

No. 1978-124

AN ACT

HB 1528

Enumerating certain fees and charges to be imposed for activities regulated by the Bureau of Professional and Occupational Affairs of the Department of State, providing for the appointment and term of Office of the Commissioner of Professional and Occupational Affairs, creating the Professional Licensure Augmentation Account and providing for its administration and making certain repeals.

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

CHAPTER 1 GENERAL PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the "Bureau of Professional and Occupational Affairs Fee Act."

Section 102. Construction of act.

This act contains an enumeration of certain fees charged by various boards and commissions within the Bureau of Professional and Occupational Affairs. Some of the fees contained herein represent increases or decreases from existing charges while others represent the current fees in effect on the effective date of this act. It is the intent of the General Assembly, and this act shall be so construed, that the fees herein set forth shall be those charged by the various agencies on the effective date of this act. Further, the fact that a particular fee currently in effect is not enumerated in this act shall not effect the validity of such fee.

CHAPTER 2 ENUMERATION OF FEES

Section 201. Fee schedules.

The fees for the following activities regulated by the boards and commissions within the Bureau of Professional and Occupational Affairs of the Department of State shall be as specified in this chapter until such time as they are changed by law or by the appropriate agency authorized to make such changes.

Section 202. State Board of Examiners of Architects.

Activity	Fee
(1) Examination or certificate of qualifications and registration fee - architect	\$ 50.00
(2) Examination fee to change from "registered by exemption" to "registered by examination"-Senior Certificate National Council of Architectural Registration Boards	10.00
(3) Biennial renewal license fee - architect	25.00
(4) Renewal of architect license within one year of expiration	10.00
(5) Issuance of new certificate after six-month period following revocation of certificate of qualification to practice architecture	10.00
	plus costs of revocation expenses of board

Section 203. State Board of Auctioneer Examiners.

Activity	Fee
(1) Examination fee for auctioneer's license	\$ 25.00
(2) Issuance of certificate of biennial registration - auctioneer	50.00
(3) Examination for apprentice auctioneer's license.	10.00
(4) Issuance of registration certificate - auctioneer.	50.00
(5) Apprentice auctioneer's biennial certificate	30.00
(6) Biennial auctioneer reregistration	50.00
(7) Biennial apprentice auctioneer reregistration	30.00
(8) Special license for special auction	200.00
(9) Auctioneer license for last six months of two-year period	30.00
(10) Apprentice auctioneer for last six months of two-year period	30.00

Section 204. State Board of Barber Examiners.

Activity	Fee
(1) Examination fee - barber	\$ 25.00
(2) Examination fee - manager	30.00
(3) Examination fee - teacher	35.00
(4) Registration fee for teachers	25.00
(5) Biennial registration for teachers	25.00
(6) Student permit	5.00

(7) Biennial renewal of barber certificate	5.00
(8) Registration of barber shop	10.00
(9) Biennial renewal - barber shop	10.00
(10) Registration fee - barber school	100.00
(11) Annual renewal - barber school	50.00
(12) Registration fee - managers	8.00
(13) Biennial renewal - managers	8.00

Section 205. State Board of Chiropractic Examiners.

Activity	Fee
(1) Standard examination fee	\$ 40.00
(2) Limited examination fee	10.00
(3) Biennial registration fee	20.00
(4) Examination upon application of holder of National Board Certificate	50.00
(5) Restoration fee	50.00
(6) Duplicate registration packet	5.00
(7) Certification of grades	10.00
(8) Reciprocity	50.00

Section 206. State Board of Cosmetology.

Activity	Fee
(1) License fee for beauty shop owner	\$ 25.00
(2) License fee for managers	25.00
(3) License fee for teachers	25.00
(4) License fee for operators	10.00
(5) License fee for manicurists	10.00
(6) License fee for students	5.00
(7) License fee for apprentices	5.00
(8) License fee for school of beauty culture	50.00
(9) Biennial renewal fee for shop owner	25.00
(10) Biennial renewal fee for managers	25.00
(11) Biennial renewal fee for teachers	25.00
(12) Biennial renewal fee for operators	10.00
(13) Biennial renewal fee for manicurists	10.00
(14) Biennial renewal fee for schools of beauty culture.	50.00
(15) Student permit extension	1.00
(16) Examination for managers	10.00
(17) Examination for teachers	10.00
(18) Examination for operators	4.00
(19) Examination for manicurist	4.00
(20) Reciprocal license for operators	25.00
(21) Temporary permit	4.00

Section 207. State Dental Council and Examining Board.

Activity	Fee
(1) Biennial registration fee - dentists	\$ 25.00
(2) Biennial registration fee - dental hygienists	10.00
(3) Issuance of dental license	25.00
(4) Dental license by criteria approval	50.00
(5) Late biennial registration penalty - dentists	5.00
(6) Fee for certification of grades to other states - dentists	5.00
(7) Issuance of dental hygiene license	25.00
(8) Late biennial registration penalty - dental hygienists.	2.00
(9) Certification of grades to other states - dental hygienists	5.00

Section 208. State Board of Funeral Directors.

Activity	Fee
(1) Initial license - director, branch, corporation, estate, widow	\$ 25.00
(2) Out of state	25.00
(3) Biennial renewal - directors	20.00
(4) Biennial renewal - corporation, branch	20.00
(5) Examination	25.00
(6) Registration, supervisor	10.00
(7) Annual renewal, supervisor	10.00
(8) Annual renewal, widow, estate	25.00
(9) Registration, student trainee	5.00
(10) Registration, resident intern	5.00

Section 209. State Board of Landscape Architects.

Activity	Fee
(1) Initial examination and licensure fee for landscape architect	\$ 75.00
(2) Biennial registration landscape architect license.	75.00

Section 210. State Board of Medical Education and Licensure.

Activity	Fee
(1) Medical examination fee	\$125.00
(2) Application for graduate training certificate	10.00
(3) Licensure by endorsement - medical	100.00
(4) Biennial registration - medical doctor	75.00
(5) Across the border license	50.00
(6) Across the border biennial registration	50.00
(7) Examination fee - midwifery	50.00
(8) Biennial registration fee - midwifery	20.00
(9) Limited license for visiting professor	10.00

(10) Druggist therapist renewal	5.00
(11) Permanent limited license in the professional category	125.00
(12) Renewal for permanent limited license in the professional category	75.00

Section 211. State Board of Motor Vehicle Salesmen.

Activity	Fee
(1) Motor vehicle salesman license	\$ 15.00
(2) Biennial renewal of license - motor vehicle salesman.	15.00
(3) Motor vehicle dealer's license	25.00
(4) Biennial renewal of motor vehicle dealer's license	25.00
(5) License of dealer's branch office	25.00
(6) Biennial renewal of license of dealer's branch office.	25.00
(7) License for used car lot not adjacent to dealer lot supplemental license - biennial	10.00
(8) Manufacturer's license	25.00
(9) Biennial renewal manufacturer's license	25.00
(10) Distributor's license	25.00
(11) Biennial renewal distributor's license	25.00
(12) Wholesaler's license	25.00
(13) Biennial renewal wholesaler's license	25.00
(14) Factory representative license	15.00
(15) Biennial renewal factory representative's license. .	15.00
(16) Distributor branch representative license	15.00
(17) Biennial renewal distributor branch representative's license	15.00
(18) Salesman's change of employer license fee	5.00
(19) Motor vehicle manufacturer's branch office license.	25.00
(20) Biennial renewal manufacturer's branch office license	15.00
(21) Motor vehicle wholesaler's branch office license. .	25.00
(22) Biennial renewal motor vehicle wholesaler's branch office license	15.00
(23) Biennial renewal used car lot	25.00

Section 212. State Board of Nurse Examiners.

Activity	Fee
(1) Registered nurse examination and initial licensure.	\$ 24.00
(2) Application for licensure as registered nurse by endorsement	24.00
(3) Biennial renewal registration fee - registered nurse.	10.00
(4) Practical nurse examination and initial licensure. .	18.00
(5) Application for licensure as licensed practical nurse by endorsement	18.00
(6) Biennial renewal fee - practical nurse	5.00

Section 213. State Board of Examiners of Nursing Home Administrators.

Activity	Fee
(1) Examination and initial registration	\$ 50.00
(2) Biennial renewal registration	50.00
(3) Late biennial registration penalty	5.00
(4) License by endorsement	50.00
(5) Temporary permit	50.00
(6) Reissue permit	50.00
(7) Reciprocity	2.00

Section 214. State Board of Optometrical Examiners.

Activity	Fee
(1) Initial examination fee	\$ 25.00
(2) Biennial renewal registration fee	25.00
(3) Late biennial registration penalty	5.00
(4) Application for license by optometrists licensed in another state	25.00
(5) Certification of grades to another state	10.00
(6) Initial fee for branch office license	20.00
(7) Biennial renewal fee for branch office license	20.00
(8) Application for examination de novo after having twice failed examination	25.00

Section 215. State Board of Osteopathic Examiners.

Activity	Fee
(1) Application for examination for osteopath's license.	\$ 40.00
(2) Application for examination de novo after having twice failed examination	25.00
(3) Certification granting right to practice osteopathy while licensee is enrolled in residency training program	25.00
(4) Pennsylvania licensing of osteopath licensed in another state	50.00
(5) Biennial registration fee	25.00
(6) Penalty for failure to register biennially: To be set by board:	
(i) For first offense, penalty not to exceed	25.00
(ii) For second or subsequent offense, penalty not to exceed	50.00
(7) Certification of transfer of Pennsylvania osteopath's license to another state	10.00

Section 216. State Board of Pharmacy.

Activity	Fee
(1) Application for registration as pharmacy intern. . .	\$ 10.00
(2) Application for license of pharmacist who has been licensed in another state	50.00
(3) Registration and certificate for pharmacist who has been licensed in another state	25.00
(4) Application for examination given to pharmacy interns upon graduation from an accredited college of pharmacy	25.00
(5) Certificate to practice pharmacy	25.00
(6) Biennial renewal fee - pharmacist	25.00
(7) Late registration fee - pharmacist: To be set by board, not to exceed	25.00
(8) Registration for new pharmacy	50.00
(9) Biennial renewal - pharmacy	50.00
(10) Registration for change in ownership and/or change in location of an established pharmacy	50.00
(11) Registration for change in name and/or change in managership (pharmacist) within an established pharmacy	10.00

Section 217. State Board of Physical Therapy Examiners.

Activity	Fee
(1) New application for physical therapist license . .	\$ 50.00
(2) Application for physical therapist license by one already licensed as of effective date of new act . .	15.00
(3) Application for licensure by physical therapist by endorsement	75.00
(4) Temporary physical therapist license	25.00
(5) Biennial renewal physical therapist license	25.00
(6) Restoration fee within three years of failure to renew.	5.00
(7) Foreign trained physical therapists applying for supervised clinical experience	5.00
(8) Certification of grades to another state	25.00

Section 218. State Board of Podiatry Examiners.

Activity	Fee
(1) Examination fee	\$ 50.00
(2) Biennial registration fee	30.00
(3) License by reciprocity	100.00
(4) Duplicate registration packet	2.00
(5) Branch office certificate	10.00

Section 219. State Registration Board for Professional Engineers.

Activity	Fee
(1) Application for registration - professional engineer.	\$ 50.00
(2) Biennial registration - engineer	25.00
(3) Biennial registration - surveyor	25.00
(4) Application for registration as professional engineer by engineer-in-training	25.00
(5) Application for registration as registered surveyor.	50.00
(6) Application for registration as engineer-in-training	25.00
(7) Application for temporary permit to practice engineering	25.00
(8) Application for temporary permit to practice surveying	25.00
(9) Application for certificate of approval for fictitious name	25.00
(10) Application for certificate of approval of corporate name	25.00

Section 220. State Board of Examiners of Public Accountants.

Activity	Fee
(1) Examination fee for the purpose of becoming certified	\$ 50.00
(2) Reexamination fee	50.00
Less \$5 for each passing credit earned in previous exams but in no event less than	30.00
(3) Biennial permit fee - not to exceed	30.00
(4) Reciprocal application fee	50.00
(5) Corporate application fee	50.00
(6) Partnership and professional association application fee	50.00
(7) Amendment fee - corporations, partnerships and professional associations	10.00
(8) Public accountants application	50.00

Section 221. State Board of Psychologist Examiners.

Activity	Fee
(1) Application for license and examination	\$ 50.00
(2) Biennial renewal of license	10.00
(3) Third examination fee and each subsequent examination - each examination	60.00

Section 222. State Real Estate Commission.

Activity	Fee
(1) Fee for examination and certification of registration - real estate broker/limited real estate broker . . .	\$ 25.00

(2) Reexamination fee - real estate broker/limited real estate broker	10.00
(3) Biennial license fee for each additional office - real estate broker/limited real estate broker	20.00
(4) Biennial registration fee - real estate broker/limited real estate broker	25.00
(5) All certification fees	5.00
(6) Application for corporation, partnership, association or additional licenses for brokers of record, partners or officers	25.00
(7) All applications for licensure by reciprocity	25.00
(8) Examination and certification of registration - real estate salesman/builder owner salesman	20.00
(9) Reexamination - real estate salesman/builder owner salesman	10.00
(10) Biennial registration fee - real estate salesman/builder owner salesman	20.00
(11) Limited real estate salesman license	5.00
(12) Biennial registration as limited salesman	5.00
(13) Initial branch office license	10.00
(14) Biennial renewal - corporation, partnership or association	25.00
(15) Biennial renewal - broker of record, associate broker, officer or partner	25.00
(16) Real estate schools other than colleges and universities - initial approval	50.00
(17) Annual renewal for real estate schools other than colleges and universities	25.00

Section 223. State Board of Veterinary Medical Examiners.

Activity	Fee
(1) Temporary permit to practice veterinary medicine for applicant for admission to examination (one-half of fee to be applied to examination fee)	\$ 50.00
(2) Application for examination for licensure to practice veterinary medicine	50.00
(3) Reinstatement of license within one year of expiration - reinstatement fee	10.00
	plus regular biennial fee
(4) Biennial registration fee	10.00

Section 224. Collection.

The Bureau of Professional and Occupational Affairs shall collect the fees for which this act provides. However, nothing in this act shall prevent the collection of fees by the bureau which are otherwise authorized and which are not inconsistent with the provisions of this act.

Section 225. Late renewal.

Where a license is renewed beyond the date specified for renewal by the bureau, a fee of \$5 for each month or part of a month beyond the renewal date shall be charged in addition to the prescribed fee.

Section 226. Duplicate license.

The fee for the issuance of a duplicate license shall be \$5 in all cases.

Section 227. Duplicate certificate.

The fee for the issuance of a duplicate certificate shall be \$10 in all cases.

CHAPTER 3 DISPOSITION OF FUNDS

Section 301. Professional Licensure Augmentation Account.

Beginning July 1, 1978 and thereafter, all moneys collected by the Bureau of Professional and Occupational Affairs shall be paid into the Professional Licensure Augmentation Account which is hereby created and which shall be a special restricted receipts account within the General Fund. Moneys in such account shall be used only for the support of the operation of the bureau and the various regulatory boards.

Section 302. Appropriations from account.

The General Assembly shall annually appropriate for payment of the costs of processing licenses and renewals, for the operation of the various regulatory boards, and for other general costs of bureau operations, moneys available from the Professional Licensure Augmentation Account.

Section 303. Budget preparation.

In preparing the proposed budget for bureau operations for each year, the Commissioner of Professional and Occupational Affairs shall consult with the boards and commissions under his jurisdiction to determine their budgetary requirements for the upcoming year. The commissioner shall submit for each board of the bureau, in addition to any information requested or prescribed by the Secretary of the Budget, Secretary of the Commonwealth, the Chairman of the House Appropriations Committee and the Chairman of the Senate Appropriations Committee, the following information, for the most recent fiscal year:

- (1) number of applications for licenses received;
- (2) number of new and renewal licenses issued;
- (3) number of applicants failing to qualify for licenses;
- (4) number of inspections completed;
- (5) number of violations cited;
- (6) number of violations corrected;
- (7) licensees prosecuted;
- (8) amount of expenditures incurred, classified in terms of administration, enforcement and investigation;
- (9) the amount of fee revenue by type of license issued;
- (10) personnel complement filled and vacant; and
- (11) number of applications not processed by June 30 of the previous fiscal year.

Section 304. Savings provision.

Nothing in this chapter shall be construed to affect section 30 of the act of September 29, 1961 (P.L.1745, No.708), known as "The Auctioneers' License Act," or section 907 of the act of October 15, 1975 (P.L.390, No.111), known as the "Health Care Services Malpractice Act" or to deny the State Board of Medical Education and Licensure the full use of all fees, charges, and fines it collects.

Section 305. Transitional provisions.

(a) For the remainder of fiscal year 1977-1978, such additional moneys as are attributable to the increased fees provided by this act are hereby appropriated to the Department of State for the operation of the department, but such moneys shall not be spent until such expenditures are approved by the Secretary of the Budget and the Chairmen of the House and Senate Appropriations Committees. If any of such moneys remain unapproved on July 1, 1978, such moneys shall be paid into the Professional Licensure Augmentation Account.

(b) For the purposes of the license period normally ending February 28, 1978 for those licensed pursuant to the act of May 1, 1929 (P.L.1216, No.427), known as the "Real Estate Brokers License Act of one thousand nine hundred and twenty-nine," such licenses shall not expire on February 28, 1978, but shall remain in effect until April 15, 1978. The new license period shall begin at such time. The provisions of this subsection shall apply only to the license period beginning in 1978. Thereafter, the licenses shall expire February 28 as currently provided by law.

(c) The term of the incumbent Commissioner of Professional and Occupational Affairs shall expire 90 days after the effective date of this act. Thereafter the Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with the advice and consent of a majority of the members elected to the Senate, appoint the Commissioner of Professional and Occupational Affairs, who shall serve at the pleasure of the Governor.

CHAPTER 4 REPEALS

Section 401. Specific repeals.

(a) The following acts or parts of acts are hereby repealed insofar as they establish fixed fees inconsistent with those fees contained in this act. To the extent such acts or parts of acts authorize the fixing of fees by an agency for which a fee has been set forth in this act, such acts shall not be construed to be repealed or superseded by this act and those provisions authorizing the fixing of fees by any agency shall remain in effect:

Sections 8, 10 and 13, act of March 19, 1909 (P.L.46, No.29), referred to as the Osteopathic Practice Law.

Sections 7 and 10, act of March 30, 1917 (P.L.21, No.10), referred to as the Optometry Practice Law.

Sections 7(b) and (c), 10 and 11(b), act of July 12, 1919 (P.L.933, No.369), referred to as the Architects Registration Law.

Sections 7(b), 8 and 9, act of May 1, 1929 (P.L.1216, No.427), known as the "Real Estate Brokers License Act of one thousand nine hundred and twenty-nine."

Sections 3, 5, 8 and 12, act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law.

Section 4, act of May 1, 1933 (P.L.216, No.76), known as "The Dental Law."

Section 16, act of May 3, 1933 (P.L.242, No.86), referred to as the Beauty Culture Law.

Section 9, act of May 23, 1945 (P.L.913, No.367), known as the "Professional Engineers Registration Law."

Section 8.2, act of May 26, 1947 (P.L.318, No.140), known as "The C. P. A. Law."

Sections 6 and 10(a), act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law."

Section 9, act of August 10, 1951 (P.L.1182, No.264), known as the "Chiropractic Registration Act of 1951."

Sections 4, 9 and 10, act of March 2, 1956 (P.L.1206, No.375), known as the "Podiatry Act of 1956."

Sections 5 and 13, act of March 2, 1956 (P.L.1211, No.376), known as the "Practical Nurse Law."

Sections 3 and 4(f), act of September 27, 1961 (P.L.1700, No.699), known as the "Pharmacy Act."

Section 13, act of September 29, 1961 (P.L.1745, No.708), known as "The Auctioneers' License Act."

Sections 6 and 9, act of September 9, 1965 (P.L.499, No.254), known as the "Motor Vehicle Manufacturer's, Dealer's and Salesmen's License Act."

Section 5, act of January 24, 1966 (1965 P.L.1527, No.535), known as the "Landscape Architects' Registration Law."

Sections 6(a), 9(b) and 10, act of June 22, 1970 (P.L.378, No.122), known as the "Nursing Home Administrators License Act."

Sections 6(a)(4) and 15, act of March 23, 1972 (P.L.136, No.52), referred to as the Psychologists License Act.

Section 10, act of December 27, 1974 (P.L.995, No.326), known as the "Veterinary Medicine Practice Act."

Sections 5, 6(d) and (g), and 7, act of October 10, 1975 (P.L.383, No.110), known as the "Physical Therapy Practice Act."

(b) All acts or parts of acts inconsistent with the provisions of this act relating to the collection and payment of fees as herein provided are hereby repealed to the extent of the inconsistency.

Section 402. General repeal.

All other acts or parts of acts inconsistent herewith are hereby repealed to the extent of any inconsistency.

CHAPTER 5
MISCELLANEOUS PROVISIONS

Section 501. Savings clause.

The provisions of this act shall not affect any act done, liability incurred or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any act or part thereof repealed by this act.

Section 502. Effective date.

This act shall take effect immediately.

APPROVED—The 1st day of July, A. D. 1978.

MILTON J. SHAPP