

No. 1990-176

AN ACT

SB 1676

Amending the act of July 25, 1961 (P.L.857, No.372), entitled, as amended, "An act regulating the manufacture of stuffed toys intended for sale, gift, or use in Pennsylvania; providing for registration of such manufacturers, the paying of a fee for such registration, the issuance of a certificate of registration to such manufacturers; providing that material used in such toys shall be new and free from dangerous or harmful substances; providing for disinfection of such material containing products of animal origin; and prescribing penalties," further regulating fees.

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

Section 1. Section 3 of the act of July 25, 1961 (P.L.857, No.372), referred to as the Stuffed Toy Manufacturing Act, amended April 18, 1978 (P.L.62, No.31), is amended to read:

Section 3. (a) Manufacturers of all stuffed toys manufactured in this Commonwealth or intended for sale, gift or use in this Commonwealth shall register with the department on forms as provided by the department. The forms shall set forth, among other items, the name and address of the manufacturer, the type of stuffed toys manufactured, the composition of the stuffing and such other information as the department may require. A fee **[of twenty-five dollars (\$25.00)]** shall accompany each registration. This registration shall be valid for a period of one (1) year and may be renewed, annually, by filling out of such forms as shall be prescribed by the department, which form shall be accompanied by payment of a fee **[of twenty-five (\$25.00) dollars]**. *The department shall set the fees required under this section by regulation.*

(b) Any manufacturer which demonstrates to the satisfaction of the secretary that it is a charitable or nonprofit organization *or any person who is not regularly engaged in the business of manufacturing, making, wholesaling or importing stuffed toys, but who manufactures or makes stuffed toys as a leisure pursuit and whose gross income from the sale of these products is less than one thousand dollars (\$1,000.00) per year*, is exempted from payment of the registration fee authorized in this section.

Section 2. Section 9 of the act is amended to read:

Section 9. Prosecutions for violations of this act or the regulations thereunder shall be in the form of summary proceedings before **[an alderman, magistrate or justice of the peace.] a district justice**. Any person who violates any of the provisions of this act shall, in a summary proceeding, be sentenced to pay a fine of not less than **[one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00)] three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00)** for each offense, and in default of payment thereof, undergo imprisonment of not less than thirty days nor more than sixty days.

Section 3. The fees established by the act of July 25, 1961, (P.L.857, No.372), referred to as the Stuffed Toy Manufacturing Act, as amended, shall remain in effect until the Department of Labor and Industry promulgates regulations establishing fees to be charged under this act.

Section 4. This act shall take effect in 60 days.

APPROVED—The 17th day of December, A. D. 1990.

ROBERT P. CASEY