The Executive Director shall cause this order and Annex A to be submitted for review by the designated standing committees of both Houses of the General Assembly, and for formal review by the Independent Regulatory Review Commission.
4. The Executive Director shall cause this order and Annex A to be submitted for review by the Governor's Budget Office for review of fiscal impact.
5. The Executive Director shall cause this order and Annex A to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. The Executive Director shall serve copies of this order and Annex "A" upon each of the commentators and take all other actions necessary to successfully complete the promulgation of this regulation.
7. The regulations embodied in Annex A shall become effective upon publication in the *Pennsylvania Bulletin*.

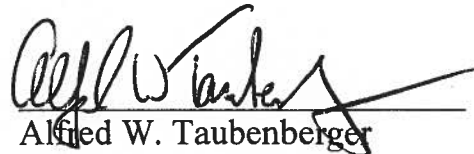
8. The contact person for this rulemaking is Dennis G. Weldon, Jr. General Counsel, (215)-683-9630.

**THE PHILADELPHIA PARKING
AUTHORITY**

Certified:



Joseph T. Ashdale
Chairman
(SEAL)



Alfred W. Taubenberger
Vice-Chairman/Secretary
(SEAL)

ORDER ADOPTED: July 30, 2014

ORDER ENTERED: July 30, 2014

ANNEX A

Annex A
TITLE 52. PUBLIC UTILITIES
PART II. PHILADELPHIA PARKING AUTHORITY
Subpart A. GENERAL PROVISIONS
CHAPTER 1001. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE
Subchapter E. FEES

§ 1001.43. Authority fee schedule.

(a) The Authority will issue a new fee schedule for each fiscal year[, subject to disapproval of the Legislature, under section 5707(b) of the act (relating to budget and fees)] under section 5710(a) of the act (relating to fees).

(b) The Authority will provide general notice of the new fee schedule through publication in the *Pennsylvania Bulletin*. The Authority will provide direct notice of the fee schedule by email to each certificate holder [as required under section 5707(b) of the act] within 5 days of its effective date. The current fee schedule may be obtained from the Authority's web site at www.philapark.org/tld.

(c) *Supersession.* Subsection (a) supersedes 1 Pa. Code §§ 33.21(b) and 33.23 (relating to filing fees; and copy fees).

Subpart B. TAXICABS
CHAPTER 1011. GENERAL PROVISIONS

§ 1011.3. Annual rights renewal process.

(a) *Expiration of [certificate] driver and broker rights.* All driver and broker rights will expire annually, [including the following] as follows:

{(1) Except as provided in subsection (f), a certificate will expire on June 30 of each year.

(2)] (1) A taxicab driver's certificate will expire 1 year from its date of issuance or renewal.

{(3)] (2) Except as provided in subsection (f), a broker registration will expire on June 30 of each year.

(b) *Expired rights.*

(1) Expired rights will be placed out of service by the Authority as provided in § 1003.32 (relating to out of service designation).

(2) Taxicab driver certificates that have been expired for 1 year or more will be deemed cancelled.

(c) *Renewal forms.*

(1) Rights [issued by the Authority] in subsection (a) shall be renewed by completing and filing the required renewal form with the Manager of Administration. Renewal forms may be obtained on the Authority's web site at www.philapark.org/tld or from TLD Headquarters.

(2) The renewal forms may require the submission of additional information or documents to confirm continuing eligibility under the act or this part.

(3) The renewal forms must be verified as provided in § 1001.36 (relating to verification and affidavit) and filed as follows:

(i) For medallion taxicab certificates, Form TX-1 "Medallion Renewal" shall be filed on or before February 15 of each year.

(ii) For partial-rights taxicab certificates, Form PR-1 "Partial Rights Renewal" shall be filed on or before February 15 of each year.

(iii) For dispatcher certificates, Form DSP-6 "Dispatcher Renewal" shall be filed on or before February 15 of each year.

(iv) (i) For taxicab drivers' certificates, Form DR-3 "Driver Renewal" shall be filed between 60 and 90 days before the expiration date printed on the taxicab driver's certificate.

(v) (ii) For broker registrations, a Form BR-4 "Broker Renewal" shall be filed on or before February 15 of each year.

(d) *Renewal denial.* The Authority will deny renewal of rights in the following circumstances:

(1) If the owner of the rights subject to renewal fails to complete the renewal process.

(2) The renewal process reveals information about the renewing person [or those with a controlling interest in the renewing person] that would have resulted in a denial of an initial application for the rights.

(3) The renewing person fails to comply with § 1011.4 (relating to annual assessments and renewal fees).

(e) *Suspended driver and broker rights.* Rights subject to suspension for any reason must be renewed on the dates and in the manner provided by [this section] subsection (c)(3) regardless of the suspended status.

(f) *New certificates and registrations.* A certificate or broker registration will not be subject to the renewal or annual information filing requirements in this section during the calendar year in which it is first issued.

(g) *Taxicab and dispatcher information filing.*

(1) The owner of taxicab or dispatcher rights shall complete the annual information filing required under this subsection to ensure continued compliance with the act, this part and the orders of the Authority.

(2) The annual information filing required under this subsection must be verified as provided in § 1001.36 and filed with the Manager of Administration as follows:

(i) For medallion taxicab certificates, Form TX-1 "Medallion Renewal" shall be filed on or before February 15 of each year.

(ii) For partial-rights taxicab certificates, Form PR-1 "Partial Rights Renewal" shall be filed on or before March 31 of each year.

(iii) For dispatcher certificates, Form DSP-6 "Dispatcher Renewal" shall be filed on or before March 31 of each year.

(3) The forms identified in paragraph (2) may require the submission of additional information or documents in furtherance of that review and may be obtained on the Authority's web site at www.philapark.org/tld or from TLD Headquarters.

(4) The filing requirements of this subsection apply to rights subject to suspension for any reason.

(5) The failure to file Form LM-1 will subject the applicable rights to an out of service designation as provided in § 1003.32.

(6) The TLD will not issue a TLD inspection sticker to a vehicle operated through a taxicab certificate if the review of the information required under this section reveals information about the certificate holder that would have resulted in a denial of an initial application for the rights. This paragraph does not relieve a certificate holder of any other penalty that may result from noncompliance, nor the obligation to appear at inspections as directed by the TLD.

§ 1011.4. Annual assessments and renewal fees.

(a) *Assessments and renewal fees.* The owners of rights issued by the Authority shall pay an annual assessment or renewal fee in an amount established each year under section [5707(b)] 5707(a) and (c) of the act (relating to budget and [fees] assessments) and as set forth in the Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(b) *Payment of assessments by certificate holders.* [Except as provided in subsection (c), the annual assessment for certificate holders is due on or before June 15 of each year.] Assessment payments shall be made by each certificate holder WITHIN 30 DAYS AFTER SERVICE OF THE NOTICE OF ASSESSMENT as provided in section 5707.1(a) of the act (relating to assessment notice and hearings).

(c) *Installment payments.* Upon request by a taxicab certificate holder through the annual renewal form required under [§ 1011.3] § 1011.3(g) (relating to annual rights renewal process), the Director may permit certificate holders to pay the assessment in two equal installments ~~on or before [June 15]~~ the 15th from WITHIN 30 DAYS AFTER SERVICE OF THE notice of assessment as provided in section 5707.1(a) of the act and December 15 of each year, as limited under subsections (d) and (e).

* * * * *

(f) *Payment of renewal fees by taxicab drivers.* The annual renewal fee for taxicab drivers is due with the filing of the DR-3 as provided in [§ 1011.3(c)(3)(iv) (relating to annual rights renewal process)] § 1011.3(c)(3)(i).

(g) *Payment of renewal fees by brokers.* The annual renewal fee for brokers is due with the filing of the BR-4 as provided in [§ 1011.3(c)(3)(v)] § 1011.3(c)(3)(ii).

* * * * *

Subpart C. LIMOUSINES CHAPTER 1051. GENERAL PROVISIONS

§ 1051.3. Annual rights renewal process.

(a) *Expiration of driver's certificate.* [All rights will expire annually, including the following:

(1) Except as provided in subsection (f), a certificate will expire on June 30 of each year.

(2)] A limousine driver's certificate will expire 1 year from its date of issuance or renewal.

(b) *Expired rights.*

(1) Expired rights will be placed out of service by the Authority as provided in § 1003.32 (relating to out of service designation).

(2) Limousine driver certificates that have been expired for 1 year or more will be deemed cancelled.

(c) *Renewal forms.*

(1) [Rights issued by the Authority] Limousine driver certificates shall be renewed by completing and filing the [required renewal form] Form DR-3 "Driver Renewal" with the Manager of Administration. Renewal forms may be obtained on the Authority's web site at www.philapark.org/tld or from TLD Headquarters.

(2) [The renewal forms] Form DR-3 may require the submission of additional information or documents to confirm continuing eligibility under the act [or this part, or both], this part and orders of the Authority and must be verified as provided in § 1001.36 (relating to verification and affidavit).

[(3) The renewal forms must be verified as provided in § 1001.36 (relating to verification and affidavit) and filed as follows:

(i) For limousine certificates, Form LM-1 "Limousine Renewal" shall be filed on or before April 1 of each year.

(ii) For limousine drivers' certificates,]

(3) Form DR-3 ["Driver Renewal"] shall be filed between 90 and 60 days before the expiration date printed on the limousine driver's certificate.

(d) *Renewal denial.* The Authority will deny renewal of [rights] a limousine driver certificate in the following circumstances:

(1) If the owner of the rights subject to renewal fails to complete the renewal process.

(2) The renewal process reveals information about the renewing person [or those with a controlling interest in the renewing person] that would result in a denial of an initial application for the rights.

(3) The renewing person fails to comply with § 1051.4 (relating to annual assessments and renewal fees).

(e) *Suspended driver rights.* Rights subject to suspension for any reason shall be renewed on the dates and in the manner provided by this section regardless of the suspended status.

(f) *New certificates* [and registrations]. A certificate will not be subject to the [renewal] information filing requirements [in this section] of subsection (g) during the calendar year in which it is first issued.

(g) Limousine information filing.

(1) The owner of limousine rights shall complete on an annual basis Form LM-1 "Limousine Renewal" to ensure continued compliance with the act, this part and the orders of the Authority.

(2) Form LM-1 shall be verified as provided in § 1001.36 and filed with the Manager of Administration on or before March 31 of each year.

(3) Form LM-1 may require the submission of additional information or documents and may be obtained on the Authority's web site at www.philapark.org/tld or from TLD Headquarters.

(4) The filing requirements of this subsection apply to rights subject to suspension for any reason.

(5) The failure to file Form LM-1 will subject the applicable rights to an out of service designation as provided in § 1003.32.

(6) The TLD will not issue a ~~TLD inspection~~ LIMOUSINE RIGHTS sticker to a vehicle operated through a ~~taxicab~~ LIMOUSINE certificate if the review of the information required under this section reveals information about the certificate holder that would have resulted in a denial of an initial application for the rights. This paragraph does not relieve a certificate holder of any other penalty that may result from noncompliance, nor the obligation to appear at inspections as directed by the TLD.

§ 1051.4. Annual assessments and renewal fees.

(a) *Assessments and renewal fees.* The owners of rights issued by the Authority shall pay an annual assessment or renewal fee in an amount established each year under section [5707(b)] 5707(a) and (c) of the act (relating to budget and [fees] assessments) and as set forth in the Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(b) *Payment of assessments by certificate holders.* The annual assessment for certificate holders is due [on or before June 30 of each year] **WITHIN 30 DAYS AFTER SERVICE OF THE NOTICE OF ASSESSMENT** as provided in section 5707.1(a) of the act (relating to assessment notice and hearings).

(c) *Payment of renewal fees by limousine drivers.* The annual renewal fee for limousine drivers is due with the filing of the DR-3 as provided in [§ 1051.3(c)(3)(ii)] § 1051.3(c)(4) (3) (relating to annual rights renewal process).

(d) *Late assessment or renewal fee payments.* Rights issued by the Authority may be placed out of service at the time an assessment or renewal fee payment becomes late, as provided in § 1003.32 (relating to out of service designation).



701 MARKET STREET
SUITE 5400
PHILADELPHIA, PA 19106
215.683.9600

July 31, 2014

VIA HAND DELIVERY

John F. Mizner, Esquire
Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Docket No. and Agency/ID No. 126-9
Final Rulemaking
Philadelphia Taxicab and Limousine Regulations
52 Pa. Code §§ 1001.43, 1011.3, 1011.4, 1051.3, 1051.4
Annual Filing Requirements

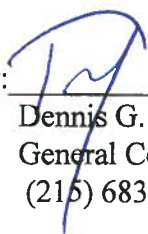
Dear Chairman Mizner:

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 Authority, on April 29, 2014, submitted a copy of the Notice of Proposed Rulemaking to the Independent Regulatory Review Commission (IRRC), the Authority's standing committees and the Legislative Reference Bureau. The notice of proposed rulemaking was published at *44 Pa.B. 2753* on May 10, 2014.

On July 30, 2014, the Authority entered a Final Rulemaking Order adopting final form regulations under this docket. There were no commentators to this Rulemaking. The final regulation will modify the existing annual filing requirements to eliminate reference to the term "expire" when used in conjunction with a certificate of public convenience and that filing requirement.

The undersigned is the contact person for this rulemaking.

Very truly yours,
The Philadelphia Parking Authority

By: 
Dennis G. Weldon, Jr.
General Counsel
(215) 683-9630

DGW/pdm
Enclosure

cc: Vincent J. Fenerty, Jr., Executive Director
James R. Ney, Director, TLD

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: 126-9

Subject: Annual Filing Requirements

Philadelphia Parking Authority

TYPE OF REGULATION

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

2014 JUL 31 PM 1:12

RECEIVED
IRRC

FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
<u>7-31-14</u>	<u>Cornie McClellan</u>	<u>HOUSE COMMITTEE</u> (Gillierpie) Urban Affairs
<u>7-31-14</u>	<u>[Signature]</u>	
<u>7-31-14</u>	<u>[Signature]</u>	<u>SENATE COMMITTEE</u> (Tomlinson) Consumer Protection and Professional Licensure
<u>7-31-14</u>	<u>[Signature]</u>	
<u>7-31-14</u>	<u>[Signature]</u>	OFFICE OF THE BUDGET
<u>7/31/14</u>	<u>K. Cooper</u>	Independent Regulatory Review Commission
<u> </u>	<u> </u>	ATTORNEY GENERAL
<u> </u>	<u> </u>	LEGISLATIVE REFERENCE BUREAU