

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2127 Session of
2014

INTRODUCED BY PAINTER, SCHLOSSBERG, ENGLISH, LUCAS, BISHOP,
MCCARTER, KINSEY, FARINA, MAHONEY, MURT, SWANGER, COHEN AND
FRANKEL, MARCH 20, 2014

REFERRED TO COMMITTEE ON EDUCATION, MARCH 20, 2014

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," prohibiting smoking at bus stops.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
9 as the Public School Code of 1949, is amended by adding a
10 section to read:

11 Section 1368. Smoking Prohibited.--(a) A student of a
12 public school, private school or charter school may not smoke
13 within twenty-five (25) feet of a school bus stop for a time
14 period of thirty (30) minutes before the bus is scheduled to
15 arrive to pick up a student until ten minutes after the school
16 bus leaves after dropping off a student. The determination of
17 time shall be determined as follows:

18 (1) When the bus is scheduled to pick up students in the
19 morning, this section shall use the time of day in the current

prevailing time zone based upon the set time for the scheduled bus stop as published or scheduled by the school district or the school district's busing contractor.

(2) When the bus is scheduled to drop off students, this section shall use the time of day in the current prevailing time zone when the bus actually drops off the students at the bus stop after the end of the school day.

(3) In the event of a delayed opening for the school, the extra time delay shall be added to the regularly scheduled pick up time as indicated in paragraph (1).

(b) The prohibition under subsection (a) shall be enforced as follows:

(1) The prohibition shall include only the outdoor area within twenty-five (25) feet of the bus stop.

(2) If the bus stop is a public stop also used by public transportation, the prohibition shall apply only to the students.

(3) If the bus stop is on a corner, the twenty-five (25) foot radius shall be calculated from the side of the corner where the students congregate to wait for the bus.

(4) If the bus stop is at a residence, the twenty-five (25) foot radius shall be calculated from one of the following:

(i) The center point of the driveway where the driveway meets the road.

(ii) If there is no driveway, the point at the street directly in front of the front door of the residence or business.

(c) A school may enforce this section through appropriate disciplinary action and an appropriate fine after an investigation that may include a statement from a school bus

1 driver, a student's parent or another student. The statement can
2 be made either in writing or verbally to the appropriate school
3 official in charge of administering this section, however, the
4 report must always include the name of the person making the
5 report, the location of the alleged offense, the name or
6 physical description, or both, of the alleged offender and the
7 time of day that the offense allegedly occurred.

8 Section 2. This act shall take effect in 60 days.