

Funeral
Director Law.

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

Section 10, act
of January 14,
1952, P. L. 1898,
amended.

Section 1. Section 10, act of January 14, 1952 (P. L. 1898), known as the "Funeral Director Law," is amended to read:

Section 10. Expiration of Licenses; Renewal.—All valid funeral directors' licenses granted *or renewed* under this or any prior act shall expire on the first day of February [following their issuance or renewal] *of 1962, and biennially thereafter.* It shall be the duty of the board, on or before the first day of November of each *odd numbered* year, to mail to every licensed funeral director a blank application for renewal of license. Renewal may be effected at any time during the month of January [following] *of every even numbered year* by the filing of such application with the board together with such renewal fee as may be fixed by the department, with the approval of the board. The board may, at its discretion, renew the license of any funeral director who has failed to make application for renewal before the first day of February *of any even numbered year.*

APPROVED—The 13th day of June, A. D. 1961.

DAVID L. LAWRENCE

No. 173

AN ACT

Regulating the sale of electron receiving and picture tubes used in home type radio and television receivers or other home type electronic devices, and fixing penalties.

Sale of electron
tubes.

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

Definitions.

Section 1. Definitions.—As used in this act:

A "tube" is an electron receiving tube or cathode ray tube (commonly known as a picture tube), designed primarily for use in a home type television or radio receiver, phonograph, tape recorder, or any combination thereof, or other home type electronic device or appliance.

"Used tube" or a "second-hand" tube is a tube which has been subjected to consumer or demonstrator use as an entity.

A "used component" is any part or material salvaged from a used or second-hand tube.

A "tube utilizing used components" is a tube which has not been used as an entity but which in the manu-

facture thereof has utilized one or more used components. Such a tube shall not be deemed to be a used or second-hand tube within the meaning of this act.

A "reactivated tube" is a weak, worn-out or defective tube which has been temporarily reactivated by the administration of a charge of high voltage electric current to the elements thereof.

"Person" means an individual, partnership, firm, association or corporation.

Section 2. Prohibitions.—(a) Except as hereinafter provided, no person shall knowingly distribute or sell, offer to distribute or sell, expose for distribution or sale, possess with intent to distribute or sell or otherwise dispose of, for a consideration any reactivated tube, second-hand tube or used tube or tube utilizing used components without clearly disclosing the true or actual quality or condition of such tube by means of a stamp, mark, tag, notice or label attached to such tube and to any carton or container thereof in such manner that it cannot readily be removed or of such a nature as to remain in place until removed by the purchaser at retail.

Regulation of
sale of electron
tubes.

(b) No person other than a purchaser at retail for his own use and consumption shall remove, deface, cover, obliterate, mutilate, alter or cause to be removed, defaced, covered, obliterated, mutilated or altered any notice, tag or label from any tube, carton *or container therefor, required under this act.

(c) No person performing services or repairs, for any consideration whatsoever, on a home type radio or television receiver, phonograph, tape recorder or any combination thereof, or other home type electronic device or appliance, shall knowingly install therein any reactivated tube, second-hand tube or used tube or tube utilizing used components, without disclosing the true or actual quality or condition of such tube on a written invoice furnished to the customer, irrespective of the fact that such tube or the carton or container therefor contains a notice, tag, or label disclosing such quality or condition.

(d) No used tube, second-hand tube, or reactivated tube, or tube utilizing used components, may be knowingly represented, directly or indirectly, to be a new tube.

(e) No reactivated tube, second-hand tube or used tube, may be knowingly represented, directly or indirectly, to be a first quality tube.

(f) No person shall reactivate or cause to be reactivated any weak, worn-out or defective tube for the purpose of deceiving any other person.

* "on" in original.

(g) No person shall have in his possession any electrical device or tool or other instrument adapted to or commonly used for reactivating any weak, worn-out or defective tube under circumstances evincing an intent to use or employ or allow the same to be used or employed, for the purpose of deceiving any other person, or knowing that the same are intended to be so used.

(h) No tube which is represented by the retail seller thereof as guaranteed by the use of such word or words of similar import shall be knowingly sold to any purchaser at retail for home consumption unless a writing disclosing the nature, extent and duration of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder is furnished to such purchaser at the time of purchase. No tube, knowingly sold as aforesaid, shall be represented as fully guaranteed or unconditionally guaranteed by the use of such words or words of similar import, unless the written guarantee furnished to the purchaser at retail for home consumption at the time of purchase is free from any conditions or limitations whatsoever.

(i) No person shall knowingly represent that a tube is being sold at a reduced price or at a savings when the alleged reduction or savings is from a fictitious price. Without limiting the generality of the foregoing, an alleged reduction or savings is from a fictitious price:

(1) When the alleged reduction or savings of a rejuvenated tube, second-hand tube or used tube is from the manufacturer's established list price for his first quality new tubes; or

(2) When the alleged reduction of a tube utilizing used components is from the manufacturer's established list price for tubes utilizing only new components in the manufacture thereof; or

(3) When the list price of a manufacturer, other than the owner of the brand name appearing on the tube being sold, is knowingly employed in connection with such sale as indicative of such reduction.

(j) No representations shall be made, directly or indirectly, concerning a tube by reference to a patent license pursuant to which such tube was manufactured, which could mislead any other person into the belief that such tube is manufactured or sponsored by said patent licensor, when such is not the fact.

Penalty.

Section 3. Penalty.—(a) Any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo imprisonment not exceeding one year, or both.

(b) Proof that no person has been misled or deceived, or otherwise damaged by any violation of this act, shall not constitute a defense in any prosecution under this act.

(c) Proof that the defendant did not knowingly or intentionally violate such provision shall constitute a good defense in any prosecution for a misdemeanor under this act.

Section 4. Application of Act.—Nothing in this act shall apply to any television or sound radio broadcasting station or to any publisher or printer of a newspaper, magazine or other form of printed advertising, who broadcasts, publishes or prints such advertisement. Applicability.

Section 5. This act shall take effect in ten days. Effective date.

APPROVED—The 13th day of June, A. D. 1961.

DAVID L. LAWRENCE

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No. 174

AN ACT

Amending the act of June 3, 1937 (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," adding and increasing certain penalties and conforming a section to show a previous repeal.

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

Section 1. Section 321, act of June 3, 1937 (P. L. 1225), known as "The Game Law," is amended to read: Section 321, act of June 3 1937. P. L. 1225, amended.

Section 321. Penalties.—Any nonresident of this Commonwealth who shall hunt, chase, trap, take, shoot at, wound, or kill, or attempt to hunt, chase, trap, take, shoot at, wound, kill, or have in possession any wild birds or animals, without a nonresident hunting or trapping license having been lawfully issued to him, shall be sentenced to pay a fine of fifty dollars (\$50) and costs of prosecution for each offense, and each day shall be considered a separate offense. Penalties—nonresident.

Any person who shall fail to sign his license certificate as hereinbefore provided shall be sentenced to pay a fine of [one dollar] *two dollars* (\$2) and costs of prosecution. Signing license.

Any person, properly licensed, who shall fail to display his license tag as hereinbefore provided, shall be sentenced to pay a fine of five dollars (\$5) and costs of prosecution, provided it is shown the person has pur- Failure to display license.