

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 338 Session of 2011

INTRODUCED BY LEACH, FONTANA, STACK, TARTAGLIONE, WILLIAMS, WASHINGTON, VANCE, BRUBAKER AND FARNESE, JANUARY 28, 2011

SENATOR GORDNER, LABOR AND INDUSTRY, AS AMENDED, OCTOBER 18, 2011

AN ACT

1 ~~Providing for the National Human Trafficking Resource Center~~ ←
2 ~~Hotline Act; and imposing duties on prothonotaries.~~
3 PROVIDING FOR THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER ←
4 HOTLINE NOTIFICATION ACT; AND IMPOSING DUTIES ON THE
5 DEPARTMENT OF LABOR AND INDUSTRY.

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

8 ~~Section 1. Short title.~~ ←

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

11 ~~Section 2. Required posting.~~

12 ~~(a) Sign. An establishment shall post a sign indicating~~
13 ~~certain information regarding the National Human Trafficking~~
14 ~~Resource Center Hotline. The sign shall be no smaller than 8 1/2~~
15 ~~inches by 11 inches. Unless stated otherwise in this section, it~~
16 ~~shall be posted near the entrance of the establishment or~~
17 ~~prominently where notices are usually posted. The sign shall~~
18 ~~state the following:~~

19 ~~National Human Trafficking Resource Center Hotline at~~

1 ~~1-888-373-7888~~

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

7 ~~Victims of human trafficking are protected under United~~
8 ~~States and Pennsylvania law.~~

9 ~~The hotline is:~~

10 ~~Anonymous and confidential~~

11 ~~Available 24/7~~

12 ~~Toll free~~

13 ~~Operated by a nongovernmental, nonprofit organization~~

14 ~~Accessible in 170 languages~~

15 ~~Able to provide help, referral to services, training~~
16 ~~and general information.~~

17 ~~(b) Posting.—~~

18 ~~(1) Establishments shall post the sign on the inside~~
19 ~~face of the main door leading directly into each unit.~~

20 ~~(2) Establishments shall post the sign required in~~
21 ~~subsection (a) inside all restrooms either:~~

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

23 ~~(ii) on the back of the restroom door.~~

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

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

1 ~~(e) Notice.~~

2 ~~(1) The authority responsible for licensing the type of~~
3 ~~establishment shall provide notice of this section and the~~
4 ~~sign required by subsection (a) on its Internet website for~~
5 ~~establishments to print as needed.~~

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

9 ~~(f) Civil penalty. In addition to any other remedy~~
10 ~~available at law or in equity for a violation of this section,~~
11 ~~the licensing authority for the establishment may assess a civil~~
12 ~~penalty upon a person for a violation of this section. In~~
13 ~~assessing a civil penalty, the licensing authority shall give~~
14 ~~notice to the person and shall provide an opportunity for a~~
15 ~~hearing. The civil penalty assessed shall not exceed \$500. The~~
16 ~~civil penalty shall be payable to the Department of Labor and~~
17 ~~Industry and shall be collectible in a manner provided by law~~
18 ~~for the collection of debt.~~

19 ~~(g) Hearing. A hearing regarding a civil penalty imposed~~
20 ~~under subsection (f) shall be conducted under 2 Pa.C.S.~~
21 ~~(relating to administrative law and procedure).~~

22 ~~(h) Lien. If a person liable to pay a civil penalty imposed~~
23 ~~under subsection (f) neglects or refuses to pay it after demand,~~
24 ~~the amount of the civil penalty, together with interest and~~
25 ~~other costs that may accrue, shall be a lien in favor of the~~
26 ~~Commonwealth upon the real and personal property of the person~~
27 ~~after the lien has been entered and docketed of record by the~~
28 ~~prothonotary of the county where the property is situated.~~

29 ~~(i) Duties of prothonotary. Upon receipt of the certified~~
30 ~~copy of the lien, it is the duty of the prothonotary to:~~

1 ~~(1) Enter and docket the lien in the records of his~~
2 ~~office.~~

3 ~~(2) Index the lien as judgments are indexed without~~
4 ~~requiring the payment of costs as a condition precedent to~~
5 ~~entry.~~

6 ~~(j) Definition. As used in this section, the term~~
7 ~~"establishment" means the following places:~~

8 ~~(1) A massage parlor, spa or a similar enterprise,~~
9 ~~regardless of whether it is required to obtain a license or~~
10 ~~permit from the Commonwealth for its operation.~~

11 ~~(2) A restaurant, bar, tavern, hotel or club that has a~~
12 ~~valid liquor or malt or brewed beverage license under Article~~
13 ~~IV of the act of April 12, 1951 (P.L.90, No.21), known as the~~
14 ~~Liquor Code.~~

15 ~~(3) An adult entertainment enterprise featuring nude or~~
16 ~~partially nude dancing or providing live adult entertainment.~~

17 ~~(4) A hotel or motel found to be a drug related nuisance~~
18 ~~under 42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances)~~
19 ~~or declared a common nuisance under section 1 of the act of~~
20 ~~June 23, 1931 (P.L.1178, No.319), entitled "An act declaring~~
21 ~~buildings and parts of buildings used for purposes of~~
22 ~~fornication, lewdness, assignation, and prostitution to be~~
23 ~~nuisances; providing a method of abating same; establishing a~~
24 ~~method of procedure against those who use said buildings, or~~
25 ~~parts thereof, for such purposes; and providing penalties for~~
26 ~~violations of this act."~~

27 ~~(5) An airport, train station or bus station.~~

28 ~~(6) A welcome center or rest area operated by the~~
29 ~~Department of Transportation.~~

30 ~~Section 3. Effective date.~~

1 ~~This act shall take effect in 60 days.~~

2 SECTION 1. SHORT TITLE. ←

3 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE NATIONAL
4 HUMAN TRAFFICKING RESOURCE CENTER HOTLINE NOTIFICATION ACT.

5 SECTION 2. REQUIRED POSTING.

6 (A) SIGN.--AN ESTABLISHMENT DEFINED UNDER SUBSECTION (G)
7 SHALL POST A SIGN CONTAINING INFORMATION REGARDING THE NATIONAL
8 HUMAN TRAFFICKING RESOURCE CENTER HOTLINE. ANY OTHER
9 ESTABLISHMENT OR BUSINESS MAY POST A SIGN.

10 (B) POSTING.--ESTABLISHMENTS SHALL POST AT LEAST ONE SIGN IN
11 A CONSPICUOUS MANNER CLEARLY VISIBLE TO THE PUBLIC AND EMPLOYEES
12 OF THE ESTABLISHMENT.

13 (C) SIZE, INFORMATION AND DESIGN.--THE SIGN SHALL BE NO
14 SMALLER THAN 8½ BY 11 INCHES.

15 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DESIGN
16 THE SIGN TO INCLUDE THE FOLLOWING INFORMATION:

17 (I) THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER
18 HOTLINE AT 1-888-373-7888.

19 (II) VICTIMS OF HUMAN TRAFFICKING ARE PROTECTED
20 UNDER UNITED STATES AND PENNSYLVANIA LAW.

21 (2) THE DEPARTMENT OF LABOR AND INDUSTRY MAY CONSULT
22 WITH HUMAN TRAFFICKING VICTIM ADVOCATES TO DETERMINE OTHER
23 INFORMATION THAT MAY BE INCLUDED ON THE SIGN.

24 (3) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DESIGN
25 THE SIGN TO DRAW ATTENTION TO THE TELEPHONE NUMBER OF THE
26 NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE BY SHOWING
27 THE NUMBER IN BOLD TYPE AND LARGE FONT.

28 (4) THE SIGN SHALL BE POSTED IN ENGLISH, SPANISH AND ANY
29 OTHER LANGUAGE MANDATED BY THE VOTING RIGHTS ACT OF 1965
30 (PUBLIC LAW 89-110, 42 U.S.C. § 1973 ET SEQ.) IN THE COUNTY

1 WHERE THE SIGN WILL BE POSTED.

2 (D) NOTICE.--

3 (1) THE AUTHORITY RESPONSIBLE FOR LICENSING THE
4 ESTABLISHMENTS AS DEFINED IN SUBSECTION (G) SHALL PROVIDE
5 NOTICE OF THIS SECTION.

6 (2) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL PROVIDE
7 THE SIGN REQUIRED BY SUBSECTION (A) ON ITS INTERNET WEBSITE
8 FOR ESTABLISHMENTS TO PRINT AS NEEDED.

9 (E) CIVIL PENALTY.--IN ADDITION TO ANY OTHER REMEDY
10 AVAILABLE AT LAW OR IN EQUITY FOR A VIOLATION OF THIS SECTION,
11 THE LICENSING AUTHORITY FOR THE ESTABLISHMENT MAY ASSESS A CIVIL
12 PENALTY UPON A PERSON FOR A VIOLATION OF THIS SECTION. IN
13 ASSESSING A CIVIL PENALTY, THE LICENSING AUTHORITY SHALL GIVE
14 NOTICE TO THE PERSON AND SHALL PROVIDE AN OPPORTUNITY FOR A
15 HEARING. THE CIVIL PENALTY ASSESSED SHALL NOT EXCEED \$500. THE
16 CIVIL PENALTY SHALL BE PAYABLE TO THE DEPARTMENT OF LABOR AND
17 INDUSTRY AND SHALL BE COLLECTIBLE IN A MANNER PROVIDED BY LAW
18 FOR THE COLLECTION OF DEBT.

19 (F) HEARING.--A HEARING REGARDING A CIVIL PENALTY IMPOSED
20 UNDER SUBSECTION (E) SHALL BE CONDUCTED UNDER 2 PA.C.S.
21 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

22 (G) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM
23 "ESTABLISHMENT" MEANS THE FOLLOWING PLACES:

24 (1) A MASSAGE PARLOR, SPA OR A SIMILAR ENTERPRISE,
25 REGARDLESS OF WHETHER IT IS REQUIRED TO OBTAIN A LICENSE OR
26 PERMIT FROM THE COMMONWEALTH FOR ITS OPERATION.

27 (2) A RESTAURANT, BAR, TAVERN, HOTEL OR CLUB THAT HAS A
28 VALID LIQUOR OR MALT OR BREWED BEVERAGE LICENSE UNDER ARTICLE
29 IV OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE
30 LIQUOR CODE.

1 (3) AN ADULT ENTERTAINMENT ENTERPRISE FEATURING NUDE OR
2 PARTIALLY NUDE DANCING OR PROVIDING LIVE ADULT ENTERTAINMENT.

3 (4) A HOTEL OR MOTEL FOUND TO BE A DRUG-RELATED NUISANCE
4 UNDER 42 PA.C.S. CH. 83 SUBCH. H (RELATING TO DRUG NUISANCES)
5 OR DECLARED A COMMON NUISANCE UNDER SECTION 1 OF THE ACT OF
6 JUNE 23, 1931 (P.L.1178, NO.319), ENTITLED "AN ACT DECLARING
7 BUILDINGS AND PARTS OF BUILDINGS USED FOR PURPOSES OF
8 FORNICATION, LEWDNESS, ASSIGNATION, AND PROSTITUTION TO BE
9 NUISANCES; PROVIDING A METHOD OF ABATING SAME; ESTABLISHING A
10 METHOD OF PROCEDURE AGAINST THOSE WHO USE SAID BUILDINGS, OR
11 PARTS THEREOF, FOR SUCH PURPOSES; AND PROVIDING PENALTIES FOR
12 VIOLATIONS OF THIS ACT."

13 (5) AN AIRPORT, TRAIN STATION OR BUS STATION.

14 (6) A WELCOME CENTER OR REST AREA OPERATED BY THE
15 DEPARTMENT OF TRANSPORTATION.

16 (7) A FULL-SERVICE COMMERCIAL TRUCK STOP.

17 SECTION 3. EFFECTIVE DATE.

18 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.