

Schuylkill County, Pennsylvania, a tract of land situate in the Borough of Tamaqua, Schuylkill County, Pennsylvania, known as the Broad Street Armory property at 330 E. Broad Street, more particularly bounded and described as follows:

Beginning at a point in the south line of Broad Street which point is 856.75 feet westerly from west line of Elizabeth Street; thence north 89 degrees 23 minutes west along south line of Broad Street 70 feet; thence south 0 degrees 37 minutes west 150 feet to a point; thence south 89 degrees 23 minutes east 70 feet to a point; thence north 0 degrees 37 minutes east 150 feet to the place of beginning, containing 0.24 of an acre.

Being the same premises which the Lehigh Coal and Navigation Company by deed dated February 4, 1910 and recorded in Deed Book Vol. 368, page 6, of the records of Schuylkill County, Pennsylvania, granted and conveyed unto the Commonwealth of Pennsylvania.

The conveyance shall be made under and subject, nevertheless, to all the reservations and exceptions contained in the deed to the Commonwealth.

Section 2. In consideration of the conveyance herein authorized, the Borough of Tamaqua shall pave certain designated streets at the new National Guard Armory and pay one dollar to the Commonwealth which shall be deposited in the General Fund.

Section 3. All costs and fees incidental to this conveyance shall be borne by the Borough of Tamaqua.

Section 4. The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania.

Section 5. This act shall take effect immediately.

APPROVED—The 2nd day of September, A. D. 1965.

WILLIAM W. SCRANTON

No. 249

AN ACT

HB 1336

Providing for the licensing and regulation of the business of transmitting money or credit for a fee or other consideration by the issuance of money orders, by the sale of checks or by other methods; conferring powers and duties upon the Department of Banking; and imposing penalties.

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

Section 1. Definitions.—Unless the context clearly indicates otherwise, the following words when used in this act shall have the following meanings:

(1) "Person" includes an individual or an organization but does not include the governments of the United States or of the Commonwealth of Pennsylvania.

(2) "Transmittal instrument" means any check, draft, money order, personal money order or method for the payment of money or transmittal of credit, other than a merchandise gift certificate sold in the regular course of business by a vendor of personal property or services.

(3) "Personal money order" means any transmittal instrument in relation to which the purchaser or remitter appoints the seller thereof as his agent for the handling of the transmittal instrument or its proceeds no matter by whom such transmittal instrument is signed.

(4) "Deliver" means surrendering a transmittal instrument to the first person, who in payment for the same makes a remittance of the whole or a part of the face amount thereof, whether or not the person delivering the instrument charges a fee in addition to the face amount and whether or not he signs the same.

Section 2. License Required.—No person shall engage in the business of transmitting money by means of a transmittal instrument for a fee or other consideration without first having obtained a license from the Department of Banking nor shall any person engage in such business as an agent except as an agent of a person licensed or exempted under this act.

Section 3. Exemptions.—No license shall be required hereunder of

(1) banks, bank and trust companies, savings banks and private banks organized under the laws of this Commonwealth; similar banking institutions organized under the laws of the United States or of any other state which are insured by the Federal Deposit Insurance Corporation; and savings and loan associations and building and loan associations organized under the laws of this Commonwealth or of the United States;

(2) incorporated telegraph companies which receive money at their offices and agencies for immediate transmittal by telegraph; or

(3) agents of a person licensed under this act.

Section 4. Qualifications for a License.—To qualify for a license hereunder an applicant shall

(1) have a net worth of at least two hundred thousand dollars (\$200,000);

(2) in the case of an individual, have at least five years' experience in business and be of good character and reputation, or, in the case of an organization, have officers and directors who meet the requirements specified in this clause for an individual applicant; and

(3) undertake to operate the business honestly, fairly and in accordance with this act.

No applicant shall be qualified to receive a license if he or, in the event that the applicant is an organization, if any of its officers or directors has been convicted within five years of violating this act.

Section 5. Application for License.—Applications for license shall be in writing under oath and in the form prescribed by the Department of Banking. Among other things, the application shall state the full name of

- (1) the applicant, if an individual;
- (2) each partner, if the applicant is a partnership;
- (3) each trustee and officer thereof, if the applicant is a trust; and
- (4) each officer and director thereof, if the applicant is a corporation, joint stock association or other unincorporated association.

Section 6. Fee, Financial Statement and Security.—(a) Each application for a license shall be accompanied by

(1) an investigation fee of five hundred dollars (\$500) which shall not be subject to refund but which, if the license is granted, shall constitute the license fee for the first license period. The renewal fee shall also be five hundred dollars (\$500);

(2) a financial statement showing a net worth of at least two hundred thousand dollars (\$200,000);

(3) a bond in the penal sum of two hundred thousand dollars (\$200,000) executed by a surety company authorized to transact business within the Commonwealth of Pennsylvania or securities as provided in the following subsection. The bond shall run to the Commonwealth of Pennsylvania and shall be for the use of the Commonwealth and of any person or persons who may have a cause of action against the licensee for failure to carry out the terms of any transmittal instrument which the licensee shall have issued. The condition of the bond shall be that the licensee will comply with and abide by the provisions of this act and the rules and regulations of the Department of Banking lawfully promulgated under this act and that the licensee will pay to the Commonwealth, to the Department of Banking or to any other person any moneys that may become due from the licensee to the Commonwealth

or to the Department of Banking or to any other person under the provisions of this act or of any transmittal instrument issued by the licensee within this Commonwealth. If any person shall be aggrieved by the misconduct of any licensee, he may upon recovering judgment against such licensee, issue execution under such judgment and maintain an action upon the bond of the licensee in any court having jurisdiction of the amount claimed, provided the Department of Banking assents thereto.

(b) In lieu of the bond required by clause (3) of subsection (a) hereof, the applicant may deposit with the Department of Banking or with the State Treasurer of the Commonwealth of Pennsylvania bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof if guaranteed by the United States, or such bonds, notes, debentures or other obligations of this Commonwealth or of a political subdivision thereof having a market value of at least two hundred thousand dollars (\$200,000); and it shall be the obligation of the licensee to see to it that the securities on deposit shall have a market value of at least two hundred thousand dollars (\$200,000) at all times. The depositor shall be entitled to receive all interest and dividends thereon, and shall have the right, with the approval of the Department of Banking, to substitute other securities for those deposited. Should the securities on deposit at any time have a market value of less than two hundred thousand dollars (\$200,000) the Department of Banking may revoke the license as hereinafter provided. All securities deposited shall be held under the same conditions and subject to the same right of execution as the bond provided for in clause (3) of subsection (a) hereof.

(c) Should any licensee become insolvent, the principal sum of the bond or the securities deposited in lieu of a bond shall be applied to the payment in full of claims arising out of the issuance of transmittal instruments in this Commonwealth.

Section 7. Investigation Issuance of License.—(a) Upon the filing of an application and the payment of the fee for investigating the same, the Department of Banking shall make such investigation as is necessary to determine whether the applicant is qualified to receive a license under this act. If so, a license shall be issued. If not, the application shall be denied.

(b) Whenever the Secretary of Banking rejects an application for a license he shall furnish the applicant with a written specification of the reason or reasons therefor. Any applicant whose application for a license is rejected by the Secretary of Banking may within thirty days' notice of

the rejection request that the Department of Banking hold a hearing.

Section 8. Term of License.—Licenses issued under this act shall be for a term expiring January first of the year following issuance.

Section 9. Renewal of Licenses.—(a) All applications for renewals of licenses shall be filed with the Department of Banking at least sixty days before the expiration date of the license. Unless the department shall have given to the applicant twenty days' previous notice of objections to the renewal of his license based upon the violation of this act or upon the licensee's failure any longer to have the qualifications required for the issuance of a license, the license shall be renewed upon the payment of the renewal fee.

(b) The renewal application shall be accompanied by a bond or evidence of the maintenance with the State Treasurer of a deposit of securities in conformity with the requirements applicable to an original application for license. The bond or securities shall be in the same amounts and subject to the same terms and conditions as in the case of an original application.

(c) No investigation fee shall be payable to the Department of Banking upon the filing of an application for license renewal.

Section 10. Authority of the Department of Banking.—The Department of Banking shall have the right to suspend or revoke the original or any renewed license granted under this act if

(1) the licensee's bond or securities become inadequate and the licensee after notice fails forthwith to furnish an adequate bond or securities in the amount required by this act; or

(2) the licensee shall violate any provision of the act or any rule or regulation issued by the Department of Banking under authority of this act; or

(3) the licensee shall fail to comply with any demand, rule or regulation lawfully made by the Department of Banking under authority of this act; or

(4) the licensee shall refuse to permit the Department of Banking or its designated representative to make any examination authorized by this act; or

(5) if any fact or condition is discovered which, if it had been known at the time of the filing of the application for the license, would have warranted the Department of Banking in denying the application.

Section 11. Liability of Licensees.—(a) Every licensee shall be liable for the payment of all moneys covered by transmittal instruments which he issues in this Commonwealth whether directly or through an agent and whether as a maker or a drawer.

(b) Every transmittal instrument sold by a licensee directly or through an agent shall bear the name of the licensee clearly imprinted thereon.

Section 12. Agents and Subagents.—A licensee may conduct his business at one or more locations within the Commonwealth through such agents and subagents as he may from time to time appoint. No license under this act or any license fee shall be required of any such agent or subagent.

Section 13. Hearing and Appeal.—(a) No license shall be suspended or revoked except after a hearing and the Department of Banking shall hold a hearing when properly requested to do so by an applicant whose application for a license has been denied. The Department of Banking shall give the applicant or licensee twenty days' written notice of the time and place of hearing by registered or certified mail addressed to the principal place of business of the applicant or licensee.

(b) A full and complete record of all hearings shall be made.

(c) All adjudications shall be in writing, shall contain findings and the reason for the adjudication, and shall be served upon all parties or their counsel personally or by registered or certified mail.

(d) Any party aggrieved by an adjudication of the Department of Banking shall have the right to appeal to the Court of Common Pleas of Dauphin County within thirty days after service of the Department of Banking's adjudication.

(e) Any party aggrieved by any decision of the Court of Common Pleas of Dauphin County on an appeal from an adjudication, may, within thirty days of the filing of such decision, appeal to the Superior Court.

Section 14. Rules and Regulations.—The Department of Banking is hereby authorized to make such rules and regulations as may be necessary or appropriate for the enforcement of this act.

Section 15. Examinations by the Secretary of Banking.—The Secretary of Banking, and any person designated by him for that purpose, may at any time investigate the business and affairs and examine the books, accounts, papers, records, documents, and files of every licensee and of every person who shall be engaged in business contemplated by this act. For this purpose the Secretary of Banking shall have free access to the offices and places of business, books, accounts, papers, records, documents, files, safes and vaults of all such persons. A person, who is not licensed under this act, shall be presumed to be engaged in business contemplated by this act if he advertises or solicits business for which a license is required by the provisions of this act, and the Secretary of Banking, and any person designated by him for that purpose, is in such cases authorized to examine the books, accounts, papers, records, docu-

ments, files, safes and vaults of such persons for the purpose of discovering violations of this act.

Section 16. Penalties.—Any person who directly or through another violates or attempts to violate any provision of this act shall be guilty of a misdemeanor, and shall be fined not less than two thousand five hundred dollars (\$2,500), nor more than five thousand dollars (\$5,000) or shall be imprisoned not less than six months nor more than two years in the discretion of the court.

Section 17. Severability.—If any provision of this act or the application thereof to any person or circumstances is held unconstitutional, such unconstitutionality shall not affect or impair the remaining provisions of this act.

Section 18. Effective Date.—This act shall become effective on January 1, 1966.

APPROVED—The 2nd day of September, A. D. 1965.

WILLIAM W. SCRANTON

No. 250

AN ACT

SB 61

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," changing the penalty for cruelty to animals and extending the provisions to include additional animals.

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

Section 1. Section 942, act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended to read:

Section 942. Cruelty to [Domestic] Animals.—Whoever wantonly or cruelly illtreats, overloads, beats or otherwise abuses any animal, whether belonging to himself or otherwise, or abandons any [maimed, sick, infirm or disabled] animal, or keeps or uses, or in any way is connected with, or interested in the management of, or receives money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock or other creature, or encourages, aids or assists therein, or permits or suffers any place to be so kept or used, shall, upon conviction thereof in a summary proceeding, be sentenced for the first offense to pay a fine of not more than [twenty dollars (\$20)] one hundred dollars (\$100), and for the second and every subsequent