
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2455 Session of
2024

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JOZWIAK, STEELE, CEPEDA-FREYTIZ, KAZEEM, COOK AND ROWE,
JUNE 26, 2024

REFERRED TO COMMITTEE ON TOURISM AND ECONOMIC AND RECREATIONAL
DEVELOPMENT, JUNE 26, 2024

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

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Establishment." Includes:

5 (1) A personal service establishment.

6 (2) A drinking establishment.

7 (3) An adult entertainment enterprise featuring nude or
8 partially nude dancing or providing live adult entertainment.

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

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

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

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

26 (8) A public lodging establishment.

27 * * *

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

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

3 "Short-term rental." As follows:

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

7 (2) The term does not include a public lodging
8 establishment.

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

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

14 Section 3.1. Training regarding public lodging establishments.

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

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

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

27 (b) Alternate training.--Notwithstanding subsection (a), if
28 an employee is employed by a public lodging establishment before
29 the effective date of this subsection or is hired by a public
30 lodging establishment on or after the effective date of this

1 subsection, the training requirements under subsection (a) do
2 not apply if the employee has already completed human
3 trafficking awareness training that is approved by the
4 Department of Labor and Industry and can provide a record of
5 completion of the training to the owner, operator or manager of
6 the public lodging establishment.

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

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

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

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

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

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

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

30 (1) The definition of human trafficking and commercial

1 exploitation of children.

2 (2) Guidance on how to identify individuals at risk for
3 trafficking.

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

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

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

13 (6) The contact information for the Pennsylvania State
14 Police.

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

19 (1) The records may be maintained in digital or paper
20 form.

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

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

28 (4) Failure to maintain or provide the records shall
29 subject the owner, operator or manager of the public lodging
30 establishment to appropriate action in accordance with

1 section 7(a).

2 (g) Training material.--

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

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

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

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

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

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

29 (2) For a rental operator that becomes operational on or
30 after the effective date of this paragraph, the training and

1 certification shall occur before the short-term rental
2 commences.

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

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

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

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

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

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

1 (4) The rental operator's acknowledgment under paragraph
2 (1) or copy of the record of completion under paragraph (2)
3 may be in digital or paper form.

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

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

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

14 (1) The records may be maintained in digital or paper
15 form.

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

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

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

25 (g) Training material.--

26 (1) Each third-party listing platform, or an
27 organization whose focus involves the awareness or reduction
28 of human trafficking activities, shall submit proposed human
29 trafficking awareness training material, to be used in a
30 human trafficking awareness training program required under

1 this section, to the Department of Labor and Industry for
2 review and approval.

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

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

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

13 Section 4. Enforcement.

14 * * *

15 (b) Responsibilities.--

16 * * *

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

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

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

2 Section 5. Violation.

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

5 (b) Required training.--

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

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

12 Section 6. Affirmative defenses.

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

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

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

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

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

30 (b) Affidavit by owner, operator or manager.--An owner,

1 operator or manager asserting an affirmative defense shall do so
2 in the form of a sworn affidavit [setting forth] specifying the
3 relevant information under subsection [(a) (1) or (2)] (a) (1),
4 (2) or (3).

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

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

13 Section 7. Administrative penalties.

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

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

25 * * *

26 (b.1) Schedule of sanctions regarding training
27 requirements.--

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

1 (2) As follows:

2 (i) Failure to comply with the requirements of
3 section 3.1 or 3.2 within 90 days of receiving a warning
4 under paragraph (1) shall constitute a second violation.

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

10 (3) As follows:

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

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

21 (4) After a third violation, each subsequent day that a
22 person is in violation of the requirements of section 3.1 or
23 3.2 shall constitute a new violation.

24 * * *

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

27 Section 8. Criminal penalties.

28 (a) First offense.--A person that violates the posting
29 requirements of section 3 or the requirements of section 3.1 or
30 3.2 commits a summary offense and shall, upon conviction, be

1 sentenced to pay a fine of not more than \$100.

2 (b) Offense following sentencing.--A person that violates
3 the posting requirements of section 3 or the requirements of
4 section 3.1 or 3.2 within [one year] 90 days of being sentenced
5 under subsection (a) commits a summary offense and shall, upon
6 conviction, be sentenced to pay a fine of not more than \$250.

7 (c) Misdemeanor.--

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

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

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

26 (ii) A license suspension under this subsection
27 shall be subject to the procedures provided in section
28 7(d).

29 * * *

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