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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 330 Session of  
2017

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INTRODUCED BY D. COSTA, McNEILL, CALTAGIRONE, V. BROWN, JOZWIAK  
AND NEILSON, FEBRUARY 3, 2017

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 3, 2017

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AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, in common carriers, providing for  
3 paratransit service.

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

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

8 § 2306. Paratransit service.

9 (a) Third-party presence required.--A third party shall be  
10 present in the facility of a common carrier when the common  
11 carrier is transporting a minor with a handicap or disability  
12 and the minor's parent or legal guardian is not present during  
13 the paratransit service.

14 (b) Permissible third parties.--The third party described  
15 under subsection (a) shall be one of the following:

16 (1) An agent of the county agency.

17 (2) A health care practitioner.

18 (3) An individual who is permitted to operate a vehicle

1 under the common carrier as a result of having passed the  
2 criminal history and driving history investigations and  
3 satisfying the other requirements to become a driver for the  
4 common carrier.

5 (4) An individual approved by the department.

6 (c) Definitions.--As used in this section, the following  
7 words and phrases shall have the meanings given to them in this  
8 subsection unless the context clearly indicates otherwise:

9 "Agent of the county agency." The following shall apply:

10 (1) The term includes any of the following:

11 (i) A person or representative of a person providing  
12 child protective services or general protective services,  
13 as those terms are defined under 23 Pa.C.S. § 6303  
14 (relating to definitions), to the minor directly or under  
15 contract or agreement with a county agency.

16 (ii) A preadoptive parent of the minor.

17 (iii) A foster parent of the minor.

18 (iv) A staff member or volunteer of any of the  
19 following:

20 (A) A public or private residential child-care  
21 facility.

22 (B) A public or private day-care center, group  
23 day-care home or family day-care home.

24 (C) A public or private social service agency.

25 (D) A county detention center.

26 (v) An individual residing in the home of a foster  
27 parent or preadoptive parent of the minor.

28 (vi) A school employee of a facility or agency that  
29 is an agent of a county agency.

30 (2) The term does not include staff of a Commonwealth-

1 operated youth development center or youth forestry camp.  
2 "County agency." The county children and youth social  
3 service agency established under section 405 of the act of June  
4 24, 1937 (P.L.2017, No.396), known as the County Institution  
5 District Law, or its successor, and supervised by the department  
6 under Article IX of the act of June 13, 1967 (P.L.31, No.21),  
7 known as the Human Services Code.

8 "Department." The Department of Human Services of the  
9 Commonwealth.

10 "Handicap or disability." Includes the following:

11 (1) A physical or mental impairment that substantially  
12 limits at least one major life activity.

13 (2) A record of an impairment.

14 (3) Being regarded as having an impairment.

15 "Health care practitioner." An individual who is authorized  
16 to practice some component of the healing arts by a license,  
17 permit, certificate or registration issued by a Commonwealth  
18 licensing agency or board.

19 "Major life activity." Includes any of the following:

20 (1) Caring for oneself.

21 (2) Performing manual tasks.

22 (3) Walking.

23 (4) Seeing.

24 (5) Hearing.

25 (6) Speaking.

26 (7) Breathing.

27 (8) Learning.

28 (9) Working.

29 "Minor." An individual under 18 years of age.

30 "Paratransit service." Transit service operating on a

1 nonfixed-route basis to provide complementary transportation  
2 service to individuals who are functionally unable to use a  
3 fixed-route public transportation service as required by the  
4 Americans with Disabilities Act of 1990 (Public Law 101-336, 104  
5 Stat. 327).

6 "Physical or mental impairment." Either of the following:

7 (1) A physiological disorder or condition, cosmetic  
8 disfigurement or anatomical loss affecting one or more of the  
9 following body systems:

10 (i) Neurological.

11 (ii) Musculoskeletal.

12 (iii) Special sense organs.

13 (iv) Respiratory, including speech organs.

14 (v) Cardiovascular.

15 (vi) Reproductive.

16 (vii) Digestive.

17 (viii) Genitourinary.

18 (ix) Hemic and lymphatic.

19 (x) Skin.

20 (xi) Endocrine.

21 (2) A mental or psychological disorder, such as mental  
22 illness, or a specific learning disability.

23 "Record of an impairment." A history of or misclassification  
24 as having a physical or mental impairment that substantially  
25 limits at least one major life activity.

26 "Regarded as having an impairment." Any of the following:

27 (1) A physical or mental impairment that does not  
28 substantially limit a major life activity but that is treated  
29 by an employer or owner, operator or provider of a public  
30 accommodation as constituting a limitation.

1           (2) A physical or mental impairment that substantially  
2 limits at least one major life activity only as a result of  
3 the attitudes of others toward the impairment.

4           (3) None of the impairments defined in paragraph (1) or  
5 (2) but a condition that is treated by an employer or owner,  
6 operator or provider of a public accommodation as an  
7 impairment.

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