

No. 306

AN ACT

HB 369

Amending the act of April 6, 1951 (P. L. 69), entitled "An act relating to the rights, obligations and liabilities of landlord and tenant and of parties dealing with them and amending, revising, changing and consolidating the law relating thereto," clarifying the recording requirements thereof relating to the mortgaging of leaseholds, and making such requirements applicable to certain subleases.

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

Section 1. Section 204, act of April 6, 1951 (P. L. 69), known as "The Landlord and Tenant Act of 1951," is amended to read:

Section 204. Mortgaging of Leaseholds.—Every tenant of real property may mortgage his lease or term in the demised premises, together with all buildings, fixtures and machinery thereon and appurtenant thereto belonging to the tenant, except as otherwise limited or prohibited by the terms of his lease.

Any such mortgaging of the tenant's interest and title shall have the same effect with respect to lien, notice, evidence and priority of payment as is provided by law in the case of the mortgaging of a freehold interest and title.

Any such mortgage shall be acknowledged and placed on record in the proper county, together with the lease or a memorandum thereof complying with the provisions of the act of June 2, 1959 (P. L. 454), as in the case of mortgages on freehold interests. If the lease [is] or such a memorandum thereof shall have been recorded in the office of the recorder of deeds of the proper county [at or] before the time of the recording of the mortgage in lieu of being recorded together with the mortgage, such recording of the lease or memorandum shall be deemed sufficient compliance with this section if full and distinct reference is made in said mortgage to (a) the book and page where the lease or such memorandum is recorded, or (b) the date of recording and instrument number or other identifying number with respect to the recording of such lease or memorandum.

Any such mortgage of a tenant's interest and title may be enforced in the same manner as mortgages on freehold interests.

No such mortgage shall in any wise interfere with the landlord's rights, priority or remedies for rent.

As used in this section, the word "tenant" shall include a subtenant holding under a sublease from a tenant under a prime lease from the owner or from a subtenant under a sublease provided that the prime lease and the intervening subleases, if any, or memoranda thereof complying with the provisions of the act of June 2, 1959 (P. L. 454) shall have been recorded in the office of the recorder of deeds of the proper county at or before the time of recording of the sublease to such subtenant. As applied to a mortgage made by a subtenant, the word "lease" wherever used in this section shall mean sublease.

Section 2. This amendment shall not be construed as derogating from the validity of any mortgage heretofore recorded together with or which contains a reference to the recording of such a lease or sublease or memorandum of lease or of sublease.

Section 3. This act shall take effect immediately.

APPROVED—The 30th day of November, A. D. 1967.

RAYMOND P. SHAFER

No. 307

AN ACT

HB 1240

Amending the act of July 17, 1961 (P. L. 659), entitled "An act relating to bituminous coal mines; amending, revising, consolidating and changing the laws relating thereto; providing for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith; prescribing powers and duties in connection therewith; prescribing penalties; and repealing existing laws," providing for the employment of noncertified miners and imposing powers and duties on mine foremen and their assistants.

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

Section 1. Section 211, subsections (a) and (c) of section 212, and section 215, act of July 17, 1961 (P. L. 659), known as the "Pennsylvania Bituminous Coal Mine Act," are amended to read:

Section 211. Certification of Miners.—No person shall be employed or engaged as a miner in any bituminous coal mine in this Commonwealth, except as hereinafter provided for, without first having obtained a certificate of competency and qualification: Provided, however,