

No. 2002-163

AN ACT

HB 1255

Reenacting and amending the act of December 21, 1988 (P.L.1860, No.178), entitled "An act providing for the disposal of unclaimed garments," providing for the disposal of unclaimed footwear and other items left with shoe repairers.

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

Section 1. The title and sections 1, 2, 3, 4, 5, 6, 7 and 8 of the act of December 21, 1988 (P.L.1860, No.178), entitled "An act providing for the disposal of unclaimed garments" are reenacted and amended to read:

AN ACT

Providing for the disposal of unclaimed garments, *footwear and other items left with certain retail establishments.*

Section 1. Unclaimed garments *and footwear.*

A garment *or other item* left with a retail dry cleaner or retail launderer for dry cleaning or laundering *and footwear or other item left with a shoe repairer* may be disposed of by the dry cleaner [or], launderer *or shoe repairer* without liability or responsibility for the [garment] *item* or for proceeds realized from its disposal, provided the requirements of this act are complied with.

Section 2. Receipt for garments *and footwear.*

At the time a dry cleaner or launderer receives garments *or other items* from a customer for cleaning or laundering *and at the time a shoe repairer receives footwear or other items from a customer for repair*, the dry cleaner [or], launderer *or shoe repairer* shall provide to the customer a deposit receipt containing the name and mailing address of the customer, a basic description of the [garments] *items* along with a statement of the quantity of [each garment] *items* left, an itemization of the charges for the work to be done and the projected date when the [garments] *items* shall be ready for pickup by the customer.

Section 3. Notice.

If [a garment] *an item* is not retrieved and paid for by a customer within 90 days of the ready date specified on the customer's receipt, the cleaner [or], launderer *or shoe repairer* may provide a written notice to the customer by certified mail, return receipt requested, mailed to the customer at the address given on the deposit receipt. Such notice shall specify the amount owing to the cleaner [or], launderer *or shoe repairer* and state that the [garment] *item* shall be disposed of by the cleaner [or], launderer *or shoe repairer* within 30 days from the date of delivery of the notice unless the [garment] *item* is claimed by the customer and all charges are paid in full.

Section 4. Refused or unclaimed notices.

If a notice mailed pursuant to section 3 is returned to the cleaner [or], launderer *or shoe repairer* as being unclaimed or delivery refused, the cleaner [or], launderer *or shoe repairer* shall send a second notice to the customer by mail, first class postage prepaid, with a certificate of mailing, indicating that the [garment] *item* will be disposed of by the cleaner [or], launderer *or shoe repairer* within 30 days of the date of mailing of the letter unless the [garment] *item* is claimed by the customer and all charges are paid in full.

Section 5. Disposal of unclaimed property.

If a customer does not claim [a garment] *an item* and pay all charges due and owing, including the cost of mailing the notices specified in sections 3 and 4, and any charge for storage, within 30 days of the receipt of a notice mailed in accordance with section 3 or within 30 days of the mailing of a notice in accordance with section 4 or within 30 days of the date a notice mailed in accordance with section 4 is returned to the sender with a notation that the addressee has moved and left no forwarding address, the cleaner [or], launderer *or shoe repairer* may dispose of the [garment] *item* in any manner whatsoever. The notice specified in section 3 shall be considered to be received by the addressee if signed for by the addressee or by a person signing on behalf of the addressee.

Section 6. Charitable donation.

Without regard to the provisions of sections 2, 3, 4 and 5, any [garment] *item* which remains unclaimed for a period of one year from the ready date indicated on the [garment] *item* receipt may be donated by the cleaner [or], launderer *or shoe repairer* to any charitable, religious or educational organization of a cleaner's [or], launderer's *or shoe repairer's* choice, provided the organization falls within the definition of tax-exempt organization as specified in section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)). The donation shall be made only if the cleaner [or], launderer *or shoe repairer* first sends to the customer, at the address listed on the [garment] *item* receipt, by mail, postage prepaid, including a certificate of mailing, a notice that the [garment] *item* will be so disposed of subsequent to 30 days from the mailing date of the notice if the [garment] *item* is not claimed and all outstanding charges paid.

Section 7. Public notice of disposal procedures.

A cleaner [or], launderer *or shoe repairer* shall prominently display at each location where garments, *footwear and other items* are received from the public a sign indicating that [garments] *items* not claimed within 90 days of the ready date may be disposed of by the cleaner [or], launderer *or shoe repairer*, after notice to the customer as provided by law.

Section 8. Other remedies.

The provisions of the act of May 7, 1925 (P.L.557, No.300), entitled "An act to provide for the sale of property against which a common law lien may

exist for repairs and material; and the method of procedure thereon," shall continue to be available to cleaner [**and**], launderer *and shoe repairer* bailees of personal property as heretofore, as shall any other remedies provided by the common law or statutory law of this Commonwealth, to the extent that they are not inconsistent with the provisions of this act.

Section 2. This act shall take effect in 60 days.

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER