

Section 18. Professional Disqualifications.—If any agent or employe of the association engaged for the purpose of rendering professional services or any associate becomes legally disqualified to render professional services, his or her agency or employment shall be immediately terminated upon disqualification, and in the case of an associate, such associate shall be immediately expelled from the association. The expelled associate shall have the right to transfer his interest in the association in accordance with the provisions of section 12 of this act.

Section 19. Dissolution.—(a) A professional association shall be dissolved only upon the occurrence of one of the following:

(1) Expiration of the term of existence as provided in the by-laws of the association, or

(2) Upon vote of a majority (or whatever percentage is provided in the by-laws but in no event less than a simple majority) of the associates, voting according to their proportionate shares of ownership, to dissolve prior to the expiration of the term of existence of the association.

(b) Upon dissolution, all debts and obligations of the association shall be satisfied, and if any property of the association remains, it shall be divided among the associates proportionally according to their ownership in the association: Provided, however, That if all of the debts and legal obligations of the association have not been satisfied at the time of dissolution, all of the associates shall remain, jointly and severally, liable until all such debts and obligations are satisfied.

(c) If a special meeting is called for the purpose of voting to dissolve a professional association, notice shall be given to each of the associates at his address of record with the association of the time, place, and purpose of the meeting, by registered or certified mail, return receipt requested, at least sixty days prior to the meeting.

Section 20. This act shall take effect immediately.

APPROVED—The 7th day of August, A. D. 1961.

DAVID L. LAWRENCE

No. 417

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," defining the crimes of fraudulent use of credit cards and fraudulent obtaining of telecommunications service, and prescribing penalties.

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

Act of June 24,
1939, P. L. 872,
amended by
adding a new
section 898.

Section 1. The act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended by adding, after section 897, a new section to read:

Section 898. Fraudulent Use of Credit Cards.—(a) "Person" shall mean an individual, whether or not of legal age, or a copartnership or an association or a corporation, and any employe, agent, director or officer thereof.

The term "credit card" shall mean any identification card number or other identification device, or any document, plate, coupon or book, issued or given to any person by a person engaged in business so as to enable the credit card holder to acquire or obtain money, goods, personal property or services, upon a promise to pay in part or in full therefor at a future time, whether or not all or any part of the indebtedness represented by such promise to make deferred payment is secured or unsecured.

The term "credit card holder" shall mean any person (i) to whom a credit card has been issued or given, or (ii) in possession of a credit card with the consent of the person to whom the credit card was issued.

"Notice" shall mean an oral or written advice transmitted to a credit card holder or to a person by whom a credit card is presented, stating in substance that the privilege of the use of the credit card has been terminated, or revoked, or suspended, or limited to the extent or in the manner set forth in the notice. Such notice in writing shall be conclusively presumed to have been given to any credit card holder when deposited as registered or certified matter in the United States mail, addressed to such credit card holder, either at the address set forth on the credit card or to such holder's last known address.

The term "revoked credit card" shall mean a credit card, the privilege and use of which has been terminated, or suspended, or revoked, or limited, by the person issuing such card, by notice given to the credit card holder or by notice given to the person possessing such credit card.

(b) Any person who, with the intent to defraud, uses or attempts to use or aids and abets another in using for the purpose of obtaining credit, or for the acquisition of money, goods, property or services, including, but not limited to, telecommunications service or the transmission of a message, signal or other communication by telecommunication or over telecommunication facilities, (i) a credit card which has not been issued, or (ii) a credit

card which is not used with the consent of the person to whom such credit card was issued, or (iii) a revoked credit card, or (iv) a credit card which has expired, or (v) a credit card which is altered, or (vi) a counterfeit or false instrument purporting to be a credit card, shall, upon summary conviction thereof, if the amount of the credit obtained by such use does not exceed fifty dollars (\$50), be sentenced to pay a fine of not more than one hundred dollars (\$100), or to undergo imprisonment for not more than thirty (30) days, or both; or if the credit obtained by such use exceeds fifty dollars (\$50), then such person shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or imprisonment for not more than one (1) year, or both.

(c) Any person who is authorized by a person engaged in business which issues credit cards to furnish goods or services on credit upon presentation of a credit card by the person to whom it was issued and who, with the intent to defraud an issuer of credit cards or any person to whom a credit card has been issued, furnishes goods, services or anything of value upon presentation of an unissued or expired or revoked or altered credit card, or without presentation of a credit card, or upon presentation of a credit card which is not being used with the consent of the person to whom it was issued, shall, upon summary conviction thereof, if the amount of the credit obtained by such use does not exceed fifty dollars (\$50), be sentenced to pay a fine of not more than one hundred dollars (\$100), or to undergo imprisonment for not more than thirty (30) days; or if the credit obtained by such use exceeds fifty dollars (\$50), then such person shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or imprisonment for not more than one (1) year, or both.

(d) Any person who, with the intent to defraud or to aid and abet another to defraud any person of the lawful charge, in whole or in part, for any telecommunications service, shall obtain, or attempt to obtain, or aid and abet another to obtain or to attempt to obtain, any telecommunications service: (i) by charging such service to an existing telephone number without the authority of the subscriber thereto or the legitimate holder thereof; or (ii) by charging such service to a nonexistent, false, fictitious or counterfeit telephone number or to a suspended, terminated, expired, canceled or revoked telephone number; or (iii) by use of a code, prearranged scheme, or other similar stratagem or device whereby said person, in effect, sends or receives information; or (iv) by installing, rearranging or tampering with any facilities or equipment, whether physically, inductively,

acoustically or electronically; or (v) by any other trick, stratagem, impersonation, false pretense, false representation, false statement, contrivance, device or means, shall, upon summary conviction thereof, if the charge for the service obtained or attempted to be obtained by such use does not exceed fifty dollars (\$50), be sentenced to pay a fine of not more than one hundred dollars (\$100), or to undergo imprisonment for not more than thirty (30) days, or both; or if the charge for the service obtained or attempted to be obtained by such use exceeds fifty dollars (\$50), then such person shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or imprisonment for not more than one (1) year, or both.

(e) The offenses for which penalties are provided herein shall not be exclusive but shall be in addition to existing offenses provided by law.

Effective date. Section 2. This act shall *take effect September 1, 1961.

APPROVED—The 7th day of August, A. D. 1961.

DAVID L. LAWRENCE

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No. 418

AN ACT

Amending the act of May 15, 1933 (P. L. 624), entitled, as amended, "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers and employes' mutual banking associations; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers and employes' mutual banking associations, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations, employes' mutual banking associations or private bankers, or of affiliated corporations, associations or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," further regulating certain loans secured by mortgages **or deeds of trust on real property.

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

*"take" not in original.

** "on" in original.