

B. Pennsylvania Materials

Following are the bills dealing with travel agencies or wholesalers in the 1975-76 General Assembly:

SB 294 (PN 295) - Consumer Affairs Committee (Prime sponsor - Early)

This bill is entitled the "Travel Agency Bonding Act". The activities of a travel agent or agency include selling, arranging or furnishing information about tours, trips or travel for individuals, groups and organizations. The bill exempts common carriers regulated by the Federal Government or hotels or other such establishments offering accommodations to travelers, when making arrangements for local tours in such establishments. No person may operate a travel agency or engage in the business of travel agent unless he files a bond with the Department of State in the amount of \$25,000. Such bond must be accompanied by a \$25,00 filing fee. No travel agent need be bonded if he is employed by a bonded travel agency as long as all travel agency business transacted by the agent is transacted in that person's capacity as agent for the bonded travel agency.

Criminal penalty for operating without a bond is guilty of a misdemeanor of a third degree for which the penalty is one year imprisonment.

Any court may grant an injunction or any such relief; application for an injunction may be brought in the name of the Commonwealth upon the complaint of any person.

Effective Date - Six months after enactment.

SB 307 (PN 308) - Consumer Affairs Committee (Prime sponsor - O'Pake)

This requires a person operating a travel agency to file a bond with the Secretary of the Commonwealth in an amount deemed sufficient by the Sec. of the Commonwealth. The bond may be increased or decreased by the Secretary of the Commonwealth.

Criminal Penalty - misdemeanor in the first degree, a fine of \$10,000 or five years imprisonment, or both.

Effective Date - Immediately upon enactment.

SB 827 (PN 901) - Consumer Affairs Committee (Prime sponsor - Early)

This bill is entitled the "Travel Promoter's Regulation Act".

This bill requires an "adequate bond". This is a bond in the amount at least equal to the amount required in the contract between the travel promoter and the transportation carrier or company or person providing any other services in connection with such transportation.

"Travel promoter" is defined as a person^{or business} who sells, provides, furnishes, contracts for, arranges or advertises that he can arrange or has arranged air or sea transportation, it does not include an air carrier or ocean carrier of an officially appointed agent of an air carrier or ocean carrier.

Travel promoters may not advertise that air or sea transportation is or may be available unless he has, prior to such advertisement, contracted for the transportation advertised with an air or sea carrier.

A statement of information must be furnished to all passengers including a boldface statement, that upon cancellation of transportation, through no fault of the passengers, all sums paid to the promoter for services not performed in accordance with the contract between the promoter and passenger and, unless the passenger otherwise advises the promoter in writing, shall be promptly refunded by the promoter to the passenger or party who contracted for the passenger.

Any misrepresentation with regard to date, time, place of all departures or arrivals or type of aircraft or ocean carrier or similar occurrence shall be deemed a cancellation, necessitating refund.

A trust account (90% of funds received) must be established by the promoter for the benefit of persons paying money to the travel promoter or adequate bond in lieu of such trust.

If the passenger, after making full payments, requests the ticket or voucher, the promoter must issue it to him.

Criminal penalty - First offense, misdemeanor in the third degree - a fine not in excess of \$2,500 or one year's imprisonment, or both. Any second or subsequent violation: misdemeanor in the second degree, minimum fine of \$2,500 nor more than \$5,000, or two year's imprisonment, or both.

HB 416 (PN 459) - Committee on Business and Commerce (Prime sponsor - Tayoun)

This bill is entitled "Truth in Travel Act".

"Travel consultant" is any person, firm, corporation, partnership or association, other than a common carrier or employee of a common carrier, who as a principal or agent, sells or offers for sale any travel tickets or orders for transportation, or negotiated for or holds himself out by solicitation, advertisement or otherwise as one who sells, provides, furnishes contracts or arranges for such travel tickets or orders for transportation.

Prohibited Practices - Among other things, knowingly misrepresenting the quality or kind of service, type of size or aircraft, vehicle, ship or train, time of departure or arrival, points served, route to be traveled, stops to be made, or total trip time from point of departure to destination; knowingly selling transportation to a person representing that such definite reservation will be available without a prior commitment with a carrier.

Violations - Misdemeanor of the third degree, penalty is one year imprisonment.

The Attorney General or district attorney of any county may bring an action in the name of the Commonwealth to restrain or prevent a violation of this bill.

Effective date - 60 days after enactment.