

Storage tanks for volatile inflammable liquids shall conform to the standards of the [Bureau of Fire Protection, Department of State Police] *Pennsylvania Motor Police*, and no such tanks shall be installed without approval from [said bureau] *the Pennsylvania Motor Police*.

Storage tanks.

Section 6. Nothing in this act shall be construed so as to restrict or limit the location of any building actually being used for dry cleaning purposes prior to passage of this act, except where the fire hazard is, in the opinion of the [Bureau of Fire Protection] *Pennsylvania Motor Police*, of such character as would menace or endanger surrounding property.

Construction of act.

Nor shall the provisions of this act be held to apply to any building, business, or establishments now in use so as to cause the same to be rebuilt, but should any dry cleaning building, or part thereof, be reconstructed, rebuilt, or repaired, the same shall, as to new work, be so reconstructed, rebuilt or repaired in conformity with the provisions of this act.

Application of act.

Nothing in this section shall be so construed as to relieve any person, copartnership, association, or corporation from responsibility, criminal or otherwise, because of non-compliance with or violation of any of the provisions of the act to which this act is an amendment.

Not to relieve from criminal responsibility.

Section 2. Section seven of said act is hereby amended to read as follows:

Section 7 amended.

Section 7. Any building inspector, fire chief or fireman of any community, inspector of the Commonwealth of Pennsylvania or [Department of State Police] *Pennsylvania Motor Police*, shall be permitted to enter any building or buildings at any reasonable hour for purpose of inspection.

Right of inspection.

Section 3. This act shall become effective immediately upon its final enactment.

When effective.

APPROVED—The 29th day of June, A. D. 1937.

GEORGE H. EARLE

No. 453

AN ACT

Establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses from the State Employes' Retirement Fund, under the Administration of the State Employes' Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the member or de-

pendents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties.

Section 1. Be it enacted, &c., That the following words and phrases, as used in this act, shall be construed to have the following meanings:

**Definitions.**

“Accumulated Deductions,” the total of the amounts deducted from the salary of a contributor and paid into the fund and standing to his credit in the fund, together with the regular interest thereon.

“Beneficiary,” any person in receipt of a retirement allowance under this act.

“Board,” the State Employes’ Retirement Board of the Treasury Department.

“Contributor,” any person who has accumulated deductions in the fund standing to his credit.

“Final Salary,” the average annual compensation earnable by a contributor, before any deductions have been made, and exclusive of maintenance allowances and expenses, for the five years of service immediately preceding retirement, or, in the event a member has not served five years, the total retirement compensation earnable divided by the number of the years served.

“Fund,” the State Employes Retirement Fund.

“Member’s Annuity,” payments for life derived from contributions made by the contributor.

“Motor Police,” the Pennsylvania Motor Police.

“Original Member,” a person employed by the Pennsylvania State Police or the State Highway Patrol prior to January first, one thousand nine hundred and twenty-five, and who is an employe of the Pennsylvania Motor Police.

“New Member,” a person who became a member of the Pennsylvania State Police, or the State Highway Patrol, or the Pennsylvania Motor Police, subsequent to December thirty-first, one thousand nine hundred and twenty-four.

“Prior Service,” shall mean service prior to January first, one thousand nine hundred and twenty-four.

“Regular Interest,” interest at the rate of four per centum compounded annually.

“Retirement Allowance,” the State annuity plus the member’s annuity.

“State Annuity,” payments for life derived from contributions made by the Commonwealth.

“Superannuation Retirement Age” shall mean at least—(a) sixty years of age during the year one thousand nine hundred and thirty-eight; (b) fifty-nine years of age during the year one thousand nine hundred and thirty-nine; (c) fifty-eight years of age during the year one thousand nine hundred and forty; (d) fifty-seven years of age during the year one thousand nine hun-

dred and forty-one; (e) fifty-six years of age during the year one thousand nine hundred and forty-two; (f) fifty-five years of age during the year one thousand nine hundred and forty-three; (g) fifty-four years of age during the year one thousand nine hundred and forty-four; (h) fifty-three years of age during the year one thousand nine hundred and forty-five; (i) fifty-two years of age during the year one thousand nine hundred and forty-six; (j) fifty-one years of age during the year one thousand nine hundred and forty-seven; and (k) fifty years of age during the year one thousand nine hundred and forty-eight or any subsequent year.

Section 2. Motor Police Retirement System.—A retirement system is hereby established for the members of the Pennsylvania Motor Police, which system shall be administered by the State Employes' Retirement Board of the Treasury Department.

Retirement  
system  
established.

Section 3. Administrative Expenses.—The expense of the administration of this act, exclusive of the payment of retirement allowances and other benefits, shall be paid by the Commonwealth, by biennial appropriations out of the General Fund made on the basis of estimates submitted by the board.

Expenses of  
administration.

Section 4. Payments into State Employes' Retirement Fund.—All appropriations made by the Commonwealth out of the Motor License and General Funds, all contributions by members of the Motor Police in the amount hereinafter specified, and all interest on and increase of the investments and moneys under this act shall be paid into the State Employes' Retirement Fund, and shall be credited to the proper accounts in said fund as provided by law applying to said fund. The Commonwealth shall, on receiving the certification of the board, periodically contribute such sums of money as the actuary shall estimate shall be required to annually meet the obligations incurred or to be incurred and to establish the reserves provided for in this act.

Payments and  
contributions.

Section 5. Rules and Regulations; Actuarial Data; Appropriations to Fund.—The board shall from time to time establish such rules and regulations for the administration of this act as may be deemed necessary. It shall keep such data as shall be necessary for actuarial valuation purposes. The actuary of the board shall periodically make an actuarial investigation into the mortality and service experience of the contributors to and beneficiaries of the fund, and shall adopt for the retirement system one or more mortality tables, and certify to the board biennially the amount of contributions required to be made by the Commonwealth to the fund to build up and maintain adequate reserves for the

Actuarial basis.

payment of the State's share of the retirement allowances and other disbursements provided by this act.

Membership.

Section 6. Compulsory Membership.—Every member of the Pennsylvania Motor Police having police power shall be required to become a member of the retirement system established by this act on January first, one thousand nine hundred and thirty-eight, and thereafter when first becoming a member of the Motor Police. Contributions by members under this act shall commence with the first payroll after January first, one thousand nine hundred and thirty-eight. If any person who becomes a member of the Motor Police subsequent to January first, one thousand nine hundred and thirty-eight, shall have been at any time theretofore in the Commonwealth's employ, he shall receive credit for any such service prior to January first, one thousand nine hundred and thirty-eight, upon complying with the provisions of this act.

Section 7. Commonwealth Guarantee; Biennial Budgets.—The regular interest charges payable, and the creation and maintenance of the necessary reserves for the payment of the State and members' annuities in accordance with this act, are hereby made obligations of the Commonwealth of Pennsylvania. The board shall prepare and submit to the budget secretary, on or before the first day of November of each even-numbered year, an itemized estimate of the amounts necessary to be appropriated from the Motor License and General Funds to complete the payments of the obligations of the Commonwealth during the fiscal biennium beginning June first of the following year.

Service allowance.

Section 8. Service Allowance.—In computing the length of service of a contributor for retirement purposes, full credit shall be given to each contributor for each year of service rendered to the Commonwealth, including service rendered prior to January first, one thousand nine hundred and thirty-eight, upon complying with the provisions of this act. As soon as practicable, the retirement board shall issue to each original member a certificate certifying the aggregate length of his service prior to January first, one thousand nine hundred and twenty-four. Such certificate shall be final and conclusive as to his prior service, unless thereafter modified by the board upon application of the contributor. The time during which a contributor is absent from service without pay shall not be counted in computing the service of a contributor, unless approved by the board.

Section 9. Payments by Contributors.—All original and new members shall be required to contribute into the fund at the same rate of contribution, according to age, as is required of State employes contributing at the

one one-hundredth rate under the State Employes' Retirement Act. All original employes who were not members of the State Employes' Retirement System shall have the option of becoming original members of the retirement system established by this act, but shall be required to pay into the fund a sum equal to all back payments which such person would have made had he become a member of the State Employes' Retirement System when the same was established. In like manner, any new member may elect to make back payments to the date when he first entered the service of the Pennsylvania State Police or the State Highway Patrol. Such back payments of original and new members may be spread over a period of years, by having the regular payroll deduction of the contributor increased by not less than one-third of the amount thereof, which deduction increase shall be credited to such back payments owing, and shall be continued until the full amount of such back payments have been completed. Any such deduction increase may be anticipated in part or in full by the contributor at any time, and shall be anticipated in full at the time of retirement before a retirement allowance is granted, and, if not so anticipated, then his member's annuity shall be calculated on the total accumulated deductions standing to his credit in the fund, and the state annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of back payments not so anticipated.

Payments.

Every contributor who was a member of the State Employes' Retirement System shall receive full credit under this act for all contributions made into the fund, and for all service credits to which he was entitled under the State Employes' Retirement System.

Section 10. Contributions by the Commonwealth.—The Commonwealth shall contribute from the General Fund and from the Motor License Fund, from time to time, sufficient moneys to build up the reserves required to pay to each contributor, upon superannuation retirement a State annuity equal to—(a) one one-hundredth of his final salary for each year of total service, and, in addition thereto, if an original member, of one one-hundredth of his final salary for each year of prior service, and (b) an additional State annuity which shall be equivalent to the additional member's annuity which the accumulated deductions standing to the credit of the contributor would purchase if he retired at age sixty, under the State Employes' Retirement System.

Contributions by the Commonwealth.

The amounts to be paid by the Commonwealth from the General Fund and the Motor License Fund into the State Employes' Retirement Fund shall be apportioned

in the same ratio as the salaries of the members of the Pennsylvania Motor Patrol.

Payments upon death.

Section 11. Payments Upon Death.—If the board shall find that a contributor died as a direct and proximate result of injuries received in the course of his employment, a retirement allowance shall be paid to his widow so long as she remains his widow, and, if and when such widow dies or remarries, then to his children under eighteen (18) years of age while they are under eighteen (18) years of age, and, if and when there are no children under eighteen (18) years of age, then to the member's parent or parents, if they are dependent.

Amount.

Such retirement allowance shall consist of—(a) a member's annuity which shall be the actuarial equivalent of the contributor's accumulated deductions standing to his credit, and (b) a State annuity equal to 50% of the final salary of the contributor, less the amount which is paid to any such widow or children or dependent parent or parents under the Workmen's Compensation Laws of this Commonwealth during the period such compensation is paid or payable.

Superannuation retirement allowance.

Section 12. Superannuation Retirement Allowance.—Any contributor may retire for superannuation by filing with the board a written application for retirement, duly attested, setting forth on what date he desires to be retired. Said application shall make the superannuation retirement allowance effective on the date so specified if such application was filed in the offices of the board or deposited in the United States mail, addressed to the board, before the date specified in the application, and before the death of the contributor: Provided, however, That the date so specified in the application shall not be more than thirty days from the date of filing or depositing the application in the mail.

Amount.

When a contributor retires for superannuation under the provisions of this section, he shall be paid a retirement allowance disbursed according to his election as provided in section 17. Such retirement allowance shall consist of —(a) a member's annuity which shall be the actuarial equivalent of his accumulated deductions standing to his credit in the Members' Annuity Reserve Account; and (b) a State annuity equal to one one-hundredth of his final salary for each year of total service, and, if an original member, in addition thereto, of one one-hundredth of his final salary for each year of prior service, and an additional state annuity which shall be equivalent to the additional members annuity which the accumulated deductions standing to the credit of the contributor would purchase, if he retired at age sixty, under the State Employees' Re-

tirement System; but the State annuity shall not exceed fifty (50%) per cent of the contributor's final salary.

Section 13. Disability Retirement Allowance.—In case of the disability of a contributor, regardless of the length of service of the contributor, a retirement allowance shall be granted the contributor in an amount calculated in accordance with the provisions of the State Employes' Retirement Act relating to disability retirement allowances and subject to the same terms, conditions and rights as provided by said act.

Disability retirement allowance.

Section 14. Involuntary Retirement Allowances.—Should a contributor be discontinued from service not voluntarily, after having completed ten years of total service but before reaching superannuation retirement age, he shall, upon filing of application in the manner herein provided for superannuation retirement, be paid as he may elect as follows—(a) The full amount of the accumulated deductions standing to his credit; or (b) a member's annuity of equivalent actuarial value to his accumulated deductions standing to his credit and in addition a State annuity having a value equal to the present value of a State annuity beginning at superannuation retirement age, as provided in this act with respect to State annuities for superannuation retirement. The same options shall be available to beneficiaries in case of involuntary retirement as provided herein in the case of superannuation retirement.

Voluntary retirement allowance.

Section 15. Options on Superannuation Retirement.—At the time of superannuation retirement any contributor may elect that the retirement allowance be payable in conformance with any one of the following plans:

Choice.

(1) There shall be paid to the beneficiary the actuarial equivalent of the members' and State annuity as a retirement allowance payable throughout his life, and, upon the beneficiary's death, all retirement allowance payments shall cease.

(2) If the retirement allowance would be less than ten (\$10) dollars per month, there shall be paid to the beneficiary the full amount of the accumulated deductions standing to his individual credit in the Members' Annuity Reserve Account.

(3) There shall be paid to a beneficiary the actuarial equivalent of the members' and State annuity in a lesser retirement allowance payable throughout life with any one of the following provisions:

(a) If the beneficiary die before receiving in payments the present value of his member's annuity and state annuity as it was in the time of his retirement, the balance shall be paid to his legal representatives or to such person having an insurable interest in his life as he shall nominate, by written designation duly acknowledged and filed with the board.

(b) Upon his death, his member's annuity and State annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate, by written designation duly acknowledged and filed with the board.

(c) Upon his death, one-half of his member's and State annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate, by written designation duly acknowledged and filed with the board at the time of his retirement.

Monthly pay-  
ment of retire-  
ment allowances.

Section 16. Monthly Payments of Retirement Allowances.—The retirement allowances granted under the provisions of this act shall be paid in equal monthly installments, and shall not be increased, decreased, revoked, or repealed unless by an act of Assembly.

Refunds.

Section 17. Refunds in Case of Withdrawal or Death.—Where a contributor resigns from service before becoming entitled to a retirement allowance, or where a contributor has died and no application for a retirement allowance shall have been made by a person entitled to claim under the provisions of this act within six months after resignation or death, then the amount standing to the credit of the contributor in the Members' Annuity Reserve Account shall be paid to him or to the person nominated by him by written designation duly acknowledged and filed by the contributor with the board, or in lieu of such designation such amount shall be paid to his estate.

Exemption.

Section 18. Exemption from Taxation and Execution, Etc.—Any money received or to be paid as a member's annuity, state annuity or return of deductions, or the right to any of these, shall be exempt from any State or municipal tax and from levy, sale, garnishment, attachment, or any other process whatsoever, and shall be unassignable, except for a loan not in excess of three hundred (\$300) dollars the interest on which shall not exceed six (6%) per centum per annum, received by a contributor from a credit union now or hereafter organized or incorporated under the laws of this Commonwealth, the membership of which credit union is limited solely to officers and employes of the Commonwealth.

Section 19. Nomination of Beneficiary.—Every contributor shall have the authority to change the person nominated by him as the beneficiary, by written designation duly acknowledged and filed with the board up until, but not after, the time of retirement.

Fraud; error.

Section 20. Fraud; Correction of Errors.—(a) No person shall knowingly make any false statement, or shall falsify or permit to be falsified any record or

records of the retirement system herein established in any attempt to defraud such system.

(b) Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or beneficiary receiving more or less than he would have been entitled to had the records been correct, then, on the discovery of such error, the board shall correct such error and shall adjust the payments which shall be made to the contributor or annuitant in such manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid.

Any person violating any of the provisions of subsection (a) of this section shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand (\$1000) dollars or suffer imprisonment not exceeding one year, or both, in the discretion of the court.

Section 21. Restrictions Upon Payments.—If any beneficiary is convicted of a misdemeanor or felony, the board shall have the authority to revoke or suspend, for as long a time as it sees fit, disbursement of the state annuity. Where the illness or injuries causing a contributor to be retired, or where the death of a contributor is directly and proximately caused by such contributor's immoral or intemperate conduct or gross negligence, the board shall have the authority to refuse, revoke, or suspend for as long a time as it sees fit disbursement of the State annuity.

Restrictions  
upon Payments.

Section 22. Medical Expenses.—The fund shall, upon approval by the board, be available for the payment of the necessary and proper medical, surgical and hospital expenses incurred as a direct and proximate result of illness contracted or injuries received in the course of a contributor's employment, except as otherwise expressly herein provided. The fund shall, upon approval by the board, also be available for the payment of that portion of the necessary and proper medical, surgical and hospital expenses, not exceeding two hundred (\$200) dollars but in excess of twenty-five (\$25) dollars, incurred by a contributor for any one other illness in the calendar year, except as otherwise expressly herein provided. However, in no event shall any charge for medical, surgical or hospital expenses of a contributor, whether incurred because of illness contracted or injuries received in the course of or outside of the course of employment be allowed until the contributor has resorted to all other funds that may be rightfully charged with such expenses, and there is a balance remaining unpaid.

Medical expenses.

Section 23. Subrogation.—Where a third person is liable to the member or his dependents for injury or

Subrogation.

death, the Commonwealth shall be subrogated to the right of the member or the dependents against such third person; but only to the extent of the State annuity payable under this act by the Commonwealth. Any recovery against such third person, in excess of the State annuity theretofore paid or thereafter to be paid by the Commonwealth, shall be paid forthwith to the contributor or the person designated by the contributor.

**In addition.**

Section 24. Payments Under Other Laws.—All payments provided for in this act are in addition to any other benefits now or hereafter provided for under any Workmen's Compensation Law or any other law except as otherwise herein provided.

**May be amended or repealed.**

Section 25. Amendments to Law.—The Legislature shall have the right and the authority to alter, strike out, add to, or amend, or supplement any of the provisions of this act, or to repeal the entire act; and the board shall have the same right and authority with reference to its regulations; excepting, that no law or regulation shall deprive a contributor of the money standing to his credit in the Members' Annuity Reserve Account.

Section 26. State Employees' Retirement Law to Apply Generally.—Except as otherwise provided in this act, the retirement system established by this act shall be administered in accordance with the laws, rules and regulations applying to the State Employees' Retirement System.

**Constitutional provision.**

Section 27. Constitutional Provisions.—The provisions of this act are severable,\* and, if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

**When effective.**

Section 28. Effective Date.—This act shall become effective January first, one thousand nine hundred and thirty-eight.

\* "several" in the original.

APPROVED—The 29th day of June, A. D. 1937.

GEORGE H. EARLE