

tional or foreign banking, or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership, or control of local institutions in foreign countries or in such dependencies or insular possessions, but a bank or a bank and trust company may make such investment only with the previous written approval of, and under such terms and conditions as shall be prescribed by, the department.

Section 2. Section 1012 of the act is amended by adding, at the end thereof, a new subsection to read :

Section 1012 of the act, amended by adding a new subsection D.

Section 1012. Loans on and Investments in Bonds or Notes Secured by Mortgages or Deeds of Trust and Judgments of Record.— \* \* \*

*D. A bank or a bank and trust company, which owns more than fifty per centum of the shares of capital of a corporation or association chartered or organized under the laws of the United States, or of any state thereof, and principally engaged in international or foreign banking or in banking in a dependency or insular possession of the United States, may acquire, in whole or in part, from such corporation or association and thereafter hold and dispose of loans on the security of, or investments in, bonds or notes secured by mortgages or deeds of trust upon real property, which are first liens on improved real property, including improved farm land, wherever such real property may be located: Provided, That such mortgages or deeds of trust upon real property meet all requirements of this section other than those limiting the location of such real property, and are serviced by such corporation or association.*

Section 3. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 23rd day of August, A. D. 1961.

DAVID L. LAWRENCE

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No. 494

AN ACT

Amending the act of May 13, 1915 (P. L. 286), entitled "An act to provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same;

by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," further prescribing work in which minors may engage; providing for the issuance of special permits for minors engaging in the entertainment and related fields; changing provisions relating to working hours; employment certificates; regulations; prescribing penalties; and providing a short title.

Child Labor Law

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

Title, act of May  
13, 1915, P. L.  
286, amended.

Section 1. The title, act of May 13, 1915 (P. L. 286), entitled "An act to provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act: requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," is amended to read:

## AN ACT

To provide for the health, safety, and \*welfare of minors: New title.

By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; [requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed;] requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the [Commissioner] *Secretary* of Labor and Industry, the [attendance officers] *representative* of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; *providing for the issuance of special permits for minors engaging in the entertainment and related fields*; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith.

Section 2. Section 4 of the act, amended May 2, 1949 (P. L. 847), is amended to read:

Section 4 of the act, amended May 2, 1949, P. L. 847, further amended. Minors under 18 years of age.

Section 4. No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with any establishment, or in any occupation, for more than six consecutive days in any one week, or more than forty-four hours in any one week, or more than eight hours in any one day: Provided, That messenger boys employed by telegraph companies at offices where only one such minor is employed as a messenger in which case such minor shall not be employed for more than six consecutive days in any one week, or more than fifty-one hours in any one week, or more than nine hours in any one day: *And provided further, That no minor under eighteen years of age, who is enrolled in regular day school and working outside school hours, shall be*

Hours of labor.

\* "welfare" in original.

*employed or permitted to work for more than twenty-eight hours during a school week.*

Minors under 16  
years of age.

No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment or in any occupation before seven o'clock in the morning or after seven o'clock in the evening of any day, nor shall such a minor who is enrolled in school and working outside school hours be employed or permitted to work in, about, or in connection with, any establishment or in any occupation more than four hours on a school day, or more than eight hours on any other day, or more than eighteen hours during a school week: Provided, That, students fourteen years of age and over whose employment is part of a recognized school-work program, supervised by a recognized school authority, may be employed for hours which, combined with the hours spent in school, do not exceed eight a day: And further provided, That male minors over the age of fourteen may be employed in the distribution, sale, exposing or offering for sale, of any newspaper, magazine, periodical or other publication for not more than fifty-one hours in any one week, or more than nine hours in any one day, and after six o'clock in the morning and before eight o'clock in the evening. [In computing the maximum number of hours per day or per week permitted under this act, the hours spent in school by said minors shall be considered as part of the working day or working week.]

Minors under 18  
years of age.

No minor under eighteen years of age shall be employed or permitted to work for more than five hours continuously in, about, or in connection with, any establishment without an interval of at least thirty minutes for a lunch period and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

Male minors  
under 18 years  
of age.

*No male minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment between the hours of eleven in the evening and six in the morning if such male minor is enrolled in regular day school.*

Section 5 of the  
act, amended  
June 2, 1947,  
P. L. 389,  
further amended.  
Minors under 16  
years of age:  
prohibited  
employment.

Section 3. Section 5 of the act, amended June 2, 1947 (P. L. 389), is amended to read:

Section 5. No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with, any manufacturing or mechanical occupation or process; nor on scaffolding; nor in heavy work in the building trades; nor in stripping or assorting tobacco; nor in any tunnel; nor upon any railroad, steam, electric or otherwise; nor upon any boat engaged in the transportation of passengers or merchandise; nor in

operating motor-vehicles of any description; nor in any anthracite or bituminous coal-mine, or in any other mine.

No minor under eighteen years of age shall be employed or permitted to work in the operation or management of hoisting machines, in oiling or cleaning machinery, in motion; [in the operation or use of any polishing or buffing-wheel;] at switch-tending, at gate-tending, at track-repairing; as a brakeman, fireman, engineer, or motorman or conductor, upon a railroad or railway; as a pilot, fireman, or engineer upon any boat or vessel; in the manufacture of paints, colors or white lead in any capacity; in preparing compositions in which dangerous leads or acids are used; in the manufacture or use of dangerous or poisonous dyes; in any dangerous occupation in or about any mine; nor in or about any establishment wherein gunpowder, nitroglycerine, dynamite, or other high or dangerous explosive is manufactured or compounded: *Provided, That such minors may work where such chemicals, compounds, dyes and acids are utilized in the course of experiments and testing procedures, in such circumstances and under such conditions and safeguards as may be specified by rule or regulation of the Department of Labor and Industry.*

Minors under 18 years of age: prohibited employment.

No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold, or dispensed; nor in a [public] bowling alley; nor in a pool or billiard room: *Provided, That male minors sixteen years of age and over may be employed and permitted to work in a [public] bowling alley.*

Minors under 18 years of age: prohibited places of employment.

Proviso.

No minor shall be employed or permitted to serve or handle alcoholic liquor in any establishment where alcoholic liquors are sold or dispensed; nor be employed or permitted to work in violation of the laws relating to the operation of motor vehicles by minors.

Minors.

In addition to the foregoing, it shall be unlawful for any minor under eighteen years of age to be employed or permitted to work in any occupation dangerous to the life or limb, or injurious to the health or morals, of the said minor, as such occupations shall, from time to time, after public hearing thereon, be determined and declared by the Industrial Board of the Department of Labor and Industry: *Provided, That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid, such holding shall not be taken in any case to affect or impair the remaining provisions of this section.*

Minors under 18 years of age: prohibited employment as determined by Department of Labor and Industry.

Section 4. The act is amended by adding, after section 7, a new section to read:

Act amended by adding a new section 7.1.

Minors 7 to 18 years of age in the entertainment field.

*Section 7.1. (a) The Department of Labor and Industry is hereby authorized to issue special permits for the employment of minors seven and under eighteen years of age in theatrical productions, musical recitals or concerts, entertainment acts, modeling, radio, television, motion picture making, or in other similar forms or media of entertainment in Pennsylvania where the performance of such minor is not hazardous to his safety or well-being, except as follows:*

Prohibitions or restrictions on employment.

*(1) No such minor shall be permitted to perform after the hour of eleven-thirty in the evening.*

*(2) No such minor shall be permitted to perform in any place or establishment where alcoholic beverages are sold or dispensed.*

*(3) No such minor shall be permitted to perform in a boxing, sparring or wrestling match or exhibition or in an acrobatic or other act, performance or exhibition hazardous to his safety or well-being.*

*(4) No such minor shall appear in more than two performances in any one day nor in more than eight performances in any one week.*

Rehearsals.

*(b) Rehearsals for performances as set forth in this section shall be permitted, providing the length of time and hours of starting and finishing such rehearsals added to performance duties are not such as to be injurious or harmful to the minor. Rehearsal time, if any, expected and the hours of starting and finishing same shall be set forth in the application as provided in this section, and the special permit issued shall state what rehearsal time is permissible.*

Special permit.

*(c) Nothing in this section shall be deemed to supersede or repeal any provisions of this act unless and until such special permit is issued for any such performance or series of performances.*

Application for permit.

*(d) Application forms shall be in such form as shall be provided by the Department of Labor and Industry. Such forms shall be signed by both the employer of the minor and the parent or guardian of the minor, and shall contain the seal of a notary public and a statement that the facts as set forth in the application are true and correct. The application shall state what provisions are in effect to provide for the minor's educational instruction, supervision, health and welfare and the safeguarding and conservation for the minor of the moneys derived from such performances. No special permit shall be issued for any performance where there is no adequate provision for such educational instruction, supervision, health and welfare and the safeguarding and conservation for the minor of the moneys derived from such performances.*

*(e) Appeals of any decision under this section made by the Department of Labor and Industry shall be to the Industrial Board which will hold a hearing on same. Appeals of the decision of the Industrial Board shall be on questions of law only and shall be to the Common Pleas Court of Dauphin County.*

Appeals.

Section 5. Section 10 of the act is amended to read:

Section 10 of the act, amended.

Section 10. Application for the employment certificate must be made, in person, by the parent, guardian, or legal custodian of the minor for whom such employment certificate is requested; or, if said minor have no parent, guardian, or legal custodian, then by the next friend, who must be over twenty-one years of age. [and no] *A properly countersigned application shall be acceptable in lieu of personal application of parent, guardian or custodian for minors who have graduated from accredited senior high schools and show official proof of such graduation. No employment certificate shall be issued until the said minor has personally appeared before, and been examined by, the officer issuing the certificate, except that where the applicant is a graduate of a high school, no personal appearance of the parent, guardian or legal custodian or next friend of the minor shall be required upon official proof of such graduation.*

Application certificates.

Section 6. Clause c of section 12 and section 17 of the act, amended July 19, 1935 (P. L. 1335), are amended to read:

Clause c, section 12, and section 17, of the act, amended July 19, 1935, P. L. 1335, further amended.

Section 12. The official authorized to issue a general or a vacation employment certificate shall not issue such certificate until he has received, examined, approved, and filed the following papers, namely:—

General employment certificates.

\* \* \* \* \*

*c. Proof of age as hereinafter provided, except that when such proof of age is an official document or record of the Commonwealth or government of another state or governmental subdivision thereof, it need not be filed if the officer issuing the certificate shall record such information as may be necessary to enable the document or record to be located at the place where it is filed. When proof of age is other than an official document or record of the Commonwealth or government of another state or governmental subdivision thereof, a photostatic copy thereof may be filed in lieu of the original: Provided, however, That such photostatic copy shall be certified to by the officer issuing the employment certificate.*

Papers required to be approved and filed.

Section 17. It shall be the duty of every person who shall employ any minor under eighteen years of age to acknowledge, in writing, to the official issuing the same,

Acknowledgment by employer of receipt of certificate.

- the receipt of the employment certificate of said minor, within [three] *five* days after the beginning of such employment. On termination of the employment of a minor under eighteen years of age, the employment certificate issued for such minor shall be returned by mail, by the employer, to the official issuing the same, immediately upon demand of the minor for whom the certificate was issued, or otherwise, within [three] *five* days after termination of said employment. The official to whom said certificate is so returned shall file said certificate and preserve the same. Any minor whose employment certificate has been returned, as above provided, shall be entitled to a new employment certificate upon presentation of a statement from the prospective employer, as hereinabove provided, accompanied by a certificate of physical fitness, issued in the manner hereinabove provided and based upon a reexamination of said minor, and certifying that the minor is physically able to undertake the work for which the new employment certificate is to be issued.
- Return of certificate to the minor.
- New certificates.
- Act amended by adding a new section 18.1.
- Rules and Regulations.
- Sections 23 and 24 of the act amended.
- Violations.
- Penalties.
- Enforcement of this act.
- Section 7. The act is amended by adding, after section 18, a new section to read:
- Section 18.1. The Department of Labor and Industry shall have the power to prescribe rules and regulations to carry out the intent of this act. Such rules and regulations shall be approved by the Industrial Board.*
- Section 8. Sections 23 and 24 of the act are amended to read:
- Section 23. Any person, or any agent or manager for any person, who shall violate any of the provisions of this act, or who shall compel or permit any minor to violate any of the provisions of this act, or who shall hinder or delay any officer in the performance of his duty in the enforcement of this act, shall, upon conviction thereof, be sentenced to pay a fine, *for a first offense*, of not less than [ten (\$10.00)] *fifty (\$50.00)* dollars nor more than two hundred (\$200.00) dollars, *and, on a subsequent offense, to pay a fine of not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars*, or to undergo an imprisonment of not more than ten days, or both, at the discretion of the court.
- Section 24. It shall be the duty of the [Commissioner] *Secretary of Labor and Industry, the chief school administrators, home and school visitors, attendance officers, and secretaries of boards of school directors* of the various school districts *or joint school systems*, and the police of the various cities, boroughs, and townships of this Commonwealth, to enforce the provisions of this act. Prosecutions for violations of this act may be instituted

by any [factory inspector] *duly authorized representative of the Department of Labor and Industry, chief school administrator, home school visitor, attendance officer, secretary of a board of school directors, or police officer*, upon oath or affirmation. All prosecutions for violations of this act shall be in the form of summary criminal proceedings, instituted before a magistrate, alderman, or justice of the peace within the [school district] *county* wherein the offense was committed. Upon conviction, after a hearing, the sentences provided in this act shall be imposed. All fines collected under this act shall be paid into the State Treasury, for the use of the Commonwealth.

Prosecutions.

Fines.

Section 9. The act is amended by adding, after section 24, a new section to read:

Act amended by adding a new section 24.1.

*Section 24.1. This act shall be known and may be cited as the "Child Labor Law."*

Child Labor Law.

Section 10. The provisions of this act shall not be construed to repeal the provisions of the "Public School Code of 1949" relating to the employment of children.

Construction.

Section 11. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 23rd day of August, A. D. 1961.

DAVID L. LAWRENCE

No. 495

AN ACT

Amending the act of April 12, 1951 (P. L. 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," prohibiting the offer and sale of malt and brewed beverages below cost by distributors and importing distributors, and fixing penalties.

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

Liquor Code.