

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, May 21, 2018

[Senate Bill 189](#) (McGarrigle) would amend the Crime Victims Act to grant crime victims the right not to be excluded from any criminal or juvenile proceeding unless the court determines that the victim's testimony would be materially altered if the victim heard other testimony at the proceeding. Before making such a determination, the court would have to make every effort to permit the fullest attendance possible by the victim. The court would be required to clearly state on the record the reason for any exclusion. **Passed: 49-0.**

[Senate Bill 1031](#) (Laughlin) would amend the Insurance Department Act of 1921 to require the Insurance Department to hold a scheduling conference with an insurance company prior to commencing examination field work. The scheduling conference would have to include a discussion of the purpose and scope of the exam, the estimated costs for the exam, the types of information the company will be asked to produce, the most efficient means of conducting the exam, and any alternative approaches in conducting the exam. The Department would have to provide a company with a detailed budget estimate no more than thirty days after the scheduling conference. Within fifteen days of receipt of a budget estimate, the company and the Department would have an additional discussion regarding the most efficient means of conducting the exam and producing information. If necessary, revisions to the budget estimate could be made. The Department and the company could mutually agree to modify the time allotments. If the Department determines that the cost will exceed the budget estimate by 10 percent or if there is a material change in staffing assignments, the Department would be required to hold another scheduling conference. Billing invoices submitted to companies for examination work by contractors and the Department would have to comply with the requirements outlined in the legislation.

An additional provision would require the Department to produce an annual examination and analysis report within thirty days of the end of each fiscal year. The report would have to include the total amount of money billed to companies by the Department and its contractors for: financial conduct examinations, market conduct examinations, review of transactions required to be filed by regulated entities with the Department, and solvency monitoring. The report would also include the identity of each contractor retained by the Department and the amount of money billed by the contractor to companies, the total amount of deposits into the Insurance Regulation and Oversight Fund as a result of market regulation activities, and recommendations to further improve the efficiency and transparency of the examination processes. **Passed: 49-0.**

[Senate Resolution 357](#) (Ward) recognizes the month of May 2018 as "Building Safety Month" in Pennsylvania and encourages residents to participate in "Building Safety Month" activities. **Adopted by Voice Vote.**

[Senate Resolution 358](#) (Stefano) recognizes the week of May 20 through 26, 2018 as "National Federation of Independent Businesses Week" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 359](#) (Tartaglione) designates the month of May 2018 as “Older Americans Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 360](#) (Dinniman) designates the month of May 2018 as “Exercise is Medicine Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 361](#) (Baker) designates the month of May 2018 as “Summer Camps Month” in Pennsylvania in recognition of the rich benefits that summer camps provide for the positive development of youths and the enhancement of local communities. [Adopted by Voice Vote.](#)

[Senate Resolution 362](#) (Browne) designates the week of May 21 through 25, 2018 as “No Place for Hate Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 363](#) (Vulakovich) designates the week of May 20 through 26, 2018 as “Emergency Medical Services Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 364](#) (Vulakovich) designates May 23, 2018 as “Emergency Medical Services for Children Day” in Pennsylvania. [Adopted by Voice Vote.](#)

Tuesday, May 22, 2018

[Senate Bill 630](#) (Reschenthaler) would create the Travel Insurance Modernization Act to establish a licensing and registration process for limited lines travel insurance producers and retailers. Under the bill, a limited lines travel insurance producer would be a person licensed to sell, solicit or negotiate a contract of travel insurance. A travel retailer would be defined as a business entity that makes, arranges or offers travel services, and offers and disseminates travel insurance as a service to its own customers on behalf of, and under the direction of, the limited lines travel insurance producer, or under its own license. An organization selling, soliciting or negotiating coverage under a policy of travel insurance would be required to hold a limited lines travel insurance license. The fee for both the initial license and renewal would be \$400, and could be adjusted once annually. At the time of licensure, the limited lines travel insurance producer would have to establish and maintain a register of each travel retailer in the Commonwealth offering this type of insurance on the producer’s behalf with the information listed in the bill. The register would be submitted to the Insurance Department upon request. The insurer issuing travel insurance would have to ensure the proper training of the employees and authorized representatives of a travel retailer.

Travel retailers would be required to provide every prospective customer with a brochure or other written material with certain information as specified in the legislation. A travel retailer’s employee who is not licensed as a designated licensee could not evaluate or interpret technical terms, benefits and conditions of travel insurance coverage; evaluate or provide advice concerning a prospective customer’s existing insurance coverage; or advertise, represent or hold himself or herself out as a licensed insurer, designated licensee or insurance expert. The travel retailer could bill for the travel insurance and collect the payment. A charge to an enrolled customer for coverage that is not included in the cost associated with the purchase of travel services would have to be separately itemized on the customer’s bill. Upon registration by the limited lines travel insurance producer as required by the bill, a travel retailer could receive

compensation. No travel retail employee or authorized representative could be compensated primarily on the number of customers purchasing travel insurance coverage.

The limited lines travel insurance producer and insurer would have to use reasonable means to ensure compliance by the travel retailer and would be responsible for the acts of the travel retailer, the travel retailer's employees and authorized representatives. The Insurance Commissioner could direct a limited lines travel insurance producer to implement a corrective action plan with the travel retailer following a violation of the act. The Commissioner could also direct the limited lines travel insurance producer to revoke the authorization of the travel retailer to offer and disseminate travel insurance on its behalf, and remove the retailer's name from its register. The Commissioner could, after notice and holding a hearing, suspend or revoke the license of the limited lines travel insurance producer, or the registration of the travel retailer. The Commissioner could also impose a monetary penalty on the limited lines travel insurance producer, along with other appropriate penalties, including a cease-and-desist order regarding the engagement of travel insurance transactions with a particular travel retailer and a particular employee or authorized representative of the travel retailer. [Concurrence in House Amendments: 48-0.](#)

[Senate Bill 801](#) (Hutchinson) would amend Title 8 (Boroughs and Incorporated Towns) and Title 11 (Cities) of the Pennsylvania Consolidated Statutes to permit boroughs or third class cities to purchase used equipment, vehicles and other personal property from volunteer emergency service organizations without competitive bidding. [Passed: 48-0.](#)

[Senate Bill 802](#) (Hutchinson) would amend the First Class Township Code to permit first class townships to purchase used equipment, vehicles and other personal property from volunteer emergency service organizations without competitive bidding. [Passed: 48-0.](#)

[Senate Bill 803](#) (Hutchinson) would amend the Second Class Township Code to permit second class townships to purchase used equipment, vehicles and other personal property from volunteer emergency service organizations without competitive bidding. [Passed: 48-0.](#)

[Senate Bill 804](#) (Hutchinson) would amend Act 34 of 1953 to permit incorporated towns to purchase used equipment, vehicles and other personal property from volunteer emergency service organizations without competitive bidding. [Passed: 48-0.](#)

[Senate Bill 897](#) (Stefano) would amend Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to further clarify the payment of restitution for crimes and to include government agencies and business entities in the definition of "victim" for restitution purposes. The measure would establish that if restitution to more than one victim is set at the same time, the court would have to order payment in the following order:

- Any individual;
- Any affected government agency;
- The Crime Victim's Compensation Board;

- Any other government agency which has provided reimbursement to the victim as a result of the defendant's criminal conduct;
- Any insurance company which has provided reimbursement to the victim as a result of the defendant's criminal conduct;
- Any business entity organized as a nonprofit or not-for-profit entity; and
- Any other business entity. **Passed: 48-0.**

Senate Resolution 365 (Langerholc) designates the month of May 2018 as "Neurofibromatosis Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 366 (Baker) recognizes and celebrates the 125th anniversary of the establishment of the state forest system and the establishment of the first state park in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 367 (Boscola) commends the Pennsylvania Academy of Audiology for its efforts to educate Pennsylvanians about the importance of having regular hearing screenings and recognizes the month of May 2018 as "Better Hearing Month" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 368 (Scavello) recognizes the week of May 20 through 26, 2018 as "Public Works Week" in Pennsylvania. **Adopted by Voice Vote.**

House Bill 566 (Santora) would amend the Contractor and Subcontractor Payment Act to prohibit parties to a contract or other agreement from waiving a provision of the law unless specifically authorized under the Act. A contractor or subcontractor would be granted the right to suspend performance of any work, without penalty, until payment is received by the contractor or subcontractor in accordance with the terms of the construction contract. Any procedure regarding suspension of performance in a construction contract that exceeds the parameters outlined in the legislation would be unenforceable. Any amount withheld by an owner for a deficiency item would have to be reasonable. The measure would also extend the time period for the owner to provide written notice of any deficiency item to the contractor from seven to 14 calendar days from the date that an invoice is received. Failure to comply with the notification requirements would constitute a waiver of the basis to withhold payment and necessitate payment of the contractor in full for the invoice. If an owner withholds payment for a deficiency item, he or she would be required to remit payment for each item that has been satisfactorily completed under the construction contract. Additional provisions would clarify notice and payment provisions for incorrect invoices and allow for the posting of security in lieu of retainage as outlined in the bill. **Passed: 43-5.**

House Bill 1952 (Marsico) would re-enact Act 10 of 2018 with minor amendments to address drafting errors. Act 10 amended Title 18 (Crimes and Offenses), Title 23 (Domestic Relations) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to

provide for a mandatory period of probation for certain sex offenses and to modify certain sex offender registration requirements in response to court decisions. **Passed: 48-0.**

Wednesday, May 23, 2018

Senate Bill 257 (Ward) would amend the Insurance Company Law of 1921 to add Article XXVII, the Quality Eye Care for Insured Pennsylvanians Act to require a health insurance policy to allow an insured who receives vision care from an in-network vision care provider to select an out-of-network vision care supplier for related vision care on the recommendation or referral of the in-network vision care provider if the in-network provider gives the insured written notice of all the following prior to the recommendation or referral:

- The out-of-network vision care supplier is not an in-network vision care supplier;
- The insured has the option of selecting an in-network supplier; and
- The insured may have different financial obligations based on whether the supplier is in-network or out-of-network.

A health insurance policy that has a discount program for noncovered services would have to allow an insured who receives vision care from an in-network vision care provider to receive a noncovered service from the provider at a nondiscounted rate, if the provider gives written disclosure, prior to the receipt of the noncovered service, that the provider does not participate in the insured's discount program. The Department of Insurance would investigate and enforce the provisions of the article only insofar as the actions or inactions being investigated relate to coverage under a health insurance policy. Upon evidence of a violation, the Insurance Commissioner could pursue any of the following actions:

- Suspend, revoke, or refuse to renew the license of the offending person;
- Enter a cease and desist order; or
- Impose a civil penalty of not more than \$5,000 per violation or \$10,000 per willful violation of the article. Penalties would be limited to not more than \$500,000 in the aggregate during a calendar year.

Violations of the article by optometrists and ophthalmologists would constitute unprofessional conduct under their respective licensure acts. The Department would be authorized to promulgate regulations as may be necessary or appropriate to implement the article. **Passed: 49-0.**

Senate Bill 439 (Fontana) would create the Carbon Monoxide Alarm Standards in Child Care Facilities Act to require each building in which a child care facility is in operation, which uses a fossil fuel-burning heater or appliance, fireplace or has an attached garage, to have an operational, centrally-located and approved carbon monoxide alarm. If the building in which the child care facility is in operation has a security system, the alarm would have to be installed by hardwire connection to the security system. The Department of Human Services could not issue

or renew a license for a child care facility required to have the alarm if it does not meet the requirement. [Passed: 49-0.](#)

[Senate Bill 652](#) (Regan) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to expand the offense of criminal trespass to provide for criminal trespass at a “critical infrastructure facility” as defined in the legislation. A first offense would be graded as a third degree felony punishable by imprisonment for a term of not more than one year and a fine of not less than \$5,000. If the offender is under 18 years of age, the offense would be graded as a third degree misdemeanor. If the offender entered the property with the intent to damage the facility, defies an order to leave the facility or conspires with another to commit a prohibited act, the offense would be graded as a second degree felony punishable by imprisonment for a term of not more than one year and a fine of not less than \$5,000. If the offender is under 18 years of age, the offense would be graded as a second degree misdemeanor. Second or subsequent offenses when the offender entered the property with the intent to damage the facility, defies an order to leave the facility or conspires with another to commit a prohibited act would be graded as a first degree felony punishable by imprisonment for a term of not more than two years and a fine of not less than \$10,000. The legislation would establish a defense to prosecution for emergency service providers and law enforcement personnel entering a critical infrastructure facility to perform certain duties. [Passed: 28-20.](#)

[Senate Bill 1038](#) (Costa) would amend the Pennsylvania Election Code to allow a candidate or political committee that terminates its financial activity to donate any residual funds to a nonprofit organization as an appropriate method of disbursement. [Passed: 49-0.](#)

[Senate Bill 1092](#) (Mensch) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to require the Pennsylvania Commission on Sentencing to provide for a sentence enhancement within its guidelines for simple assault and aggravated assault offenses based on such aggravating circumstances as the assault was committed against a family or household member and the defendant knew the crime was witnessed by a minor who is also a family or household member of the defendant or the victim. [Passed: 49-0.](#)

[Senate Bill 1101](#) (Stefano) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to require the owner of a stolen vehicle to apply for a certificate of title that is branded as a “recovered-theft vehicle” if the cost of repairs has been assessed at the time of recovery, by an insurer or licensed physical damage specialist, to be more than 50 percent of the replacement value of the vehicle, and more than 50 percent of the cost of repairs is due to damage that affects the safe operation of the vehicle. An owner could apply to the Department of Transportation for an unbranded title if the owner received a certificate of salvage branded as a “theft vehicle” after a payment for replacement value is made by the insurer and the stolen vehicle is located, and thereafter the vehicle passes an inspection by a licensed physical damage appraiser. A legible copy of the vehicle damage appraisal report would have to accompany the unbranded title application. An individual who has not been paid the replacement value for the vehicle and has not received a certificate of salvage may use the existing certificate of title without applying for a new title. If the insurer is a self-insurer, the assessment of damage would have to be completed by a licensed physical damage appraiser who is not affiliated with or employed by the self-insurer. [Passed: 49-0.](#)

[Senate Bill 1104](#) (Aument) would amend the Public School Code of 1949 to establish vocational instructional certification requirements for vocational teachers. The measure would authorize the State Board of Education to require an applicant to present evidence of at least four years of wage-earning experience in the occupation to be taught in order for the Secretary of Education to grant the applicant a Vocational Intern Certificate. The legislation would prohibit the State Board of Education from requiring an applicant to complete more than:

- 18 credit hours in an approved program of vocational teacher education in order for the Secretary to grant the applicant a Vocational Instructional I Certificate; or
- 60 total credit hours in an approved program of vocational teacher education in order for the Secretary to grant the applicant a Vocational Instructional II Certificate.

A Vocational Instructional I Certificate would entitle an individual to teach for eight annual school terms. Credit hours completed by the applicant toward fulfilling the requirements for a Vocational Instructional I Certificate would be counted toward the total credit hours required for a Vocational Instructional II Certificate. The Department of Education would be directed to form a professional advisory committee, composed of individuals who teach occupational skills in state-approved vocational education programs, for the purpose of reviewing vocational education instructional certification program guidelines every five years to ensure that the requirements for program design and delivery pertain to the professional responsibilities of a vocational educator. **Passed: 49-0.**

[Senate Resolution 322](#) (Aument) directs the Legislative Budget and Finance Committee to study standardized tests in public education. **Adopted by Voice Vote.**

[Senate Resolution 369](#) (Vulakovich) designates May 23, 2018 as “National Guard Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 370](#) (Baker) designates May 25, 2018 as “Missing Adult Persons Remembrance Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 371](#) (Farnese) designates the month of May 2018 as “Amyotrophic Lateral Sclerosis Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 372](#) (Vulakovich) remembers the sacrifices of the brave men and women in our armed forces as Memorial Day approaches. **Adopted by Voice Vote.**

Executive Session

Pasquale T, Deon, Sr. – Pennsylvania Turnpike Commission. **Confirmed: 48-0.**

Nominations to Various Boards and Commissions. **Confirmed: 48-0.**