
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 753 Session of
2007

INTRODUCED BY MUSTIO, METCALFE, BARRAR, BASTIAN, BELFANTI,
BENNINGHOFF, CAPPELLI, COX, CREIGHTON, DALLY, EVERETT,
FAIRCHILD, GABIG, GEIST, GOODMAN, GRELL, HARHART, HUTCHINSON,
KAUFFMAN, M. KELLER, KENNEY, KORTZ, MAHER, MARSHALL, MILLARD,
R. MILLER, MOUL, NAILOR, O'NEILL, PAYNE, PERRY, PYLE,
QUIGLEY, RAPP, READSHAW, REICHLEY, ROAE, ROHRER, SCHRODER,
SONNEY, R. STEVENSON, SWANGER, TURZAI, VULAKOVICH, WATSON AND
WOJNAROSKI, MARCH 22, 2007

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 22, 2007

AN ACT

1 Prohibiting certain licensees from knowingly employing illegal
2 aliens; and imposing sanctions.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Professional
7 Licensees Illegal Employment Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Licensee." An individual, corporation, partnership, limited
13 liability company or other legal entity that holds a license
14 issued by a licensing board or licensing commission.

15 "Licensing board." Any departmental or administrative board

1 under the Bureau of Professional and Occupational Affairs in the
2 Department of State.

3 "Licensing commission." Any departmental or administrative
4 commission under the Bureau of Professional and Occupational
5 Affairs in the Department of State.

6 "Unauthorized alien." An alien who does not have the legal
7 right or authorization under Federal law to work in the United
8 States, as defined under section 274A of the Immigration and
9 Nationality Act (66 Stat. 163, 8 U.S.C. § 1324a(h)(3)).

10 Section 3. Prohibition.

11 No licensee shall knowingly employ or permit the employment
12 of an unauthorized alien.

13 Section 4. Sanction.

14 (a) Revocation.--If a licensing board or licensing
15 commission finds that a licensee has violated section 3, it
16 shall revoke the license.

17 (b) Administrative agency law.--This section shall be
18 subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and
19 procedure of Commonwealth agencies) and 7 Subch. A (relating to
20 judicial review of Commonwealth agency action).

21 Section 5. Affirmative defense.

22 It shall be an affirmative defense to any proceeding for a
23 violation of this act that a licensee:

24 (1) complied with section 274A of the Immigration and
25 Nationality Act (Public Law 99-603, 8 U.S.C. § 1324a) with
26 respect to hiring, recruiting or referring an individual for
27 employment in the United States; or

28 (2) required any contractor to certify compliance with
29 section 274A of the Immigration and Nationality Act with
30 respect to hiring, recruiting or referring an individual for

1 employment in the United States, and has notified the
2 appropriate Federal authority if the licensee knew that the
3 contractor employed an unauthorized alien.

4 Section 6. Effective date.

5 This act shall take effect in 60 days.