

No. 1990-175

## AN ACT

SB 1675

Amending the act of April 27, 1927 (P.L.465, No.299), entitled, as amended, "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists, except in cities of the first class and second class; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry, the Department of Health, boards of school directors and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," regulating fees; providing penalties; and regulating buildings.

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

Section 1. Section 5 of the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, amended January 14, 1952 (1951 P.L.1889, No.518), is amended to read:

Section 5. Theatres, Motion Picture Theatres and Places of Public Assembly.—In every theatre, motion picture theatre, and place of public assembly, the construction of the building, the exits from the stage, dressing rooms and auditorium, the type and location of exit lights and signs, the width and location of aisles and the arrangement of seats, the construction and use of projection rooms and the equipment contained therein, the height of ceilings and the ventilation of the auditorium, the construction and type of proscenium walls, arches and curtains, drop curtains and sky borders, and the amount, type and location of fire preventing and extinguishing equipment for the stage, dressing room, projection rooms, or other parts of the building, shall be such as to provide reasonable and adequate protection for all persons who may assemble therein. Neither on or about the stage, auditorium, balconies or galleries, nor in any other part of the buildings covered by this section, shall any inflammable or explosive oil or material be used or stored, except when special permission is granted by the Department of Labor and Industry and in accordance with specifications set forth by the said department. There shall be no smoking in any auditorium, balcony or gallery of any theatre or motion picture theatre. All electrical wiring and appliances in such buildings shall be installed in a safe manner, and so maintained.

[In all buildings, except schoolhouses, normal schools, academies, and colleges hereafter erected or adapted for any of the purposes designated in this section, the auditorium or gymnasium when used for public assembly shall not be located above or below the ground level: Provided, That the Department of Labor and Industry shall have the power to permit the audi-

torium to be located above or below the ground level, when in its judgment the number, width, and arrangement of exits, the seating capacity, and the extent of use for such purposes render such auditorium or gymnasium free from additional hazard.

The auditoriums or gymnasiums of schoolhouses, normal schools, academies, and colleges hereafter erected and when used for public assembly shall not be placed above the first floor level nor below the grade level.]

Section 2. Section 7 of the act, amended April 22, 1959 (P.L.52, No.26), is amended to read:

Section 7. Licensing of Projectionists Except in Cities of the First Class and Second Class.—Except as otherwise provided herein, no person shall be permitted to project any motion picture, either theatrical or nontheatrical, until he has obtained a license from the Department of Labor and Industry, after passing an examination prescribed by the said department, for which fees shall be charged as hereinafter provided; and no person shall be permitted in any projection room during any performance, except licensed projectionists, apprentice projectionists, the manager or owner of the theater, or authorized officials of the Department of Labor and Industry. Any license may be suspended or revoked for due cause, but no license shall be revoked until the projectionist or apprentice projectionist has been granted a hearing before the Secretary of Labor and Industry. The amendment providing for the licensing of projectionists in cities of the second class A to become effective as of the first day of January, one thousand nine hundred fifty-two.

Every application for examination as a projectionist shall be accompanied by a fee [of three dollars (\$3.00)]. If the applicant is successful, a certificate of competency and a license shall be issued upon payment of an additional fee [of seven dollars fifty cents (\$7.50)] for projectionists of theatrical or commercial motion pictures, or a fee [of three dollars (\$3.00)] for projectionists of nontheatrical motion pictures. There shall be no examination fee required from apprentice projectionists, but there shall be a license fee [of four dollars fifty cents (\$4.50)] required, the same to accompany application from the apprentice projectionist. For the annual renewal of license for a theatrical or commercial projectionist, there shall be a fee [of seven dollars fifty cents (\$7.50)] charged, the same to accompany the application for renewal of license, and for nontheatrical projectionists [the renewal fee shall be three dollars (\$3.00)]. [The] A renewal fee for apprentice license shall be [two dollars (\$2.00)] charged. *The Department of Labor and Industry shall establish the fees required under this section by regulation.* All fees shall be paid to the Department of Labor and Industry and by the said department paid to the State Treasurer, through the Department of Revenue, for the use of the Commonwealth: Provided, however, That no registration, examination, license or fee shall be required for any one to operate approved sixteen millimeter or smaller projectors, using cellulose acetate film or similar non-flammable film, with or without sound equipment, not being exhibited in theaters or public places of entertainment regularly used as such at which admission fees are charged.

Section 3. Section 8 of the act, amended May 22, 1953 (P.L.196, No.15) and December 10, 1974 (P.L.860, No.290), is amended to read:

Section 8. Approval of Plans.—It shall be the duty of the owner, architect, or contractor of every building or structure, as described in this act, hereafter erected, adapted, remodeled, or altered, to submit to the Department of Labor and Industry for approval, architectural drawings, specifications, or other data showing compliance with the provisions of this act and the rules and regulations of the said department which may be promulgated for the enforcement of the provisions of this act. No such building or structure shall be erected, adapted, remodeled, or altered, until such plans have been examined and approval given by the Department of Labor and Industry, and a building permit obtained in municipalities where such permit is required by ordinance.

**[For] *The department shall establish, by regulation, the fee for making the necessary examination for approval of architectural drawings, specifications, or other data, [the department shall make a charge equal to the actual cost of making such examinations, not, however, to exceed the sum of five hundred dollars (\$500.00),] and for related field inspections performed to verify compliance with the approved architectural drawings, specifications or other data,* and no such drawings, specifications, or other data shall be approved until payment is made of the fee charged therefor. All fees received by the said department for making such examinations shall be paid into the State Treasury through the Department of Revenue.**

Any such owner, architect, or contractor, whose drawings or specifications have been submitted to and approved by said department as herein provided, may proceed with the erection, adapting, remodeling, or altering of such building or structure without submitting such drawings or specifications to or obtaining the approval of any other department, board, or agency of the State government.

Section 4. Section 13 of the act, amended May 2, 1929 (P.L.1523, No.453), is amended to read:

Section 13. Prosecutions.—Any person who shall violate any of the provisions of this act, or the rules and regulations of the Department of Labor and Industry, or who shall fail or refuse to observe orders for the enforcement of the said provisions or rules and regulations issued by ~~duly authorized~~ officers of the Department of Labor and Industry, or who shall hinder or delay or interfere with any officer charged with the enforcement of this act in the performance of his duty, shall, upon conviction thereof, be punished by a fine of not more than **[three hundred dollars (\$300.00)] *five thousand dollars (\$5,000.00)*** and costs, or not more than three (3) months imprisonment in the county jail, or either, or both, in the discretion of the court.

Any person who shall fail or refuse to vacate a building or portion of a building, or who shall fail to cease work in the erecting, remodeling, adapting or altering of a building, or who shall fail to vacate or place out of service any structure, after due notice having been served upon him by an officer of the Department of Labor and Industry and proper notice having been placed upon the building or structure by such officer, shall be liable for a penalty of

**[ten dollars (\$10)] one hundred fifty dollars (\$150.00)** a day for each day he shall have so failed or refused to vacate, cease work on, or place out of service the building, portion of building or structure upon which such notice has been placed, the said penalty to be collectible in the same manner as any fine payable to the Commonwealth.

Prosecutions for violations of this act, or the rules and regulations of the Department of Labor and Industry, may be instituted by the Secretary of Labor and Industry, or under his directions by any authorized representative of the said department, or by duly appointed chiefs of fire departments for violations of the portions of this act, they are especially called upon by this act to enforce, and shall be in the form of summary criminal proceedings instituted before a magistrate, alderman, or justice of the peace. Upon conviction after a hearing, the sentences provided in this act shall be imposed, and shall be final unless an appeal be taken in the manner prescribed by law.

All fines collected under this act shall be forwarded to the Department of Labor and Industry, who shall pay the same into the State Treasury for the use of the Commonwealth.

Section 5. The fees established by section 613-A(6) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, shall remain in effect until the Department of Labor and Industry promulgates regulations establishing fees to be charged under this act.

Section 6. This act shall take effect in 60 days.

**APPROVED—The 17th day of December, A. D. 1990.**

**ROBERT P. CASEY**