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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 235 Session of  
2011

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INTRODUCED BY CLYMER, AUMENT, BAKER, BENNINGHOFF, BISHOP, BOYD,  
D. COSTA, DAVIS, DAY, DeLUCA, DENLINGER, EVERETT, GEIST,  
GINGRICH, GODSHALL, GOODMAN, GRELL, HARKINS, HENNESSEY,  
HICKERNELL, KAUFFMAN, KILLION, KNOWLES, KOTIK, KULA, MAHONEY,  
McGEEHAN, MILLARD, M. O'BRIEN, PICKETT, RAPP, READSHAW,  
SANTONI, SONNEY, STERN, J. TAYLOR, VULAKOVICH, WATSON,  
YOUNGBLOOD, JOSEPHS, GILLESPIE, SWANGER, PETRARCA, CURRY,  
MYERS, MICOZZIE AND HARHAI, JANUARY 26, 2011

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 26, 2011

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AN ACT

1 Providing for posting of information relating to the National  
2 Human Trafficking Resource Center Hotline; and imposing  
3 duties on the Department of Labor and Industry, certain  
4 licensing authorities and prothonotaries.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the National  
9 Human Trafficking Resource Center Hotline Act.

10 Section 2. Definitions.

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

14 "Establishment." Includes the following places:

15 (1) Massage parlors, spas or a similar enterprise,  
16 regardless of whether it is required to obtain a license or

1 permit from the Commonwealth for its operation.

2 (2) Restaurants, bars, taverns, hotels or clubs that  
3 have a valid liquor or malt or brewed beverage license under  
4 Article IV of the act of April 12, 1951 (P.L.90, No.21),  
5 known as the Liquor Code.

6 (3) Adult entertainment enterprises featuring nude or  
7 partially nude dancing or providing live adult entertainment.

8 (4) Hotels or motels found to be a drug-related nuisance  
9 under 42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances)  
10 or declared a common nuisance under section 1 of the act of  
11 June 23, 1931 (P.L.1178, No.319), entitled "An act declaring  
12 buildings and parts of buildings used for purposes of  
13 fornication, lewdness, assignation, and prostitution to be  
14 nuisances; providing a method of abating same; establishing a  
15 method of procedure against those who use said buildings, or  
16 parts thereof, for such purposes; and providing penalties for  
17 violations of this act."

18 (5) Airports, train stations and bus stations.

19 (6) Welcome centers and rest areas operated by the  
20 Department of Transportation.

21 (7) Truck stops that cater to long-haul truck drivers  
22 that provide shower facilities for a fee.

23 "Licensing authority." The licensing authority for the  
24 establishment.

25 Section 3. Required posting.

26 (a) Sign.--An establishment shall post a sign indicating  
27 certain information regarding the National Human Trafficking  
28 Resource Center Hotline. The sign shall be no smaller than 8 1/2  
29 inches by 11 inches. Unless stated otherwise in this section, it  
30 shall be posted near the entrance of the establishment or

1 prominently where notices are usually posted. The sign shall  
2 state the following:

3 National Human Trafficking Resource Center Hotline at  
4 1-888-373-7888

5 If you or someone you know is being forced to engage in  
6 any activity and cannot leave - whether it is commercial  
7 sex, housework, farm work or any other activity - call  
8 the National Human Trafficking Hotline at 1-888-373-7888  
9 to access help and services.

10 Victims of human trafficking are protected under United  
11 States and Pennsylvania law.

12 The hotline is:

13 Anonymous and confidential

14 Available 24/7

15 Toll free

16 Operated by a nongovernmental, nonprofit organization

17 Accessible in 170 languages

18 Able to provide help, referral to services, training  
19 and general information.

20 (b) Posting.--

21 (1) Establishments under paragraph (4) of the definition  
22 of "establishment" in section 2 shall post the sign required  
23 in subsection (a) on the inside face of the main door leading  
24 directly into each unit.

25 (2) Establishments under paragraph (2), (5), (6) or (7)  
26 of the definition of "establishment" in section 2 shall post  
27 the sign required in subsection (a) inside all restrooms  
28 either:

29 (i) on the inside of each stall door; or

30 (ii) on the back of the restroom door.

1 (c) Language.--The sign shall be posted in English, Spanish  
2 and any other language mandated by the Voting Rights Act of 1965  
3 (Public Law 89-110, 42 U.S.C. § 1973 et seq.) in the county  
4 where the sign will be posted.

5 (d) Font.--The title of the sign, the National Human  
6 Trafficking Resource Center Hotline at 1-888-373-7888, shall be  
7 boldfaced, underlined and no smaller than 28-point font size.

8 (e) Notice.--

9 (1) The licensing authority shall provide notice of this  
10 section and the sign required by subsection (a) on its  
11 Internet website for establishments to print as needed.

12 (2) The Department of Labor and Industry shall provide  
13 the sign required by subsection (a) on its Internet website  
14 for establishments to print as needed.

15 Section 4. Enforcement.

16 (a) Complaints.--A complaint regarding a possible violation  
17 of this act shall be made to the appropriate law enforcement  
18 agency or to the licensing authority. A complaint to the  
19 licensing authority shall be made in one of the following  
20 manners:

21 (1) In writing.

22 (2) By telephone call to the licensing authority's toll-  
23 free telephone number.

24 (3) By an electronic submission to the licensing  
25 authority's regularly maintained Internet website.

26 (b) Responsibilities.--

27 (1) Except as provided under paragraph (2), upon receipt  
28 of a complaint by the licensing authority, the following  
29 apply:

30 (i) Except as set forth under subparagraph (ii), the

1           licensing authority shall investigate the complaint and  
2           enforce this act.

3           (ii) If the establishment is subject to licensure by  
4           the Commonwealth, the licensing authority shall refer the  
5           complaint to the appropriate licensing agency for  
6           investigations and enforcement of this act.

7           (2) If the complaint is made to a law enforcement agency  
8           regarding an establishment, the agency shall investigate the  
9           complaint and enforce this act.

10 Section 5. Violations, affirmative defenses and penalties.

11           (a) Violations.--It is a violation of this act to fail to  
12           post a sign as required by section 3.

13           (b) Affirmative defenses.--

14           (1) Any of the following shall be an affirmative defense  
15           to a prosecution or imposition of an administrative penalty  
16           under this act:

17           (i) When the violation occurred, the actual control  
18           of the establishment was not exercised by the owner,  
19           operator or manager but by a lessee.

20           (ii) The owner, operator or manager made a good  
21           faith effort to post the required sign.

22           (2) The owner, operator or manager asserting the  
23           affirmative defense shall do so in the form of a sworn  
24           affidavit setting forth the relevant information under  
25           paragraph (1)(i) or (ii).

26           (c) Civil and Commonwealth administrative penalties.--

27           (1) In addition to another remedy available at law or in  
28           equity for a violation of this section, the licensing  
29           authority may assess a civil penalty as set forth under  
30           paragraph (2) upon a person for a violation of this section.

1 In assessing a civil penalty, the licensing authority shall  
2 give notice to the person and shall provide an opportunity  
3 for a hearing. The civil penalty shall be payable to the  
4 licensing authority and shall be collectible in a manner  
5 provided by law for the collection of debt.

6 (2) (i) For a first violation, if the licensing  
7 authority determines that a person violated subsection  
8 (a), the person shall be issued a written warning.

9 (ii) For a second or subsequent violation, if the  
10 licensing authority determines that a person violated  
11 subsection (a), the person shall be subject to a fine of  
12 not more than \$250.

13 (iii) If the licensing authority determines that a  
14 person violated subsection (a) within one year of a  
15 violation under subparagraph (ii), the person shall be  
16 subject to a penalty of not more than \$500.

17 (iv) If the licensing authority determines that a  
18 person violated subsection (a) within one year of a  
19 violation under subparagraph (iii), the person shall be  
20 subject to a penalty of not more than \$1,000.

21 (3) This subsection is subject to 2 Pa.C.S. (relating to  
22 administrative law and procedure).

23 (4) The penalties collected under this subsection shall  
24 be retained by the licensing authority initiating the  
25 enforcement action.

26 (d) Criminal penalties.--

27 (1) A person that violates this act commits a summary  
28 offense and shall, upon conviction, be sentenced to pay a  
29 fine of not more than \$250.

30 (2) A person that violates this act within one year of

1 being sentenced under paragraph (1) commits a summary offense  
2 and shall, upon conviction, be sentenced to pay a fine of not  
3 more than \$500.

4 (3) A person that violates this act within one year of  
5 being sentenced under paragraph (2) commits a misdemeanor of  
6 the third degree and shall, upon conviction, be sentenced to  
7 pay a fine of not more than \$1,000.

8 (4) The following apply to actions by law enforcement  
9 officers:

10 (i) Except as set forth in subparagraph (ii), the  
11 penalties collected under this subsection shall be  
12 retained by the municipality in which the law enforcement  
13 agency initiating the enforcement action is located.

14 (ii) If an enforcement action is initiated by the  
15 Pennsylvania State Police, the Pennsylvania State Police  
16 shall retain the penalties collected under this  
17 subsection.

18 Section 6. Effective date.

19 This act shall take effect in 60 days.