

No. 1978-275

## AN ACT

HB 163

Amending the act of May 31, 1893 (P.L.188, No.138), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," providing that the fifteenth day of January shall be known as Dr. Martin Luther King, Jr. Day and observed as a holiday; and providing for Presidents' Day and its observance as a holiday.

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

Section 1. Section 1, act of May 31, 1893 (P.L.188, No.138), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," amended April 5, 1973 (P.L.12, No.4), is amended to read:

Section 1. Be it enacted, &c., That the following days and half days, namely: the first day of January, commonly called New Year's Day, *the fifteenth day of January, known as Dr. Martin Luther King, Jr. Day, [the twelfth day of February, known as Lincoln's Birthday,]* the third Monday of February, known as *[Washington's Birthday,]* *Presidents' Day*, Good Friday, the last Monday in May, known as Memorial Day, the fourteenth day of June, known as Flag Day, the fourth of July, called Independence Day, the first Monday of September, known as Labor Day, the second Monday in October, known as Columbus Day, the first Tuesday after the first Monday of November, Election Day, the eleventh day of November, known as Veterans' Day, the fourth Thursday in November, known as Thanksgiving Day, the twenty-fifth day of December, known as Christmas Day; and every Saturday, after twelve o'clock noon until twelve o'clock midnight, each of which Saturdays is hereby designated a half holiday; and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fastings and prayer, or other religious observance; and in the event of a financial crisis in the State or Nation, any day or days appointed by the Governor of this State or the President of the United States as a bank holiday; and in the event of public calamity in any part of the State through fire, flood, famine, violence, riot, insurrection, or enemy action, any day or days appointed by the Governor of this State as a bank holiday for banking institutions affected by such public calamity shall, for all purposes whatever as regards the presenting for payment or acceptance, and as regards the protesting and giving notice of the dishonor of bills of exchange, checks, drafts, and promissory notes, made after the passage of this act, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays and half holidays; and all such bills, checks, drafts, and

notes otherwise presentable for acceptance or payment on any of the said days, shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday; except checks, drafts, bills of exchange, and promissory notes, payable at sight or on demand, which would otherwise be payable on any half holiday Saturday, shall be deemed to be payable at or before twelve o'clock noon of such half holiday: Provided, however, That for the purpose of protesting or otherwise holding liable any party to any bill of exchange, check, draft, or promissory note, and which shall not have been paid before twelve o'clock noon of any Saturday designated a half holiday as aforesaid, a demand for acceptance or payment thereof shall not be made, and notice of protest or dishonor thereof shall not be given, until the next succeeding secular or business day: And provided further, That when any person, firm, corporation or company shall, on any Saturday designated a half holiday, receive for collection any check, bill of exchange, draft, or promissory note, such person, firm, corporation, or company shall not be deemed guilty of any neglect or omission of duty, nor incur any liability, in not presenting for payment or acceptance or collection such check, bill of exchange, draft or promissory note, on that day: And provided further, That, in construing this section, every Saturday designated a half holiday shall, until twelve o'clock noon, be deemed a secular or business day; and the days and half days aforesaid, so designated as holidays and half holidays, shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business, except that any day or days appointed as a bank holiday shall be regarded as secular or business days for all other purposes than those mentioned in this act: And provided further, That nothing herein contained shall be construed to prevent or invalidate the entry, issuance, service, or execution of any writ, summons, confession of judgment, or other legal process whatever, on any of the holidays or half holidays herein designated as holidays; nor to prevent any banking institution from keeping its doors open or transacting its business, on any Saturday afternoon, if by a vote of its directors it shall elect to do so, unless such Saturday is appointed as a bank holiday under the provisions of this act: And provided further, That any banking institution may, by a vote of its directors, or in the case of a private bank by action of the private banker or bankers, notice of which shall have been posted in its banking house for not less than fifteen days before the taking effect thereof, observe any Saturday throughout the year as a full holiday with like effect hereunder as though such day had been designated as a full holiday by the provisions of this act, and may in the same manner, observe as a full holiday any Monday next following the first day of January, the fourth day of July or the twenty-fifth day of December whenever any of such holidays shall occur on a Saturday with like effect hereunder as though such day had been designated as a full holiday by the provisions of this act.

Section 2. The act of December 30, 1974 (P.L.1037, No.338), entitled "An act providing for the observance of January 15 of each year as Martin Luther King Day," is repealed.

Section 3. This act shall take effect immediately.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP