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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 253 Session of  
2019

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INTRODUCED BY PHILLIPS-HILL, FOLMER, J. WARD AND BROWNE,  
APRIL 8, 2019

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REFERRED TO INTERGOVERNMENTAL OPERATIONS, APRIL 8, 2019

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AN ACT

1 Providing for regulatory compliance.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the State Agency  
6 Regulatory Compliance Officer Act.

7 Section 2. Findings and declarations.

8 The General Assembly finds and declares as follows:

9 (1) It is the purpose of this act for agencies to work  
10 collaboratively with, instead of acting punitively towards,  
11 regulated communities.

12 (2) Agencies should strive to make the regulations which  
13 the agencies administer and enforce as clear and easily  
14 navigable as possible for regulated communities.

15 (3) In administering a regulation, an agency's primary  
16 goal should be to ensure compliance rather than to exact  
17 punishment.

1 Section 3. Definitions.

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

5 "Agency." As defined in section 3 of the act of June 25,  
6 1982 (P.L.633, No.181), known as the Regulatory Review Act.

7 Section 4. Powers and duties.

8 Each agency shall have the following powers and duties:

9 (1) To designate an employee as the agency's regulatory  
10 compliance officer.

11 (2) To empower the regulatory compliance officer under  
12 paragraph (1) to develop agency policies and initiatives to  
13 further the purpose of this act, including, but not limited  
14 to, the following:

15 (i) educating the regulated community regarding the  
16 implementation of new or amended statutes and regulations  
17 prior to the effective date of implementation, to the  
18 extent practicable and during implementation;

19 (ii) establishing clear channels of communication  
20 through which members of regulated communities can  
21 contact the agency with questions or concerns regarding  
22 regulations;

23 (iii) working with regulated communities to resolve  
24 noncompliance issues before imposing penalties; and

25 (iv) providing a detailed explanation of each  
26 regulatory requirement under the agency's jurisdiction,  
27 including expectations for compliance, guidelines for  
28 measuring compliance and the primary benefit of each  
29 requirement.

30 (3) To empower the regulatory compliance officer to

1 issue to any person, upon the person's request, an opinion  
2 with respect to the person's duties under a regulation of the  
3 agency. The opinion shall be provided within 20 business days  
4 of the request, provided that the time may be extended for  
5 good cause. The opinion, or the agency's failure to provide  
6 an opinion upon request, shall be a complete defense in any  
7 enforcement proceeding initiated by the agency and evidence  
8 of good faith conduct in any other civil or criminal  
9 proceeding if the requester, at least 20 business days prior  
10 to the alleged violation, requested written advice from the  
11 agency's regulatory compliance officer in good faith,  
12 disclosed truthfully all the material facts and committed the  
13 acts complained of either in reliance on the advice, or  
14 because of the failure of the agency to provide advice within  
15 20 business days, or any later extended time, of the request.

16 (4) To empower the regulatory compliance officer to  
17 establish guidelines for waiving any fines or penalties that  
18 the officer's agency would be authorized to impose on a  
19 regulated entity for a violation of a statute or regulation  
20 that the agency enforces if the entity reports a violation to  
21 the regulatory compliance officer before a fine or penalty is  
22 imposed on the entity. In order to be eligible for a waiver  
23 of fines or penalties, the regulated entity must report to  
24 the regulatory compliance officer the steps it has taken or  
25 will take to remedy the violation.

26 (5) To empower the regulatory compliance officer to  
27 request and obtain any information or advice from other staff  
28 of the agency that the officer may need to fulfill the duties  
29 of the compliance officer position.

30 (6) To establish clear channels of communication through

1       which businesses seeking to become members of regulated  
2       communities can contact the agency with questions or concerns  
3       relating to starting a business and future compliance with  
4       regulations.

5 Section 5. Annual report.

6       No later than January 31 of each year, each agency shall  
7       submit to the General Assembly an annual report detailing all of  
8       the following:

9           (1) The progress made by the agency and the regulatory  
10       compliance officer in the preceding calendar year towards  
11       compliance with this act.

12          (2) The number of regulated communities served.

13          (3) The type of regulated communities served.

14 Section 6. Effective date.

15       This act shall take effect in 60 days.