

of revising, codifying and modernizing the laws to the end that miners employed in bituminous coal mines are afforded the greatest degree of protection and safety consistent with modern methods and machinery available in such industry.

Section 3. The commission shall require and secure the cooperation of the Department of Mines and Mineral Industries, its engineers, experts, clerks, stenographers and other employes as may be deemed necessary to carry out the work of the commission, and all State officials who are charged with any duties and responsibilities relating to the administration and enforcement of the existing laws relating to bituminous coal mines.

Cooperation.

Section 4. The commission shall make a report to the Governor and to the General Assembly during the 1959 session of the General Assembly, or during the next subsequent regular session of the General Assembly following the 1959 session, together with a draft on such proposed legislation as it deems necessary to carry its recommendations into effect. Such report and proposed legislation shall be made with the concurrence of each of the seven members of the commission. If unanimous concurrence cannot be achieved, the commission shall make no report or recommendations to the Governor or to the General Assembly. The existence of the commission shall terminate upon the making of its report or, if no report is made, at the final adjournment of the next subsequent regular session of the General Assembly following the 1959 session.

Report, draft of proposed legislation, concurrence requirement, termination of commission.

APPROVED—The 22nd day of October, A. D. 1959.

DAVID L. LAWRENCE

No. 466

AN ACT

Defining and providing for the licensing of adult day care centers; conferring powers and imposing duties on the Department of Public Welfare.

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

Adult Day Care Center License Act.

Section 1. Short Title.—This act shall be known, and may be cited, as the “Adult Day Care Center License Act.”

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

(1) “Day Care” means care given regularly for part of the twenty-four hour day to adults requiring assist-

ance to meet personal needs, or who, for reasons of physical or mental infirmity, require some service or attention.

(2) "Adult Day Care Center" means any premises, operated for profit, in which day care is regularly provided for four or more adults, unrelated to the operator, at any one time.

(3) "Department" means the Department of Public Welfare of the Commonwealth.

Section 3. Maintenance Without License Prohibited.—No person shall maintain, operate or conduct any adult day care center without having a license therefor, issued by the department.

Section 4. Application For License.—Any persons desiring to secure a license for maintaining, operating and conducting an adult day care center shall make application therefor to the department upon forms to be prepared and furnished by the department. Application for renewal of licenses shall be made in the same manner and shall be subject to the same qualifications as applications for original licensure.

Section 5. Issuance of License, Fees.—The Department, when satisfied that any applicant or applicants for such license, and that the place proposed to be used as an adult day care center meet all the requirements of this act, and the regulations of the department promulgated hereunder, shall issue such license upon payment of a license fee of fifteen dollars (\$15) and shall keep a record thereof and of the application. A fee of five dollars (\$5) shall be charged for the renewal of a license. All fees shall be paid into the State Treasury through the Department of Revenue.

Section 6. Term and Contents of Licenses.—All licenses issued by the department shall be for a period of one year and shall not be \*transferable. The license shall state the name of the licensee or licensees, the particular premises to be used as an adult day care center, and the maximum number of adults who may be cared for therein at any one time.

Section 7. Number of Adults to be Kept; Posting License.—No greater number of adults than is authorized by the license therefor shall be kept at any one time in any adult day care center. The license shall, at all times, be posted in a conspicuous place on the premises wherein such day care for adults is maintained.

Section 8. Right to Enter and Inspect the Premises.—Any employe or authorized agent of the department

\* "transferrable" in original.

shall have the right to enter, visit and inspect all adult day care centers and shall have an opportunity to interview clients of the center, licensed or requiring a license under this act, for the purpose of determining the suitability of the applicants and of the premises or the continuing conformity of licensees to the provisions of this act and to departmental regulations relating to this act.

**Section 9. Records to be Kept by Licensees.**—Such records shall be kept as are required by the regulations issued by the department under the authority of this act. The records shall be made available to the department upon request.

**Section 10. Refusal to Issue, Renew or Revocation of License.**—The department shall refuse to issue, refuse to renew, or \*revoke a license of any applicant or licensee under this act for the following reasons:

(1) Violation of or non-compliance with the provisions of this act, or of any rules and regulations pursuant thereto;

(2) The practice of any fraud or deceit in obtaining or attempting to obtain a license;

(3) Gross incompetency, negligence or misconduct in the carrying on of the business;

(4) Loaning, borrowing or using a license of another, or knowingly aiding or abetting in any way the granting of improper licenses;

(5) The use of misleading advertising;

(6) Soliciting patronage other than by legitimate advertising.

Whenever the department revokes or refuses to renew any license, it shall give written notice of such revocation or refusal to renew to the licensee or licensees by delivering the notice to him or them in person, or by registered mail, or by leaving it with an adult person residing on the licensed premises. Whenever any license is refused, renewed or revoked, the written notice shall specify the reason for such refusal or revocation.

**Section 11. Department to Adopt Regulations.**—The department is hereby authorized and empowered to adopt regulations, with the approval of the State Welfare Commission and not inconsistent with the provisions of this act, for the issuance and renewal of such licenses, and for the proper maintenance, operation and conduct of such adult day care centers, and for the effective enforcement thereof. Such regulations shall be designed to insure safe and wholesome care for all adults receiving day care.

\* "revok" in original.

Section 12. Penalties.—Any person who operates an adult day care center without having obtained a license within thirty days after being notified by the department to do so, or who operates an adult day care center after his license has been revoked, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000), or undergo imprisonment not exceeding six months, or both.

Section 13. Effective Date.—This act shall take effect in six months.

APPROVED—The 22nd day of October, A. D. 1959.

DAVID L. LAWRENCE

No. 467

AN ACT

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," changing the names of State penal and correctional institutions.

The  
Administrative  
Code of 1929.

Section 202, act  
of April 9, 1929,  
P. L. 177,  
amended July  
29, 1953, P. L.  
1424, further  
amended.

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

Section 1. As much as applies to the Department of Justice of section 202, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," amended July 29, 1953 (P. L. 1424), is amended to read:

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows: