

No. 2002-23

AN ACT

HB 1402

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the definition of "public utility" and for telecommunications services provided to State correctional institutions; and providing for limousine service in counties of the second class.

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

Section 1. Paragraph (1) of the definition of "public utility" in section 102 of Title 66 of the Pennsylvania Consolidated Statutes is amended by adding a clause to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Public utility."

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

* * *

(viii) Providing limousine service in a county of the second class pursuant to Subchapter B of Chapter 11 (relating to limousine service in counties of the second class).

* * *

Section 2. Chapter 11 of Title 66 is amended by adding a subchapter heading and subchapter to read:

**SUBCHAPTER A
GENERAL PROVISIONS**

* * *

**SUBCHAPTER B
LIMOUSINE SERVICE IN COUNTIES OF THE SECOND CLASS**

Sec.

1121. Definitions.

1122. Certificate of public convenience required.

1123. Regulations.

1124. Miscellaneous provisions.

§ 1121. Definitions.

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

“County.” A county of the second class.

“Limousine service.” Local nonscheduled common carrier service for passengers rendered in luxury-type vehicles for compensation on an exclusive basis that is arranged in advance.

§ 1122. Certificate of public convenience required.

(a) General rule.—In order to operate limousine service in a county of the second class, a certificate of public convenience must be issued by the commission.

(b) Enforcement.—The provisions of this chapter and the rules and regulations promulgated by the commission pursuant to this chapter shall be enforced in counties of the second class by commission personnel.

(c) Restrictions.—Certificates issued pursuant to this chapter shall be nontransferable unless a transfer is approved by the commission.

§ 1123. Regulations.

The commission is authorized to prescribe such rules and regulations as it deems necessary to administer and enforce this subchapter.

§ 1124. Miscellaneous provisions.

(a) Prosecution preserved.—Nothing in this subchapter shall be deemed to limit or affect prosecutions for violations under this title, Title 18 (Crimes and Offenses), Title 75 (Vehicles) or any other provision of law.

(b) Inconsistent provisions of law.—Any other law of this Commonwealth found to be inconsistent with this subchapter¹ is hereby repealed insofar as it affects the regulation of limousine service in counties of the second class.

Section 3. Section 2907 of Title 66 is amended to read:

§ 2907. State correctional institutions.

(a) Identification of calls.—Telecommunication service providers which provide telecommunication services to State correctional institutions shall identify to the called party any call made by an inmate as originating from a correctional institution.

[(b) Collect calls.—

(1) All calls made by inmates shall be collect calls only.

(2) Notwithstanding paragraph (1), in the case of an emergency, the superintendent may authorize a phone call to be made under the supervision of staff. The charge for the call shall be borne by the inmate.]

(b) Payment of calls.—

(1) *The Department of Corrections may direct that calls made by an inmate shall be collect calls.*

¹“act” in enrolled bill.

(2) *The Department of Corrections may provide guidelines for alternative payment methods for telephone calls made by inmates, provided that the alternative methods are consistent with security needs, orderly operation of the prison and the public interest.*

(c) *No cause of action created.—This section shall not be construed to create any cause of action or any legal right in any person or entity. In addition, this section is not intended to create any right of an inmate to make a telephone call or to compel a particular method of payment.*

Section 4. This act shall take effect immediately.

APPROVED—The 2nd day of April, A.D. 2002.

MARK S. SCHWEIKER