

No. 1988-178

AN ACT

SB 1275

Providing for the disposal of unclaimed garments.

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

Section 1. Unclaimed garments.

A garment left with a retail dry cleaner or retail launderer for dry cleaning or laundering may be disposed of by the dry cleaner or launderer without liability or responsibility for the garment or for proceeds realized from its disposal, provided the requirements of this act are complied with.

Section 2. Receipt for garments.

At the time a dry cleaner or launderer receives garments from a customer for cleaning or laundering, the dry cleaner or launderer shall provide to the customer a deposit receipt containing the name and mailing address of the customer, a basic description of the garments along with a statement of the quantity of each garment left, an itemization of the charges for the work to be done and the projected date when the garments shall be ready for pickup by the customer.

Section 3. Notice.

If a garment is not retrieved and paid for by a customer within 90 days of the ready date specified on the customer's receipt, the cleaner or launderer may provide a written notice to the customer by certified mail, return receipt requested, mailed to the customer at the address given on the deposit receipt. Such notice shall specify the amount owing to the cleaner or launderer and state that the garment shall be disposed of by the cleaner or launderer within 30 days from the date of delivery of the notice unless the garment is claimed by the customer and all charges are paid in full.

Section 4. Refused or unclaimed notices.

If a notice mailed pursuant to section 3 is returned to the cleaner or launderer as being unclaimed or delivery refused, the cleaner or launderer shall send a second notice to the customer by mail, first class postage prepaid, with a certificate of mailing, indicating that the garment will be disposed of by the cleaner or launderer within 30 days of the date of mailing of the letter unless the garment is claimed by the customer and all charges are paid in full.

Section 5. Disposal of unclaimed property.

If a customer does not claim a garment and pay all charges due and owing, including the cost of mailing the notices specified in sections 3 and 4, and any charge for storage, within 30 days of the receipt of a notice mailed in accordance with section 3 or within 30 days of the mailing of a notice in accordance with section 4 or within 30 days of the date a notice mailed in accordance with section 4 is returned to the sender with a notation that the addressee has moved and left no forwarding address, the cleaner or laun-

derer may dispose of the garment in any manner whatsoever. The notice specified in section 3 shall be considered to be received by the addressee if signed for by the addressee or by a person signing on behalf of the addressee.

Section 6. Charitable donation.

Without regard to the provisions of sections 2, 3, 4 and 5, any garment which remains unclaimed for a period of one year from the ready date indicated on the garment receipt may be donated by the cleaner or launderer to any charitable, religious or educational organization of a cleaner's or launderer's choice, provided the organization falls within the definition of tax-exempt organization as specified in section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)). The donation shall be made only if the cleaner or launderer first sends to the customer, at the address listed on the garment receipt, by mail, postage prepaid, including a certificate of mailing, a notice that the garment will be so disposed of subsequent to 30 days from the mailing date of the notice if the garment is not claimed and all outstanding charges paid.

Section 7. Public notice of disposal procedures.

A cleaner or launderer shall prominently display at each location where garments are received from the public a sign indicating that garments not claimed within 90 days of the ready date may be disposed of by the cleaner or launderer, after notice to the customer as provided by law.

Section 8. Other remedies.

The provisions of the act of May 7, 1925 (P.L. 557, No. 300), entitled, "An act to provide for the sale of property against which a common law lien may exist for repairs and material; and the method of procedure thereon," shall continue to be available to cleaner and launderer bailees of personal property as heretofore, as shall any other remedies provided by the common law or statutory law of this Commonwealth, to the extent that they are not inconsistent with the provisions of this act.

Section 9. Effective date.

This act shall take effect in 60 days.

APPROVED—The 21st day of December, A. D. 1988.

ROBERT P. CASEY