

soundness of said fund, shall be applicable to all county employes who are members of the retirement system. Such monthly contributions shall be collected by the county treasurer and by him paid into the retirement fund. The payment of the increased rate of the aforesaid monthly contributions shall not apply to such former county employes whose monthly contributions are now paid into said fund in accordance with the provisions of subsection (d) of section 1713. Any county employe receiving compensation for accidental injuries in accordance with the provisions of The Pennsylvania Workmen's Compensation Act shall during the period of time in which such county employe is receiving disability benefits, as provided in the aforesaid act, pay each month for retirement benefits a sum equal to the last monthly contribution as paid into the retirement fund when said county employe was in employment. The monthly [payment] contribution shall not be paid by any person who was receiving a retirement allowance and is subsequent to the thirty-first day of May, one thousand nine hundred fifty-three, reemployed as a county employe, nor shall any county employe [make] pay the said monthly [payment] contribution who is ineligible to receive a retirement allowance in accordance with the provisions of subsection (c) of section 1716, or any other person who is ineligible to become a member of the retirement system.

* * *

Section 2. The provisions of this act shall take effect on the first day of the month next following its final enactment.

APPROVED—The 26th day of January, A. D. 1966.

WILLIAM W. SCRANTON

No. 564

AN ACT

SB 1025

Relating to the business of supplying towels, coats, aprons, uniforms, toilet devices or other kindred articles or supplies for hire or compensation; providing for the filing of names, trademarks or devices impressed thereon and the effect of such filing; regulating the possession, use and disposal of articles or supplies so marked; and providing penalties; and conferring powers and imposing duties on the Secretary of the Commonwealth in the administration thereof.

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

Section 1. Definitions.—As used in this act—

(1) “Name, mark, or device” means any word, name, symbol, picture, design or device, or any combination thereof, produced upon and used by a person to indicate ownership of articles and supplies as herein defined.

(2) “Person” means any individual, firm, partnership or corporation.

(3) “Produced upon” means branded, stamped, stenciled, engraved, etched, blown, embossed, impressed, embroidered, sewn or otherwise permanently placed upon any articles or supplies referred to herein.

(4) “Articles or supplies” means any item which is designed and intended for re-use in the normal course of trade by the person filing hereunder and includes towels, coats, aprons, uniforms, toilet devices and accessories therefore supplied for hire or compensation, and vessels, receptacles and utensils used as packages or containers in the sale and distribution of any natural or processed product, compound, mixture, or substance, or any combination thereof, and parts and accessories for such vessels, receptacles and utensils.

(5) For purposes of this act, a name, mark or device is “used in this State” when such name, mark or device is placed upon articles or supplies which are loaned, rented, sold or otherwise circulated within the Commonwealth of Pennsylvania.

Section 2. Verified Statement May be Filed.—A person who uses in this State a name, mark or device to indicate ownership of articles or supplies may file in the office of the Secretary of the Commonwealth, on a form to be furnished or approved by him, a verified statement setting forth, but not limited to, the following information:

(1) The name and business address of the person filing the statement; and, if a corporation, the state of incorporation.

(2) The nature of the business of the applicant.

(3) The type of articles or supplies in connection with which the name, mark or device is used.

The statement shall include or be accompanied by a copy, specimen, facsimile or counterpart of such name, mark or device in quadruplicate, together with a filing fee of ten dollars (\$10).

Section 3. Certificate to be Issued by Secretary of the Commonwealth.—Upon receipt of the verified statement referred to in section 2 of this act, the Secretary of the Commonwealth shall cause a certificate to be issued and delivered to the person filing the statement. The cer-

tificate shall be issued over the signature of the Secretary of the Commonwealth and the seal of the Secretary of the Commonwealth, and it shall show the name and business address of the person claiming ownership of the articles or supplies upon which the name, mark or device is produced; the nature of the business of the applicant; the type of articles or supplies on which the name, mark or device is produced and used; a copy, specimen, facsimile or counterpart of such name, mark or device as filed in the Secretary of the Commonwealth's office, or a reproduction thereof; and the filing date.

Any certificate issued under the provisions hereof and duly certified by the Secretary of the Commonwealth, or a certified copy of the statement filed, shall be admissible in evidence in any action or judicial proceedings in any court of this State as competent and sufficient proof of the filing pursuant to this act, and shall be prima facie evidence of the ownership by the person filing hereunder of all articles and supplies upon which such name, mark or device is produced.

Section 4. Assignment of Certificates.—The certificate of the filing of any name, mark or device pursuant to this act and the benefits obtained thereunder shall be assignable with the sale of the articles or supplies on which the same are produced and used. Assignments shall be by instruments in writing duly executed and may be recorded upon the payment of the fee of five dollars (\$5) payable to the Secretary of the Commonwealth who, after recording the assignment, may, upon request of the assignee, issue in his name a new certificate.

Section 5. Public Record of Names, Marks or Devices Filed.—The Secretary of the Commonwealth shall keep for public examination a record of all names, marks or devices filed pursuant to this act.

Section 6. Certain Certificates to be Cancelled from the Register.—The Secretary of the Commonwealth shall cancel from the register:

(1) Any certificate concerning which the Secretary of the Commonwealth shall receive a voluntary request for cancellation thereof from the person filing or from the assignee of record.

(2) Any certificate in respect of which a court of competent jurisdiction shall order cancellation.

Section 7. Paying or Accepting of Deposit Not Deemed a Sale.—The requiring, taking, paying or accepting of any deposit for any purpose upon any articles or supplies shall not be deemed to constitute a sale of such property, either optional or otherwise, for purposes of this act.

Section 8. Filling or Refilling of Receptacle; Removal of Identity.—No person shall use, give, buy, take, destroy, sell or otherwise dispose

of, or traffic in, articles or supplies, fill or refill any vessel, receptacle or utensil upon which a name, mark, or device filed hereunder is produced, or refuse to return such articles or supplies on demand of the owner, or to deface, erase, obliterate, cover up or otherwise remove or conceal any such name, mark or device, unless consent of the owner is obtained or unless the articles or supplies shall have been purchased from the said owner.

Section 9. Laundering Articles Labeled with Name or Mark of Owner.—No person, other than the owner, shall launder, wash, clean, renovate, or cause to be laundered, washed, cleaned, or renovated, any towels, coats, aprons, uniforms, toilet devices, or other supplies used for the purpose of cleanliness and sanitation, upon which a name, mark, or device filed under the provisions of this act is produced, the possession of which, claimed by lease or rental from the owner thereof, except by the written consent of the owner thereof.

Section 10. Unauthorized Use; Presumptive Evidence.—The use or possession by any person, other than the registrant, of any supplies without the written consent provided in this act, or the possession of supplies so marked by any junk dealer or dealer of second-hand articles shall create a presumption of unlawful use of or traffic in such supplies, which presumption may be overcome by evidence to the contrary.

Section 11. Return of Supplies; Diligence.—It shall be the duty of every person who finds or receives in the regular course of his business or in any other manner, any supplies, to make a diligent effort to determine the owner thereof and advise him by letter of the location where such supplies may be found and offer to return them to the owner.

Section 12. Search Warrant: Issuance; Examination of Respondent.—Whenever the registrant or any officer of any corporation which is a registrant under this act takes an oath before any magistrate, alderman or justice of the peace that he has reason to believe that any supplies are being unlawfully used, sold or secreted in any place, the magistrate, alderman or justice of the peace shall issue a search and seizure warrant to any constable or police officer authorizing such officer to search the premises wherein it is alleged such articles may be found and take into custody any person in whose possession the articles are found. Any person so seized shall be given a hearing before such magistrate, alderman or justice of the peace within forty-eight hours after such seizure. The magistrate, alderman or justice of the peace shall be empowered to impose bail on any such person to compel his attendance at any continued hearing.

Section 13. Search Warrant; Return; Punishment of Violator.—

If a magistrate, alderman or justice of the peace finds that any person brought before him has been guilty of a violation of this act he shall impose the punishment prescribed in this act and shall award possession of the property taken or found pursuant to the execution of the search and seizure warrant to the owner thereof.

Section 14. Rights and Remedies Under Any Other Statute Not Affected.—The provisions of this act shall not be construed as preventing the enforcement of rights and remedies under any other statute concerning articles or supplies upon which a name, mark, or device indicating ownership thereof has been produced, whether or not such name, mark, or device has been filed pursuant to this act.

Section 15. Penalties.—Whoever violates any of the provisions of this act shall, for the first offense, upon summary conviction before a magistrate, alderman or justice of the peace, be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), or to be imprisoned not less than ten days nor more than one month, or both, and for each subsequent offense be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200), or imprisoned not less than thirty days nor more than three months, or both.

APPROVED—The 26th day of January, A. D. 1966.

WILLIAM W. SCRANTON

No. 565

AN ACT

SB 1075

Amending the act of June 1, 1956 (P. L. 1959), entitled "An act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court, the President Judge and judges of the Superior Court, the judges of the courts of common pleas, the judges of the orphans' courts, the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County, certain associate judges not learned in the law, certain state officers, and the salary and expenses of the members of the General Assembly, and repealing certain inconsistent acts," increasing the salaries of the Chief Justice and associate judges of the Supreme Court, the President Judge and associate judges of the Superior Court and judges of courts of common pleas, orphans' courts, County Court and Juvenile Court of Allegheny County and County Court of Philadelphia.

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

Section 1. The title, act of June 1, 1956 (P. L. 1959), entitled "An act fixing the salaries and compensation of the Chief Justice and judges