

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 974

Session of
1987

INTRODUCED BY PRESTON, IRVIS, DAWIDA, PISTELLA, TRELLO,
VAN HORNE, OLASZ, McVERRY, SEVENTY, CLARK, ITKIN, LEVDANSKY,
COWELL, PETRONE, MICHLOVIC, GAMBLE, MARKOSEK AND MRKONIC,
APRIL 6, 1987

REFERRED TO COMMITTEE ON URBAN AFFAIRS, APRIL 6, 1987

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

1 authority created under the act; and providing a penalty.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

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

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

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

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

28 (d) A person who violates the provisions of subsection (a)
29 hereof, shall, upon conviction thereof in a summary proceeding,
30 be sentenced to pay a fine of fifty dollars (\$50), and the costs

1 of prosecution and in default of the payment thereof, shall be
2 sentenced to imprisonment for a period not exceeding ten (10)
3 days.

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