

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1960 Session of 2018

INTRODUCED BY ELLIS, FEE, ROTHMAN, RYAN, WALSH, JAMES, GABLER, WARD, DUSH, METCALFE, GROVE, PHILLIPS-HILL, B. MILLER, STAATS, COX, HELM, BERNSTINE, WHEELAND, KEEFER, ROAE, NELSON, SCHEMEL, CUTLER, KLUNK AND HEFFLEY, JANUARY 5, 2018

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 30, 2018

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

1 punishment.

2 Section 3. Definitions.

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

6 "Agency." As defined in section 3 of the act of June 25,
7 1982 (P.L.633, No.181), known as the Regulatory Review Act.

8 Section 4. Powers and duties.

9 Each agency shall have the following powers and duties:

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

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

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

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

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

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

1 (3) To empower the regulatory compliance officer to
2 issue to any person, upon the person's request, an opinion
3 with respect to the person's duties under a regulation of the
4 agency. The opinion shall be provided within 20 business days
5 of the request, provided that the time may be extended for
6 good cause. The opinion, or the agency's failure to provide
7 an opinion upon request, shall be a complete defense in any
8 enforcement proceeding initiated by the agency and evidence
9 of good faith conduct in any other civil or criminal
10 proceeding if the requester, at least 20 business days prior
11 to the alleged violation, requested written advice from the
12 agency's regulatory compliance officer in good faith,
13 disclosed truthfully all the material facts and committed the
14 acts complained of either in reliance on the advice, or
15 because of the failure of the agency to provide advice within
16 20 business days, or any later extended time, of the request.

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

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

1 (6) TO ESTABLISH CLEAR CHANNELS OF COMMUNICATION THROUGH <--
2 WHICH BUSINESSES SEEKING TO BECOME MEMBERS OF REGULATED
3 COMMUNITIES CAN CONTACT THE AGENCY WITH QUESTIONS OR CONCERNS
4 RELATING TO STARTING A BUSINESS AND FUTURE COMPLIANCE WITH
5 REGULATIONS.

6 Section 5. Annual report.

7 No later than January 31 of each year, each agency shall
8 submit to the General Assembly an annual report ~~detailing the~~ <--
9 DETAILING ALL OF THE FOLLOWING: <--

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

13 (2) THE NUMBER OF REGULATED COMMUNITIES SERVED. <--

14 (3) THE TYPE OF REGULATED COMMUNITIES SERVED.

15 Section 6. Effective date.

16 This act shall take effect in 60 days.