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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 802**      Session of  
2007

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INTRODUCED BY BOSCOLA, APRIL 27, 2007

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
APRIL 27, 2007

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AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, providing for the termination of  
3 telecommunications service used for unlawful transportation  
4 service for property or passengers.

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

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

9 § 2908. Termination of telecommunications service used for  
10 unlawful transportation service.

11 (a) Prohibitions.--Telecommunications service shall not be:

12 (1) used in the offering, providing or brokering of  
13 unlawful transportation service; or

14 (2) furnished when a Federal, State or local law  
15 enforcement entity acting within its jurisdiction advises a  
16 telecommunications carrier, in writing, that the service is  
17 being used or will be used in the furtherance of offering,  
18 providing or brokering of unlawful transportation service.

1 (b) Right to expedited post-service termination hearing.--

2 (1) Any person who or corporation that is aggrieved by  
3 the action of a telecommunications carrier in terminating  
4 telecommunications service under this section shall have the  
5 right to an expedited hearing before the commission upon  
6 request.

7 (2) When terminating telecommunications service under  
8 this section, the telecommunications carrier shall provide  
9 notice to the person or corporation subscribing to the  
10 telecommunications service of the right to request an  
11 expedited hearing before the commission.

12 (c) Burden of proof.--In any proceeding before the  
13 commission under this section and in any hearing or proceeding  
14 on appeal, the burden of proof shall be on the person or  
15 corporation subscribing to the telecommunications service to  
16 show that the service has not been used, is not being used or is  
17 not intended for use in offering or providing unlawful  
18 transportation service.

19 (d) Nonliability of telecommunications carrier.--No  
20 telecommunications carrier, nor any officer, agent or employee  
21 thereof, may be subject to prosecution or liable for any  
22 penalty, forfeiture or damage resulting from the termination of  
23 telecommunications service in accordance with this section.

24 (e) Definitions.--As used in this section, the following  
25 words and phrases shall have the meanings given to them in this  
26 subsection:

27 "Broker." The term shall have the same meaning given to it  
28 under section 2501 (relating to declaration of policy and  
29 definitions).

30 "Brokering." To act as a broker.

1       "Contract carrier by motor vehicle." The term shall have the  
2 same meaning given to it under section 2501 (relating to  
3 declaration of policy and definitions).

4       "Telecommunications carrier." The term shall have the same  
5 meaning given to it under section 3012 (relating to  
6 definitions).

7       "Telecommunications service." The term shall have the same  
8 meaning given to it under section 3012 (relating to  
9 definitions).

10       "Unlawful transportation service." Transportation service by  
11 a common carrier, by motor vehicle or by a contract carrier by  
12 motor vehicle that does not hold the certificates or permits as  
13 required by this part.

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