

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1402 Session of
2001

INTRODUCED BY OLIVER, GANNON, CAPPABIANCA, GEORGE, LEDERER,
FAIRCHILD, PERZEL, CALTAGIRONE, BEBKO-JONES, WOGAN, HORSEY,
CAPPELLI, C. WILLIAMS, CLYMER, DALEY, SHANER, WATERS, MYERS,
MANDERINO, JAMES, SCRIMENTI, CREIGHTON, STURLA, WASHINGTON,
ROEBUCK, LAUGHLIN, THOMAS, J. EVANS, JOSEPHS, YOUNGBLOOD,
ARMSTRONG, STEELMAN AND J. WILLIAMS, APRIL 24, 2001

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, DECEMBER 10, 2001

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for THE DEFINITION <—
3 OF "PUBLIC UTILITY" AND FOR telecommunications services
4 provided to State correctional institutions; AND PROVIDING <—
5 FOR LIMOUSINE SERVICE IN COUNTIES OF THE SECOND CLASS.

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

8 ~~Section 1. Section 2907 of Title 66 of the Pennsylvania~~ <—
9 ~~Consolidated Statutes is amended to read:~~

10 SECTION 1. PARAGRAPH (1) OF THE DEFINITION OF "PUBLIC <—
11 UTILITY" IN SECTION 102 OF TITLE 66 OF THE PENNSYLVANIA
12 CONSOLIDATED STATUTES IS AMENDED BY ADDING A CLAUSE TO READ:
13 § 102. DEFINITIONS.

14 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
15 PROVISIONS OF THIS PART WHICH ARE APPLICABLE TO SPECIFIC
16 PROVISIONS OF THIS PART, THE FOLLOWING WORDS AND PHRASES WHEN

1 USED IN THIS PART SHALL HAVE, UNLESS THE CONTEXT CLEARLY
2 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

3 * * *

4 "PUBLIC UTILITY."

5 (1) ANY PERSON OR CORPORATIONS NOW OR HEREAFTER OWNING
6 OR OPERATING IN THIS COMMONWEALTH EQUIPMENT OR FACILITIES
7 FOR:

8 * * *

9 (VIII) PROVIDING LIMOUSINE SERVICE IN A COUNTY OF
10 THE SECOND CLASS PURSUANT TO SUBCHAPTER B OF CHAPTER 11
11 (RELATING TO LIMOUSINE SERVICE IN COUNTIES OF THE SECOND
12 CLASS).

13 * * *

14 SECTION 2. CHAPTER 11 OF TITLE 66 IS AMENDED BY ADDING A
15 SUBCHAPTER HEADING AND SUBCHAPTER TO READ:

16 CERTIFICATE OF PUBLIC CONVENIENCE

17 SUBCHAPTER A

18 GENERAL PROVISIONS

19 * * *

20 SUBCHAPTER B

21 LIMOUSINE SERVICE IN COUNTIES OF THE SECOND CLASS
22 SEC.

23 1121. DEFINITIONS.

24 1122. CERTIFICATE OF PUBLIC CONVENIENCE REQUIRED.

25 1123. REGULATIONS.

26 1124. MISCELLANEOUS PROVISIONS.

27 § 1121. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
30 CONTEXT CLEARLY INDICATES OTHERWISE:

"COUNTY." A COUNTY OF THE SECOND CLASS.

"LIMOUSINE SERVICE." LOCAL NONSCHEDULED COMMON CARRIER
SERVICE FOR PASSENGERS RENDERED IN LUXURY TYPE VEHICLES FOR
COMPENSATION ON AN EXCLUSIVE BASIS THAT IS ARRANGED IN ADVANCE.

§ 1122. CERTIFICATE OF PUBLIC CONVENIENCE REQUIRED.

(A) GENERAL RULE.--IN ORDER TO OPERATE LIMOUSINE SERVICE IN
A COUNTY OF THE SECOND CLASS, A CERTIFICATE OF PUBLIC
CONVENIENCE MUST BE ISSUED BY THE COMMISSION.

(B) ENFORCEMENT.--THE PROVISIONS OF THIS CHAPTER AND THE
RULES AND REGULATIONS PROMULGATED BY THE COMMISSION PURSUANT TO
THIS CHAPTER SHALL BE ENFORCED IN COUNTIES OF THE SECOND CLASS
BY COMMISSION PERSONNEL.

(C) RESTRICTIONS.--CERTIFICATES ISSUED PURSUANT TO THIS
CHAPTER SHALL BE NONTRANSFERABLE UNLESS A TRANSFER IS APPROVED
BY THE COMMISSION.

§ 1123. REGULATIONS.

THE COMMISSION IS AUTHORIZED TO PRESCRIBE SUCH RULES AND
REGULATIONS AS IT DEEMS NECESSARY TO ADMINISTER AND ENFORCE THIS
SUBCHAPTER.

§ 1124. MISCELLANEOUS PROVISIONS.

(A) PROSECUTION PRESERVED.--NOTHING IN THIS SUBCHAPTER SHALL
BE DEEMED TO LIMIT OR AFFECT PROSECUTIONS FOR VIOLATIONS UNDER
THIS TITLE, TITLE 18 (CRIMES AND OFFENSES), TITLE 75 (VEHICLES)
OF THE PENNSYLVANIA CONSOLIDATED STATUTES OR ANY OTHER PROVISION
OF LAW.

(B) INCONSISTENT PROVISIONS OF LAW.--ANY OTHER LAW OF THIS
COMMONWEALTH FOUND TO BE INCONSISTENT WITH THIS ACT IS HEREBY
REPEALED INsofar AS IT AFFECTS THE REGULATION OF LIMOUSINE
SERVICE IN COUNTIES OF THE SECOND CLASS.

SECTION 3. SECTION 2907 OF TITLE 66 IS AMENDED TO READ:

1 § 2907. State correctional institutions.

2 (a) Identification of calls.--Telecommunication service
3 providers which provide telecommunication services to State
4 correctional institutions shall identify to the called party any
5 call made by an inmate as originating from a correctional
6 institution.

7 [(b) Collect calls.--

8 (1) All calls made by inmates shall be collect calls
9 only.

10 (2) Notwithstanding paragraph (1), in the case of an
11 emergency, the superintendent may authorize a phone call to
12 be made under the supervision of staff. The charge for the
13 call shall be borne by the inmate.]

14 (b) Payment of calls.--

15 (1) The Department of Corrections may direct that calls
16 made by an inmate shall be collect calls.

17 (2) The Department of Corrections may provide guidelines
18 for alternative payment methods for telephone calls made by
19 inmates, provided that the alternative methods are consistent
20 with security needs, orderly operation of the prison and the
21 public interest.

22 (c) No cause of action created.--This section shall not be
23 construed to create any cause of action or any legal right in
24 any person or entity. In addition, this section is not intended
25 to create any right of an inmate to make a telephone call or to
26 compel a particular method of payment.

27 Section 2 4. This act shall take effect immediately.

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