

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2801 Session of  
1992

INTRODUCED BY GAMBLE, GIGLIOTTI, FAJT AND PETRONE, JUNE 2, 1992

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 2, 1992

AN ACT

1 Amending the act of April 6, 1956 (1955 P.L.1414, No.465),  
2 entitled, as amended, "An act to promote the welfare of the  
3 people of this Commonwealth; creating Port Authorities to  
4 function in counties of the second class as bodies corporate  
5 and politic, with power to plan, acquire, construct, maintain  
6 and operate facilities and projects for the improvement and  
7 development of the port district and to borrow money and  
8 issue bonds therefor; providing for the payment of such bonds  
9 and prescribing the rights of the holders thereof; conferring  
10 the right of eminent domain on the authorities; authorizing  
11 the authorities to enter into contracts with and to accept  
12 grants from the Federal government or any agency thereof; and  
13 conferring exclusive jurisdiction on certain courts over  
14 rates and services; and authorizing the authorities to  
15 collect tolls, fares, fees, rentals and charges for the use  
16 of facilities; defining the authorities' powers and duties,  
17 and defining the port districts; granting Port Authorities  
18 the exclusive right to engage in the business of owning,  
19 operating, and maintaining a transportation system for the  
20 transportation of persons in counties of the second class,  
21 providing, when necessary, for extension of transportation  
22 systems into adjoining counties and outside of said counties  
23 as provided in the act; limiting the jurisdiction of the  
24 Public Utility Commission over Port Authorities; authorizing  
25 municipalities to make loans and grants and to transfer  
26 existing facilities; authorizing Port Authorities to enter  
27 into contracts with and to accept grants from State and local  
28 governments or agencies thereof; exempting the property and  
29 facilities of such Port Authorities from taxation and  
30 limiting the time to commence civil action against said  
31 Authorities," prohibiting smoking, eating and drinking in  
32 certain public conveyances owned or operated by a port  
33 authority created under the act; and providing a penalty.

34 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The act of April 6, 1956 (1955 P.L.1414, No.465),  
3 known as the Second Class County Port Authority Act, is amended  
4 by adding a section to read:

5 Section 10.1. (a) Except as otherwise provided in  
6 subsection (b), it shall be unlawful for any person to smoke a  
7 cigar, pipe, cigarette or other device used to smoke, or to eat  
8 or drink anything on a public conveyance owned or operated by  
9 the authority, including, but not limited to, a bus, street  
10 railway car, light rail vehicle, a commuter rail train or  
11 incline.

12 (b) Subsection (a) shall not apply to: (i) passengers on a  
13 commuter rail car which comprises part of a commuter rail train  
14 and which car is specifically designated as an area on the train  
15 where smoking, eating or drinking is permitted; or (ii)  
16 passengers on a bus, street railway car or light rail vehicle,  
17 which is being used to transport groups or parties of persons,  
18 the charge for which is based upon the transportation of a group  
19 and not upon the number of persons carried and for which payment  
20 is made by a single person or organization and not by the  
21 passengers as individuals.

22 (c) The authority shall post a notice of any prohibitions or  
23 restrictions against smoking, eating and drinking and the  
24 penalty imposed by this section, on the inside front of all  
25 public conveyances referred to in subsection (a).

26 (d) A person who violates the provisions of subsection (a),  
27 shall, upon conviction in a summary proceeding, be sentenced to  
28 pay a fine of fifty dollars (\$50), and the costs of prosecution  
29 and in default of the payment of the fine and costs, shall be  
30 sentenced to imprisonment for a period of not more than ten (10)

1 days.

2       Section 2.   This act shall take effect in 30 days.