

departments, agencies, or instrumentalities by the General Assembly.

There shall be no discrimination against any person because of race, color, religion or national origin in the rental or occupancy of any housing constructed under the provisions of this act.

APPROVED—The 16th day of December, A. D. 1968.

RAYMOND P. SHAFER.

No. 386

AN ACT

HB 2429

Amending the act of April 9, 1929 (P. L. 177), 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," creating the *Bureau of Consumer Protection*, defining its powers and duties.

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

Section 1. The act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," is amended by adding after section 916, six new sections to read:

Section 917. Bureau of Consumer Protection.—The Department of Justice shall establish a Bureau of Consumer Protection under the direction of a director appointed by the Attorney General.

Section 918. Powers and Duties of Bureau of Consumer Protection.—The Bureau of Consumer Protection shall have the power and its duties shall be:

(1) To investigate commercial and trade practices in the distribution, financing and furnishing of goods and services to or for the use of consumers in order to determine if such practices are detrimental

to the public interest, and to conduct studies, investigations and research in matters affecting consumer interest, advise the executive and legislative branches on matters affecting consumer interests, assist in developing executive policies and develop draft and propose legislative programs to protect the consumer.

(2) To investigate fraud, misrepresentation and deception in the sale, servicing and financing of consumer goods and products. To promote consumer education and to publicize matters relating to consumer frauds, deception and misrepresentation.

(3) To do such other acts as may be incidental to the exercise of its powers and functions.

Section 919. Authority of Attorney General and Director of Bureau of Consumer Protection.—(a) The Attorney General shall be authorized to require the attendance and testimony of witnesses and the production of any books, accounts, papers, records, documents, and files relating to any commercial and trade practices which the Bureau of Consumer Protection has authority to investigate and conduct private or public hearings; and, for this purpose, the Attorney General or his representative may sign subpoenas, administer oaths or affirmations, examine witnesses and receive evidence during any such investigation or public or private hearing. In case of disobedience of any subpoena or the contumacy of any witness appearing before the Attorney General or his representative, the Attorney General or his representative may invoke the aid of the Commonwealth Court or any court of record of the Commonwealth, and such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or to give evidence or to produce books, accounts, papers, records, documents and files relative to the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) No documentary material produced pursuant to a demand under this section shall, unless otherwise ordered by a court for good

cause shown, be produced for inspection or copying by, nor shall the contents thereof be disclosed to any person other than the authorized employe of the Attorney General without the consent of the person who produced such material: Provided, That under such reasonable terms and conditions as the Attorney General shall prescribe, such documentary material shall be available for inspection and copying by the person who produced such material or any duly authorized representative of such person. The Attorney General or any attorney designated by him may use such documentary material or copies thereof as he determines necessary in the enforcement of this act, including presentation before any court: Provided, That any such material which contains trade secrets or other highly confidential matter shall not be presented except with the approval of the court in which the action is pending after adequate notice to the person furnishing such material.

Section 920. Appointment of Personnel.—The Attorney General shall appoint such investigators, accountants, engineers, attorneys, clerical and stenographic employes and such other professional and skilled personnel as may be required for the proper conduct of the work of the Bureau of Consumer Protection.

Section 921. Limitation on Powers and Duties; Relationship to Other Agencies.—The Bureau of Consumer Protection shall not duplicate or interfere with the function of the Pennsylvania Public Utility Commission and shall not be in substitution of any other Commonwealth agency having the power and duty to protect consumer interests in a particular field. Each department, bureau, agency officer and employe of the Commonwealth shall cooperate with the Bureau of Consumer Protection in carrying out its functions.

Section 922. Advisory Committees.—The Governor, by executive order, shall create advisory committees to assist the Bureau of Consumer Protection in carrying out its functions. The Governor shall appoint the members of such committees and they shall serve at his

pleasure. The committees shall be under the direction of the Attorney General and their recommendations shall not be binding on the bureau. Members of the committees shall serve without compensation other than reimbursement for actual and necessary expenses incurred in the performance of their duties.

Section 2. This act shall take effect immediately.

APPROVED—The 17th day of December, A. D. 1968.

RAYMOND P. SHAFER.

No. 387

AN ACT

HB 2431

Prohibiting unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce, giving the Attorney General and District Attorneys certain powers and duties and providing penalties.

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

Section 1. Short Title.—This act shall be known and may be cited as the “Unfair Trade Practices and Consumer Protection Law.”

Section 2. Definitions.—As used in this act.

(1) “Documentary material” means the original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription or other tangible document or recording, wherever situate.

(2) “Person” means natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entities.

(3) “Trade” and “commerce” mean the advertising, offering for sale, sale or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value wherever situate, and includes any trade or commerce directly or indirectly affecting the people of this Commonwealth.

(4) “Unfair methods of competition” and “unfair or deceptive acts or practices” mean any one or more of the following:

- (i) Passing off goods or services as those of another;
- (ii) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services;