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INDEPENDENT REGULATORY
REVIEW COMMISSION

2014 APR 29 PM 1:36

Regulatory Analysis Form

(Completed by Promulgating Agency)

(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: 4,300 drivers all of whom are individuals.

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

Dispatchers: 13, 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: | 30 days after publication in <i>Pa. B</i> |
| 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: | October, 2014 |
| D. The expected effective date of the final-form regulation: | November, 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.

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FACE SHEET
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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)

APR 17 2014

DATE OF APPROVAL

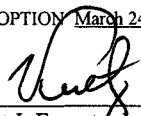
Check if applicable
Copy not approved. Objections attached

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

Philadelphia Parking Authority
(AGENCY)

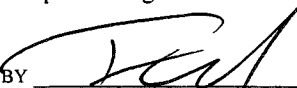
DOCUMENT/FISCAL NOTE NO. Pending with Office of Budget.

DATE OF ADOPTION March 24, 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

3/25/14
DATE OF APPROVAL

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

Proposed Rule Making No. 126-9
Proposed 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 March 24, 2014, adopted a proposed 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 proposed 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 :
:

PROPOSED RULEMAKING ORDER

BY THE AUTHORITY:

In accordance with of the act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§5701 *et seq.*, as amended, (the “act”),¹ the Authority formally commences its rulemaking process to promulgate a regulation to clarify annual information update procedures for the Philadelphia taxicab and limousine industries and to amend regulations to reflect applicable statutory changes as provided in Act 64 of 2013.² The Authority seeks comments from all interested parties on the proposed regulation, which are found at Annex A to this Order.

A. Background and discussion.

The Authority’s existing regulations require all regulated parties to make an annual information filing (renewal) with the Authority to assure 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 the regulations use to term expired as to certificates of public convenience. *See* 41 Pa.B. 6499, 6526 (December 11, 2011)

The proposed regulation will eliminate the use of the word expired as to taxicab, limousine and dispatcher certificates of public convenience to eliminate confusion. 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 approval process.

B. The regulation.

We propose amending the below referenced sections to reflect the current budget statutes and to eliminate the use of the confusing term “expired” in connection with certificates of public convenience. Under the regulations, certificates of public convenience do not expire.

§ 1001.43. Authority fee schedule.

¹ *See* 53 Pa.C.S. §§ 5722 and 5742 .

² *See* Act of July 9, 2013, P.L.455, No.64 (“Act 64”)

We propose amending subsections (a) and (b) of this section to accurately reflect the applicable provisions of sections 5707 and 5710 of the act. Section 5710 is new and specifically deals with the use of fees and the creation of a fee schedule. The act was amended to eliminate the original deemed approved budgetary language and replace that approval process with one that requires compliance with Article VI of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929 as required by the new 5707 (a) of the act. The act's annual budget process was amended by the Legislature in response to a negative decision of the Commonwealth Court of Pennsylvania.³

§ 1011.3. Annual rights renewal process.

We propose amending this section to eliminate the use of the term “expired” in relation to a certificate of public convenience which can expire under our regulations. The same forms will be used and the term expired will continue to be used in relation to taxicab driver certificates and broker registrations, which can expire under the regulations.

A new subsection (g) was created to differentiate taxicab, limousine and dispatcher certificates of public convenience from driver certificates and broker registrations. The annual filing procedure will remain the same for these certificate holders. The failure to make this important regulatory filing will continue to result in an out of service designation. In addition, the identification of issues that would have prohibited the original application of a certificate holder from approval will render the certificate holder's vehicles ineligible for attachment of a TLD inspection sticker, if the underlying issue is not corrected. This annual filing and review process often evidences issues that are in need of correction by the certificate holder. Those issues include outstanding regulatory penalties, moving violations, out of date insurance filings and other issues that are generally corrected by the certificate holder when brought to their attention during this review.

This is one of the reasons that this annual information review is important, it causes the regulated parties and the regulator to re-examine key compliance issues and make corrections where necessary. The same substantive changes were made to the annual information filing process for limousines in section 1051.3 (relating to annual rights renewal process), although in that section only limousine drivers and limousine certificates of public convenience need be referenced.

§ 1011.4. Annual assessments and renewal fees.

We propose amending this section to create consistency with the statutory changes of Act 64. The applicable subsections of § 5707 (relating to budget and assessments) are now referenced. Subsection (b) notes the assessment payment time line required by Act 64. Also, subsection (c) has been amended to change the optional assessment payment installment dates from the set June 15 date, to 15 days after notice of the assessment is made to the certificate holder. We understand that the Commonwealth's budget is often not completed by June 15, this change will permit all parties flexibility in exercising this payment option. The same changes

³ *MCT Transportation Inc., et al. v. PPA*, 60 A.3d 899 (Pa. Cmwlth 2013), *affirmed*, 2013 Pa. LEXIS 2793 (Pa., Nov. 20, 2013) and 2013 Pa. LEXIS 2788 (Pa. Nov. 20, 2013).

were made to section 1057.1 (relating to annual assessments and renewal fees), which applies to limousine service.

CONCLUSION

The Authority, therefore, formally commences its rulemaking process to promulgate this regulation to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on this proposed body of regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the website of the Independent Regulatory Review Commission, which may be reached at 717-783-5417.

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 regulations set forth in Annex A, attached hereto;

THEREFORE,

IT IS ORDERED:

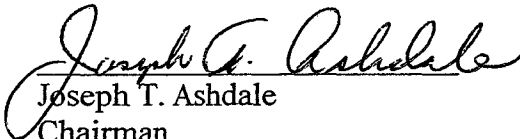
1. That a proposed rulemaking be opened to consider the regulation set forth in Annex A.
2. That the Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.
3. That the Executive Director shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. That the Executive Director shall do all such other things necessary to advance this regulation through the appropriate promulgations process in an expeditious manner.
5. That the Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
6. That an original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to

the Philadelphia Parking Authority, Attn: General Counsel, 701 Market Street, Suite 5400, Philadelphia, PA 19106.

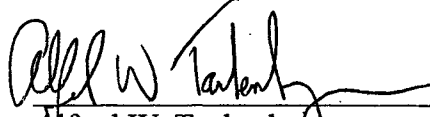
7. That a copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority's website at www.philapark.org/tld.

8. That the contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215)-683-9417.

**THE PHILADELPHIA PARKING
AUTHORITY**


Joseph T. Ashdale
Chairman
(SEAL)

Certified:


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

ORDER ADOPTED: March 24, 2014
ORDER ENTERED: March 24, 2014

ANNEX A

§ 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)] 5710(a) of the act (relating to [budget and] 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).

§ 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)] 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] identified 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) 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)] (i) 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 (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 by this subsection to assure continued compliance with the act, this part and the orders of the Authority.

(2) The annual information filing required by this subsection must be verified as provided in § 1001.36 (relating to verification and affidavit) 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 the 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 by 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)] (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.* Assessment payments shall be made by each certificate holder [Except] as provided in section 5707.1(a) of the act (relating to

assessment notice and hearings.) [subsection (c), the annual assessment for certificate holders is due on or before June 15 of each year.]

(c) *Installment payments.* Upon request by a taxicab certificate holder through the annual renewal form required under § 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 fifteenth day from notice of assessment as provided in 5707.1(a) and December 15 of each year, as limited under subsections (d) and (e).

(d) *Assessment payment by appointment.*

(1) In person appointments to make installment payments for annual assessments may be scheduled by the Director any time after the renewal form is filed. The Director may reschedule appointment times to accommodate the availability of the certificate holder. Notice of appointment times will be provided at least 10 days in advance and as provided in § 1001.51 (relating to service by the Authority).

(2) The scheduled appointment will become the new due date for the installment assessment payment.

(3) The Authority will provide notice of assessment payment appointments as provided in § 1001.51.

(e) *Eligibility.* A certificate will be ineligible for assessment installment payments if the certificate holder or any person having a controlling interest in the certificate holder has done any of the following in the previous 2 years:

(1) Failed to pay an assessment to the Authority on schedule.

(2) Failed to begin and complete the annual rights renewal process on schedule.

(3) Been subject to suspension or cancellation of any rights issued by the Authority under the act, this part or an order of the Authority.

(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)](i) (relating to annual rights renewal process).

(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)](ii).

(h) *Late assessment or renewal fee payments.*

(1) An installment assessment payment will be considered late if not paid at the appointed time and date for payment.

(2) 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).

§ 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 Form DR-3 "Driver Renewal" [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] Form DR-3 may require the submission of additional information or documents to confirm continuing eligibility under the act [or] this part[, or both.] and orders of the Authority

[(3) The renewal forms] and 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 a limousine driver certificate [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 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 of subsection (g) [in] of this section 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 assure continued compliance with the act, this part and the orders of the Authority.
- (2) The Form LM-1 must be verified as provided in § 1001.36 (relating to verification and affidavit) and filed with the Manager of Administration on or before March 31 of each year.
- (3) The 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 the 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 by 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)] (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] 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)] (4) (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

April 29, 2014

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
Proposed 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:

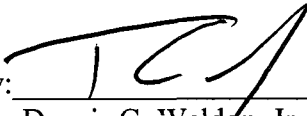
The Philadelphia Parking Authority ("Authority") hereby submits its proposed rulemaking and regulatory analysis form to the Independent Regulatory Review Commission for review pursuant to Section 5(a) of the Regulatory Review Act of June 30, 1989 (P.L.73, No. 19) (71 P.S. §§745.1-745.15). Also enclosed is the Authority's Proposed Rulemaking Order entered March 24, 2014 (preamble) and the "Face Sheet" required by 1 Pa. Code §13.12.

The proposed regulation modifies 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 contact person is the undersigned and may be contacted at 215-683-9630.

The proposal has been deposited for publication with the Legislative Reference Bureau.

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

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FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
<u>4-29-14</u>		Legislative Reference Bureau
<u>4-29-14</u>		<u>HOUSE COMMITTEE</u> (Gillertpie) Urban Affairs
<u>4-29-14</u>		<u>SENATE COMMITTEE</u> (Tomlinson) Consumer Protection and Professional Licensure
<u>4/29/14</u>		Attorney General (does not need 2 go here with Proposed Reg)
<u>4/29/14</u>		Independent Regulatory Review Commission