

No. 380

AN ACT

HB 467

Amending the act of May 31, 1893 (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," providing that certain holidays be observed on Monday, and making editorial changes.

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

Section 1. Section 1, act of May 31, 1893 (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks and other negotiable paper on such days," amended September 21, 1965 (P. L. 534), is amended to read:

Section 1. Be it enacted, &c., That the following days and half days, namely: the first day of January, commonly called New Year's Day, the twelfth day of February, known as Lincoln's Birthday, the [twenty-second day] third Monday of February, known as Washington's Birthday, Good Friday, the [thirtieth day of] last Monday in May, known as Memorial Day, the fourteenth day of June, known as Flag Day, the fourth of July, called Independence Day, the first Monday of September, known as Labor Day, the [twelfth day of] second Monday in October, known as Columbus Day, the first Tuesday after the first Monday of November, Election Day, the [eleventh day of November] fourth Monday in October, known as Veterans' Day, the fourth Thursday in November, known as Thanksgiving Day, the twenty-fifth day of December, known as Christmas Day; and every Saturday, after twelve o'clock noon until twelve o'clock midnight, each of which Saturdays is hereby designated a half holiday; and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fastings and prayer, or other religious observance; and in the event of a financial crisis in the State or Nation, any day or days appointed by the Governor of this State or the President of the United States as a bank holiday; and in the event of public calamity in any part of the State through fire, flood, famine, violence, riot, insurrection, or enemy action, any day or days appointed by the Governor of this State as a bank holiday for banking institutions affected by such public calamity shall, for all purposes whatever as regards the presenting for payment or acceptance, and as regards the protesting and giving notice of the dishonor of bills of exchange, checks, drafts, and promis-

sory notes, made after the passage of this act, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays and half holidays; and all such bills, checks, drafts, and notes otherwise presentable for acceptance or payment on any of the said days, shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday; except checks, drafts, bills of exchange, and promissory notes, payable at sight or on demand, which would otherwise be payable on any half holiday Saturday, shall be deemed to be payable at or before twelve o'clock noon of such half holiday: Provided, however, That for the purpose of protesting or otherwise holding liable any party to any bill of exchange, check, draft, or promissory note, and which shall not have been paid before twelve o'clock noon of any Saturday designated a half holiday as aforesaid, a demand for acceptance or payment thereof shall not be made, and notice of protest or dishonor thereof shall not be given, until the next succeeding secular or business day: And provided further, That when any person, firm, corporation or company shall, on any Saturday designated a half holiday, receive for collection any check, bill of exchange, draft, or promissory note, such person, firm, corporation, or company shall not be deemed guilty of any neglect or omission of duty, nor incur any liability, in not presenting for payment or acceptance or collection such check, bill of exchange, draft or promissory note, on that day: And provided further, That, in construing this section, every Saturday designated a half holiday shall, until twelve o'clock noon, be deemed a secular or business day; and the days and half days aforesaid, so designated as holidays and half holidays, shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business, except that any day or days appointed as a bank holiday shall be regarded as secular or business days for all other purposes than those mentioned in this act: And provided further, That nothing herein contained shall be construed to prevent or invalidate the entry, issuance, service, or execution of any writ, summons, confession of judgment, or other legal process whatever, on any of the holidays or half holidays herein designated as holidays; nor to prevent any banking institution from keeping its doors open or transacting its business, on any Saturday afternoon, if by a vote of its directors it shall elect to do so, unless such Saturday is appointed as a bank holiday under the provisions of this act: And provided further, That any banking institution may, by a vote of its directors, or in the case of a private bank by action of the private banker or bankers, notice of which shall have been posted in its banking house for not less than fifteen days before the taking effect thereof, observe any Saturday throughout the year as a full holiday with like effect hereunder as though such day had been designated as a full holiday by the provisions of this act, and may in the same manner, observe as a full holiday any Monday next following the first day of January, [the thirtieth day of May, the fourth day of July] or the twenty-fifth day of December whenever any of such

holidays shall occur on a Saturday with like effect hereunder as though such day had been designated as a full holiday by the provisions of this act.

Section 2. Section 2 of the act, amended June 28, 1951 (P. L. 903), is amended to read:

Section 2. (a) Whenever the first day of January, the twelfth day of February, [the twenty-second day of February, the thirtieth day of May,] the fourteenth day of June, ¹the fourth day of July, ²[the twelfth day of October, the eleventh day of November,] or the twenty-fifth day of December, shall any of them occur on Sunday, the following day (Monday) shall be deemed and declared a public holiday. All bills of exchange, checks, drafts, or promissory notes, falling due on any of the Mondays [so] observed as holidays, shall be due and payable on the next succeeding secular or business day; and all Mondays [so] observed as holidays shall, for all purposes whatever as regards the presenting for payment or acceptance, and as regards the protesting and giving notice of the dishonor of bills of exchange, checks, drafts, and promissory notes, made after the passage of this act, be treated and considered as if the first day of the week, commonly called Sunday.

(b) Nothing in any law of this Commonwealth shall in any manner whatsoever affect the validity of, or render void or voidable, the payment, certification, or acceptance of a check or other negotiable instrument or any other transaction by a banking institution in this State because done or performed or transacted on any Saturday between twelve o'clock noon and midnight, provided such payment, certification, acceptance or other transaction would be valid if done or performed on or before twelve o'clock on Saturday.

(c) Nothing in any law of this Commonwealth shall in any manner whatsoever affect the validity of, or render void or voidable the payment, certification, or acceptance of, any bill of exchange, check, draft, promissory note, or other negotiable instrument, or any other transaction by a banking institution in this State, because done or performed or transacted on any of the following legal holidays: the twelfth day of February, the [twenty-second day of] third Monday in February, Good Friday, the fourteenth day of June, the [twelfth day of] second Monday in October, the fourth Monday in October, or

the first Tuesday after the first Monday of November [, or the eleventh day of November, or whenever any of said days shall occur on Sunday, done or performed or transacted on the following day (Monday)]: Provided, Such payment, certification, acceptance, or other transaction would be valid if done or performed on a secular or business day: Provided further, however, That for the purpose of protesting or otherwise holding liable any party to any bill of exchange, check, draft, promissory note, or other negotiable instrument which shall not have been paid on any of said holidays, a demand for acceptance or payment thereof shall not be made, and notice of protest or dishonor thereof shall not be given, until the next succeeding secular or

¹ "[] in original.

² "[] not in original.

business day. Nothing herein shall be construed to require any banking institution to keep open for the transaction of business on any of said holidays, or to require any banking institution which elects to be open for business on all or any part of any of said holidays, to do or perform any act or transaction on such holiday; but all acts and transactions done or performed on any such holiday shall be at the option of such banking institution.

Section 3. This act shall take effect January 1, 1971.

APPROVED—The 12th day of December, A. D. 1968.

RAYMOND P. SHAFER.

No. 381

AN ACT

HB 2653

Amending the act of June 1, 1945 (P. L. 1242), entitled "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto," providing for the reimbursement of relocation costs to persons displaced as a result of acquisition of property by the Department of Highways.

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

Section 1. The act of June 1, 1945 (P. L. 1242), known as the "State Highway Law," is amended by adding after section 304, the following new sections to read:

Section 304.1. Definitions.—When used in sections 304.2, 304.3, 304.4, 304.5 and 304.6 of this act, the following words and phrases shall have the following meanings:

(1) "Person" shall mean (i) any individual, partnership, corporation or association which is the owner of a business; (ii) any owner, part owner, tenant, or sharecropper who operates a farm; (iii) an individual who is the head of a family; or (iv) an individual not a member of a family.

(2) "Family" shall mean two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption or legal guardianship.