

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2371 Session of
2022

INTRODUCED BY MIHALEK, HILL-EVANS, SILVIS, M. MACKENZIE, RYAN
AND ZIMMERMAN, MARCH 8, 2022

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 8, 2022

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in common carriers, providing for
3 paratransit service.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 66 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 2306. Paratransit service.

9 (a) Third-party presence required.--A third party shall be
10 present in the facility of a paratransit service provider when
11 the paratransit service provider is transporting a minor with a
12 physical disability, an intellectual disability or an autism
13 spectrum disorder.

14 (b) Permissible third parties.--The third party under
15 subsection (a) shall be one of the following:

16 (1) The parent or legal guardian of the minor.

17 (2) An agent of the county agency.

18 (3) A health care practitioner.

1 (c) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection unless the context clearly indicates otherwise:

4 "Agent of the county agency." Includes any of the following:

5 (1) A person or a representative of a person providing
6 child protective services or general protective services, as
7 those terms are defined in 23 Pa.C.S. § 6303 (relating to
8 definitions), to the minor directly or under contract or
9 agreement with the county agency.

10 (2) A staff member of any of the following:

11 (i) A public or private residential child-care
12 facility.

13 (ii) A public or private day-care center, group day-
14 care home or family day-care home.

15 (iii) A public or private social service agency.

16 (iv) A county detention center.

17 (3) An individual residing in the home of a parent or
18 legal guardian of the minor.

19 (4) A school employee of a facility or agency that is an
20 agent of a county agency.

21 "Autism spectrum disorder." As defined in 42 Pa.C.S. § 5992
22 (relating to definitions).

23 "County agency." The county children and youth social
24 service agency established under section 405 of the act of June
25 24, 1937 (P.L.2017, No.396), known as the County Institution
26 District Law, or its successor, and supervised by the department
27 under Article IX of the act of June 13, 1967 (P.L.31, No.21),
28 known as the Human Services Code.

29 "Department." The Department of Human Services of the
30 Commonwealth.

1 "Health care practitioner." An individual who is authorized
2 to practice some component of the healing arts by license,
3 permit, certificate or registration issued by a Commonwealth
4 licensing agency or board.

5 "Intellectual disability." Significantly subaverage general
6 intellectual functioning of an individual that is accompanied by
7 significant limitations in at least two of the following skill
8 areas:

9 (1) Communication.

10 (2) Self-care.

11 (3) Home living.

12 (4) Social and interpersonal.

13 (5) Use of community resources.

14 (6) Self-direction.

15 (7) Functional academic.

16 (8) Work.

17 (9) Health and safety.

18 "Minor." An individual under 18 years of age.

19 "Paratransit service provider." A common carrier that
20 operates on a nonfixed-route basis to provide transportation
21 services to individuals who are functionally unable to use a
22 fixed-route public transportation service as required by the
23 Americans with Disabilities Act of 1990 (Public Law 101-336, 104
24 Stat. 327).

25 "Physical disability." As follows:

26 (1) A permanent or irreversible physical impairment,
27 whether congenital or acquired by accident, injury or
28 disease, that substantially limits one or more major life
29 activities of the individual.

30 (2) For purposes of paragraph (1), major life activities

include, but are not limited to, caring for oneself,
performing manual tasks, seeing, hearing, eating, sleeping,
walking, standing, lifting, bending, speaking, breathing and
working.

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