

in either case, of the salary or compensation fixed by ordinance or resolution. But no vacation or suspension period shall be increased or reduced by reason of the fact that, during such period, such member, if working, would have been entitled to one or more rest days under the provisions of this act. In case of public celebrations, riots, serious conflagration, floods, times of war, pestilence or such emergencies, the chief engineer in charge of the bureau of fire or the assistant chief deputy or chief officer in charge at any fire, shall have the power to assign all members of the fire protection forces to continuous duty or to continue any members thereof on duty if necessary. No member of either said shifts, bodies or platoons shall be required to perform any longer day duty than thirty hours of day service or forty-two hours of night service in the same calendar week, excepting as may be necessary to equalize the hours of duty and service, and also excepting in case of emergencies as above provided.

In case of riots, floods, etc., employes may be assigned to continuous duty.

Limit placed upon the number of working hours.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Inconsistent acts repealed

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

When effective.

APPROVED—The 8th day of April, A. D. 1937.

GEORGE H. EARLE

No. 69

AN ACT

To amend and reenact the title and the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand five hundred eighteen), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of elevators outside of cities of the first and second and second A classes; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by extending the provisions of said act to elevators located in cities of the first, second, and second A classes.

Section 1. Be it enacted, &c., That the title and the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand five hundred eighteen), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of elevators outside of cities of the first and second and second A classes; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," as amended by the act, approved the

Title and the act of May 2, 1929 (P. L. 1518), as amended by the act of May 24, 1933 (P. L. 999), further amended.

twenty-fourth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, nine hundred ninety-nine), are hereby further amended and reenacted to read as follows :

AN ACT

**Elevators.** Regulating the construction, equipment, maintenance, operation and inspection of elevators; [outside of cities of the first and second and second A classes] granting certain authority to and imposing certain duties upon the Department of Labor and Industry; *providing fees for inspection of elevators, certificates of operation, and approval of plans*; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act.

**Definitions.** Section 1. Definitions.—Be it enacted, &c., That, as used in this act, “Department” shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania.

“Elevator” shall mean all the machinery, construction apparatus, and equipment used in raising and lowering a car, cage or platform vertically between permanent rails or guides, and shall include all elevators, dumb-waiters, escalators, gravity elevators, hoists and other lifting or lowering apparatus.

“Establishment” shall mean any room, building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind, to whomever payable, and any place of business to which the public access except private dwellings.

“Freight elevator” shall mean an elevator constructed and used for the carrying of materials.

“Inspector” shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect elevators and lifting apparatus in this Commonwealth.

“Passenger elevator” shall mean an elevator constructed and used for carrying persons.

“Person” shall mean any individual, firm, partnership, unincorporated association, corporation or municipality.

Wherever the singular is used in this act, it shall include the plural, and wherever the masculine gender is used it shall include the feminine and neuter.

Section 2. General Requirement.—Every elevator, as described in section one of this act, shall be so constructed, equipped, maintained and operated, with respect to the supporting members, elevator car, shaftway, guides, cables, doors and gates, safety stops and mechanisms, locking mechanisms, electrical apparatus and wiring, mechanical apparatus, counterweights, and all other appurtenances, as to safely sustain the load which the

said elevator is designed and intended to carry. [Provided, That nothing in this act shall be construed to apply to elevators located in cities of the first, second, and second A classes.]

Section 3. Rules and Regulations.—To carry out the provisions and the intent and purpose of this act, the department shall have power, and its duty shall be, to make, alter, amend or repeal rules and regulations for the construction, installation, maintenance, operation and inspection of elevators used or destined for use in this Commonwealth, and shall make specifications for the construction and equipment of such elevators. No elevator shall be permitted to be installed and used in this Commonwealth which does not comply with the rules and regulations herein provided for.

Section 4. Examination of Inspectors and Fees Therefor.—No person shall inspect elevators unless he has passed a written examination prescribed by the department. Application for examination shall be made in writing, upon a form furnished by the department, and shall be accompanied by an examination fee of ten dollars. If the applicant is successful in passing the said examination, a certificate of competency and a commission shall be issued upon the payment of an additional fee of five dollars. All inspectors shall be required to secure a new credential card each year, by application to the department, which application shall be accompanied by a fee of two dollars. The Secretary of Labor and Industry may suspend any commission for due cause, but no commission may be revoked until the inspector has been granted a hearing.

Section 5. Inspection of Insured Elevators.—If an elevator is insured by a company authorized to insure elevators in this Commonwealth against loss from accident, the inspection may be made by an employe of such company, and the only fee collectible by the Commonwealth shall be the certificate fee of one dollar hereinafter provided for in this act.

Section 6. Inspection of Uninsured Elevators.—If such elevator is not so insured, the inspection shall be made by an inspector in the employ of the department, and there shall be a fee charged for each inspection as hereinafter provided for in this act.

Section 7. Frequency of Inspections.—Every passenger elevator and escalator shall be inspected four times in every twelve months; freight elevators, including gravity elevators, shall be inspected at least twice in every twelve months; dumb-waiters, hoists and other lifting apparatus shall be inspected at least once in every twelve months; building hoists shall be inspected at the time of erection at each and every building.

Section 8. Issuance of Certificates.—Every inspector shall forward to the department a full report of each and every inspection made of any elevator, showing the exact condition of the said elevator. If this report indicates that the said elevator is in a safe condition to be operated, the department shall issue a certificate of operation for a capacity not to exceed that named in the said report of inspection, which certificate shall be valid for thirteen months after the date of inspection. No elevator may be lawfully operated without having such a certificate conspicuously posted in the elevator car, cage or platform.

Section 9. Discontinuance of Operation.—If any elevator be found, which, in the judgment of an inspector in employ of the department, is dangerous to life and property, or is being operated without the operating certificate required by this act, such inspector may require the owner or user of such elevator to discontinue its operation within twenty-four hours, and such inspector shall immediately report all facts in connection with such elevator to the department, and he shall place a notice in the elevator car to this effect. In the event a certificate has been issued for such elevator, the said certificate shall be suspended, and not renewed until such elevator shall have been placed in a safe condition. In such case, where an elevator has been placed out of service, the owner or user of such elevator shall not again operate the same, until repairs have been made and permission given by the said inspector to resume operation of the said elevator.

Section 10. Fees for Inspection.—The fee for the certificate of operation for all insured and uninsured elevators shall be one dollar. When elevators are inspected by inspectors of the department, the following fees shall be charged in addition to the certificate fee:

For passenger elevators, fees not exceeding twelve dollars per annum.

For freight elevators, including gravity elevators, fees not exceeding six dollars per annum.

For dumb-waiters, hoists and other lifting apparatus, fees not exceeding three dollars per annum.

For building hoists, fees not exceeding three dollars for each inspection.

Section 11. Approval of Plans.—Before any elevator shall be erected and installed, or undergo repairs amounting to one-half or more of the original value of the said elevator, detailed plans and specifications of the said apparatus, in duplicate, shall be submitted to the department for approval. The application for the approval of plans of elevators shall be accompanied by the following fees: Dumb-waiters, five dollars; freight elevators, seven dollars and fifty cents; and passenger

elevators, ten dollars. If the said plans are approved, a permit for the erection or repair of such elevator shall be issued by the department, and a final inspection shall be made of the apparatus when installed or repairs completed, before final approval shall be given by the department. The elevator shall not be operated until such final inspection and approval be given, unless a temporary permit be granted by the department.

Section 12. Registration of Elevators.—The owner or user of every elevator in this Commonwealth, except [as exempted from the provisions of this act in section 2] *elevators located in cities of the first, second, and second A classes*, shall, prior to December thirty-first, one thousand nine hundred and twenty-nine, register with the Department of Labor and Industry every elevator operated by him, giving the type, capacity and description, name of manufacturer, and purpose for which each is used. Such registration shall be made on forms to be furnished by the department.

*The owner or user of every elevator, located in cities of the first, second, and second A classes, shall register such elevator, as provided in this section, prior to December thirty-first, one thousand nine hundred and thirty-seven.*

Section 13. Disposition of Fees Collected.—All fees provided for by this act shall be paid by cash, money order, or certified check to the Department of Labor and Industry, who shall transmit the same to the State Treasurer, through the Department of Revenue.

Section 14. Enforcement.—It shall be the duty of the Department of Labor and Industry to enforce the provisions of this act.

Section 15. Procedure in Prosecutions.—Prosecutions for violations of the provisions of this act, or the rules and regulations of the department, may be instituted by the department, and shall be in the form of summary proceedings before an alderman, magistrate or justice of the peace. Upon conviction, after a hearing, the penalties hereinafter provided for shall be imposed, and shall be final, unless an appeal be taken to a court of proper jurisdiction in the manner prescribed by law.

Section 16. Penalties.—Any person who shall violate any of the provisions of this act, or the rules and regulations of the department, as herein provided for, or who shall fail or neglect to pay the fees herein provided for, shall, for the first offense, be penalized by a fine of not more than one hundred dollars and costs, and, upon nonpayment thereof, imprisonment in the county jail for not more than ten days, and for each subsequent offense shall be penalized by a fine of not more than two hundred dollars and costs, and, upon nonpayment thereof, imprisonment in the county jail for not more than thirty

days. Any person who shall continue to operate his elevator or other lifting apparatus after notice to discontinue its use as set forth in section nine of this act, shall be penalized in a like action by a fine of five dollars for each day the said elevator or lifting apparatus has been operated after the service of the said notice, in addition to the fines above set forth.

All fines collected under this act shall be forwarded to the Department of Labor and Industry, who shall transmit the same to the State Treasury, through the Department of Revenue.

APPROVED—The 8th day of April, A. D. 1937.

GEORGE H. EARLE

No. 70

AN ACT

To amend clauses (a) and (c) of section one thousand eight hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, providing for the acquisition, holding, management, control, protection, maintenance, utilization, and regulation of additional lands; to extend State forests so as to prevent soil erosion, the silting up of reservoirs, to control stream flow, to extinguish interior holdings, and for the establishment of fire observation towers and stations.

Clauses (a) and (c) of section 1802, act of April 9, 1929 (P. L. 177), as amended by section 1, act of July 16, 1935 (P. L. 1052), further amended.

Section 1. Be it enacted, &c., That clauses (a) and (c) of section one thousand eight hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or