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Legislative Reference Bureau

INTRODUCED _____

By Young, Regina G. **District**
NO. 185

By _____ **District**
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By _____ **District**
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By _____ **District**
NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date	_____
Reported	_____
As Committed-Amended	
Recomendation	_____
By Hon.	_____

AN ACT

1 Amending the act of October 25, 2012 (P.L.1618, No.197),
2 entitled "An act providing for the National Human Trafficking
3 Resource Center Hotline Notification Act; imposing duties on
4 the Department of Labor and Industry; and prescribing
5 penalties," further providing for definitions; providing for
6 training regarding public lodging establishments and for
7 training regarding third-party listing platforms; and further
8 providing for enforcement, for violation, for affirmative
9 defenses, for administrative penalties and for criminal
10 penalties.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The definition of "establishment" in section 2 of
14 the act of October 24, 2012 (P.L.1618, No.197), known as the
15 National Human Trafficking Resource Center Hotline Notification
16 Act, is amended and the section is amended by adding
17 definitions to read:

18 Section 2. Definitions.

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

1 * * *

2 "Establishment." Includes:

3 (1) A personal service establishment.

4 (2) A drinking establishment.

5 (3) An adult entertainment enterprise featuring nude or
6 partially nude dancing or providing live adult entertainment.

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

17 (5) An airport, train station or bus station.

18 (6) A welcome center or rest area operated by the
19 Department of Transportation or the Pennsylvania Turnpike
20 Commission.

21 (7) A full-service truck stop as defined in section 2 of
22 the act of June 13, 2008 (P.L.182, No.27), known as the Clean
23 Indoor Air Act.

24 (8) A public lodging establishment.

25 * * *

26 "Public lodging establishment." A hotel, motel, inn or
27 similar business entity in this Commonwealth that offers more
28 than 10 rooms to the public for temporary lodging for a fee.

29 "Rental operator." A property owner, management company or
30 entity that operates a short-term rental.

1 "Short-term rental." As follows:

2 (1) A residential property or multifamily property
3 offered for rent to a transient individual for profit for a
4 period less than 30 consecutive days.

5 (2) The term does not include a public lodging
6 establishment.

7 "Third-party listing platform." An electronically accessible
8 technology used as a base for a rental operator to contact a
9 potential renter for the purpose of entering into a contract for
10 a short-term rental.

11 Section 2. The act is amended by adding sections to read:

12 Section 3.1. Training regarding public lodging establishments.

13 (a) Requirement.--Except as provided in subsection (b), each
14 owner, operator or manager of a public lodging establishment
15 shall provide human trafficking awareness training to employees
16 of the public lodging establishment. The following apply:

17 (1) For an employee who is employed by the public
18 lodging establishment before the effective date of this
19 paragraph, the training shall occur no later than 90 days
20 after the effective date of this paragraph.

21 (2) For an employee who is hired by the public lodging
22 establishment on or after the effective date of this
23 paragraph, the training shall occur no later than 90 days
24 after the date of hiring.

25 (b) Alternate training.--Notwithstanding subsection (a), if
26 an employee is employed by a public lodging establishment before
27 the effective date of this subsection or is hired by a public
28 lodging establishment on or after the effective date of this
29 subsection, the training requirements under subsection (a) do
30 not apply if the employee has already completed human

1 trafficking awareness training that is approved by the
2 Department of Labor and Industry and can provide a record of
3 completion of the training to the owner, operator or manager of
4 the public lodging establishment.

5 (c) Effective period.--The training for an employee under
6 subsection (a) and the alternate training under subsection (b)
7 shall be effective after the completion of the training by the
8 employee and for a period of two years.

9 (d) Acknowledgment or record of completion.--

10 (1) Each employee who receives the required training
11 under subsection (a) shall submit to the owner, operator or
12 manager of the public lodging establishment a signed and
13 dated acknowledgment of having received the training.

14 (2) Each employee who received the alternate training
15 under subsection (b) shall submit to the owner, operator or
16 manager of the public lodging establishment a copy of the
17 record of completion of the training.

18 (3) The owner, operator or manager of the public lodging
19 establishment shall provide the employee's acknowledgment
20 under paragraph (1) or copy of the record of completion under
21 paragraph (2) to any appropriate licensing agency or law
22 enforcement agency upon request.

23 (4) The employee's acknowledgment under paragraph (1) or
24 copy of the record of completion under paragraph (2) may be
25 in digital or paper form.

26 (e) Components.--The required training under this section
27 must include or have included the following components:

28 (1) The definition of human trafficking and commercial
29 exploitation of children.

30 (2) Guidance on how to identify individuals at risk for

1 trafficking.

2 (3) Guidance on how to identify the signs of trafficking
3 and individuals potentially engaged in the act of
4 trafficking.

5 (4) An explanation of the differences between labor
6 trafficking and sex trafficking, specific to the public
7 lodging establishment sector.

8 (5) Guidance on the role of hospitality employees in
9 reporting and responding to labor trafficking and sex
10 trafficking.

11 (6) The contact information for the Pennsylvania State
12 Police.

13 (f) Maintaining and providing records.--Each owner, operator
14 or manager of a public lodging establishment shall maintain
15 records that an employee received the training under subsection
16 (a) or (b). The following apply:

17 (1) The records may be maintained in digital or paper
18 form.

19 (2) The records shall be maintained for the period
20 during which the employee is employed by the public lodging
21 establishment and for two years thereafter.

22 (3) The owner, operator or manager of the public lodging
23 establishment shall make the records available to the
24 Department of Labor and Industry and law enforcement agencies
25 upon request.

26 (4) Failure to maintain or provide the records shall
27 subject the owner, operator or manager of the public lodging
28 establishment to appropriate action in accordance with
29 section 7(a).

30 (g) Training material.--

1 (1) Each owner, operator or manager of a public lodging
2 establishment, or an organization whose focus involves the
3 awareness or reduction of human trafficking activities, shall
4 submit proposed human trafficking awareness training
5 material, to be used in a human trafficking awareness
6 training program required under this section, to the
7 Department of Labor and Industry for review and approval.

8 (2) Within 60 days of the submittal of the proposed
9 material under paragraph (1), the Department of Labor and
10 Industry shall approve or disapprove the material and its use
11 in the program.

12 (3) If the Department of Labor and Industry does not
13 render a decision on approval or disapproval within the time
14 frame specified under paragraph (2), the material and its use
15 in the program shall be deemed approved.

16 Section 3.2. Training regarding third-party listing platforms.

17 (a) Requirements.--Except as provided in subsection (b),
18 each third-party listing platform shall provide human
19 trafficking awareness training to a rental operator and shall
20 certify, through a method provided by the third-party listing
21 platform, that the rental operator has received the human
22 trafficking awareness training. The following apply:

23 (1) For a rental operator that is operational before the
24 effective date of this paragraph, the training and
25 certification shall occur no later than 90 days after the
26 effective date of this paragraph.

27 (2) For a rental operator that becomes operational on or
28 after the effective date of this paragraph, the training and
29 certification shall occur before the short-term rental
30 commences.

1 (b) Alternate training.--Notwithstanding subsection (a), if
2 a rental operator is operational before the effective date of
3 this subsection or becomes operational on or after the effective
4 date of this subsection, the training requirements under
5 subsection (a) do not apply if the rental operator has already
6 completed human trafficking awareness training that is approved
7 by the Department of Labor and Industry and can provide a record
8 of completion of the training to the third-party listing
9 platform.

10 (c) Effective period.--The training for a rental operator
11 under subsection (a) and the alternate training under subsection
12 (b) shall be effective after the completion of the training by
13 the rental operator and for a period of two years.

14 (d) Acknowledgment or record of completion.--

15 (1) Each rental operator that receives the required
16 training under subsection (a) shall submit to the third-party
17 listing platform a signed and dated acknowledgment, through a
18 method provided by the third-party listing platform, of
19 having received the training.

20 (2) Each rental operator who received the alternate
21 training under subsection (b) shall submit to the third-party
22 listing platform a copy of the record of completion of the
23 training.

24 (3) The third-party listing platform shall provide the
25 rental operator's acknowledgment under paragraph (1) or copy
26 of the record of completion under paragraph (2) to any
27 appropriate licensing agency or law enforcement agency upon
28 request.

29 (4) The rental operator's acknowledgment under paragraph
30 (1) or copy of the record of completion under paragraph (2)

1 may be in digital or paper form.

2 (5) Each third-party listing platform shall provide
3 confirmation to the rental operator upon the submission of
4 acknowledgment of completion of the training by the rental
5 operator.

6 (e) Components.--The training under subsection (a) shall
7 include the components specified in section 3.1(d).

8 (f) Maintaining and providing records.--Each third-party
9 listing platform shall maintain records that a rental operator
10 received the training under subsection (a) or (b). The following
11 apply:

12 (1) The records may be maintained in digital or paper
13 form.

14 (2) The records shall be maintained for the period
15 during which the rental operator utilizes the third-party
16 listing platform and for two years thereafter.

17 (3) The third-party listing platform shall make the
18 records available to the Department of Labor and Industry,
19 licensing agencies and law enforcement agencies upon request.

20 (4) Failure to maintain or provide the records shall
21 subject the third-party listing platform to appropriate
22 action in accordance with section 7(a).

23 (g) Training material.--

24 (1) Each third-party listing platform, or an
25 organization whose focus involves the awareness or reduction
26 of human trafficking activities, shall submit proposed human
27 trafficking awareness training material, to be used in a
28 human trafficking awareness training program required under
29 this section, to the Department of Labor and Industry for
30 review and approval.

1 (2) Within 60 days of the submittal of the proposed
2 material under paragraph (1), the Department of Labor and
3 Industry shall approve or disapprove the material and its use
4 in the program.

5 (3) If the Department of Labor and Industry does not
6 render a decision on approval or disapproval within the time
7 frame specified under paragraph (2), the material and its use
8 in the program shall be deemed approved.

9 Section 3. Section 4(b) of the act is amended by adding
10 paragraphs to read:

11 Section 4. Enforcement.

12 * * *

13 (b) Responsibilities.--

14 * * *

15 (3) If a request is made to a public lodging
16 establishment by an appropriate licensing agency or law
17 enforcement agency in accordance with section 3.1(c), the
18 owner, operator or manager of the public lodging
19 establishment shall provide any training acknowledgment or
20 copy of a record of completion to the appropriate licensing
21 agency or law enforcement agency for review.

22 (4) If a request is made to a third-party listing
23 platform or rental operator by an appropriate licensing
24 agency or law enforcement agency in accordance with section
25 3.2(c), the third-party listing platform or rental operator
26 shall provide any training acknowledgment or copy of a record
27 of completion to the appropriate licensing agency or law
28 enforcement agency for review.

29 Section 4. Sections 5 and 6 of the act are amended to read:

30 Section 5. Violation.

1 (a) Required posting.--It is a violation of this act to fail
2 to post a sign as required by section 3.

3 (b) Required training.--

4 (1) It is a violation of this act for an owner, operator
5 or manager of a public lodging establishment to fail to
6 comply with the requirements of section 3.1.

7 (2) It is a violation of this act for a third-party
8 listing platform or rental operator to fail to comply with
9 the requirements in section 3.2.

10 Section 6. Affirmative defenses.

11 (a) [**General rule**] Owner, operator or manager.--Any of the
12 following shall be an affirmative defense by an owner, operator
13 or manager to a prosecution or imposition of an administrative
14 penalty under this act:

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

18 (2) The owner, operator or manager made a good faith
19 effort to post the required signs.

20 (3) The owner, operator or manager made a good faith
21 effort to comply with the requirements of section 3.1.

22 (a.1) Third-party listing platform or rental operator.--It
23 shall be an affirmative defense by a third-party listing
24 platform or rental operator to a prosecution or imposition of an
25 administrative penalty under this act if the third-party listing
26 platform or rental operator made a good faith effort to comply
27 with the requirements of section 3.2.

28 (b) Affidavit by owner, operator or manager.--An owner,
29 operator or manager asserting an affirmative defense shall do so
30 in the form of a sworn affidavit [**setting forth**] specifying the

1 relevant information under subsection [(a) (1) or (2)] (a) (1),
2 (2) or (3).

3 (b.1) Affidavit by third-party listing platform or rental
4 operator.--A third-party listing platform or rental operator
5 asserting an affirmative defense shall do so in the form of a
6 sworn affidavit specifying the relevant information under
7 subsection (a.1).

8 Section 5. Section 7(a) and (b) heading of the act are
9 amended and the section is amended by adding a subsection to
10 read:

11 Section 7. Administrative penalties.

12 (a) Penalty.--In addition to another remedy available at law
13 or in equity for a violation of the posting requirements of
14 section 3 or the training requirements of section 3.1 or 3.2,
15 the licensing authority may, under subsection (b), assess an
16 administrative penalty upon a person for the violation. In
17 assessing the penalty, the licensing authority must give notice
18 to the person and provide an opportunity for a hearing. The
19 penalty shall be payable to the licensing authority and shall be
20 collectible in a manner provided by law for the collection of
21 debt.

22 (b) Schedule of sanctions regarding posting requirements.--

23 * * *

24 (b.1) Schedule of sanctions regarding training
25 requirements.--

26 (1) If the licensing authority determines that a person
27 has violated the requirements of section 3.1 or 3.2, the
28 person shall be given a warning.

29 (2) As follows:

30 (i) Failure to comply with the requirements of

1 section 3.1 or 3.2 within 90 days of receiving a warning
2 under paragraph (1) shall constitute a second violation.

3 (ii) If the licensing authority determines that a
4 person has violated the requirements of section 3.1 or
5 3.2 within 90 days of receiving a warning under paragraph
6 (1), the person shall be subject to a penalty of not more
7 than \$250.

8 (3) As follows:

9 (i) Failure to comply with the requirements of
10 section 3.1 or 3.2 within 90 days of receiving a penalty
11 under paragraph (2) shall constitute a third violation.

12 (ii) If the licensing authority determines that a
13 person has violated the requirements of section 3.1 or
14 3.2 within 90 days of receiving a penalty under paragraph
15 (2), the person shall be subject to a penalty of not more
16 than \$500 and may be subject to the suspension of the
17 person's license to operate a public lodging
18 establishment or short-term rental for up to one year.

19 (4) After a third violation, each subsequent day that a
20 person is in violation of the requirements of section 3.1 or
21 3.2 shall constitute a new violation.

22 * * *

23 Section 6. Section 8(a), (b) and (c) of the act are amended
24 to read:

25 Section 8. Criminal penalties.

26 (a) First offense.--A person that violates the posting
27 requirements of section 3 or the requirements of section 3.1 or
28 3.2 commits a summary offense and shall, upon conviction, be
29 sentenced to pay a fine of not more than \$100.

30 (b) Offense following sentencing.--A person that violates

1 the posting requirements of section 3 or the requirements of
2 section 3.1 or 3.2 within [one year] 90 days of being sentenced
3 under subsection (a) commits a summary offense and shall, upon
4 conviction, be sentenced to pay a fine of not more than \$250.

5 (c) Misdemeanor.--

6 (1) A person that violates the posting requirements of
7 section 3 or the requirements of section 3.1 or 3.2 within
8 [one year] 90 days of being sentenced under subsection (b)
9 commits a misdemeanor and shall, upon conviction, be
10 sentenced to pay a fine of not more than \$500. Each day that
11 a person is in violation of the requirements of section 3.1
12 or 3.2 shall constitute a new violation.

13 (2) With respect to a public lodging establishment or a
14 short-term rental, upon receipt of a certified record of
15 conviction regarding a violation of section 3.1 or 3.2 under
16 this subsection, the court shall make a referral to any
17 licensing authority that is authorized to license the public
18 lodging establishment or short-term rental. The following
19 apply:

20 (i) The public lodging establishment or short-term
21 rental may be subject to suspension of its license to
22 operate for up to one year by the applicable licensing
23 authority.

24 (ii) A license suspension under this subsection
25 shall be subject to the procedures provided in section
26 7(d).

27 * * *

28 Section 7. This act shall take effect in 180 days.