

# **LAWS RELATING TO BLINDNESS**

A Compilation of Pennsylvania Statutes

General Assembly of the Commonwealth of Pennsylvania  
**JOINT STATE GOVERNMENT COMMISSION**

January 1987

---

The Joint State Government Commission was created by act of 1937, July 1, P.L. 2460, as amended, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

---

# Joint State Government Commission, 1987-88

---

## OFFICERS

Roger A. Madigan, *Chairman*

John Stauffer, *Vice Chairman*

K. Leroy Irvis, *Treasurer*

---

## EXECUTIVE COMMITTEE

### SENATE MEMBERS

Robert C. Jubelirer  
*President Pro Tempore*

John Stauffer  
*Majority Leader*

Edward P. Zemprelli  
*Minority Leader*

F. Joseph Loeper  
*Majority Whip*

J. William Lincoln  
*Minority Whip*

William J. Moore  
*Chairman, Majority Caucus*

Robert J. Mellow  
*Chairman, Minority Caucus*

### HOUSE MEMBERS

K. Leroy Irvis  
*Speaker*

James J. Manderino  
*Majority Leader*

Matthew J. Ryan  
*Minority Leader*

Robert W. O'Donnell  
*Majority Whip*

Samuel E. Hayes Jr.  
*Minority Whip*

Ivan Itkin  
*Chairman, Majority Caucus*

Fred C. Noye  
*Chairman, Minority Caucus*

### MEMBER EX OFFICIO

Roger A. Madigan, *Commission Chairman*

---

Donald C. Steele, *Research Director*

Vincent W. Raba, *Associate Director*

William H. Nast, *Counsel*







GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA  
JOINT STATE GOVERNMENT COMMISSION

ROOM 108 - FINANCE BUILDING  
HARRISBURG 17120

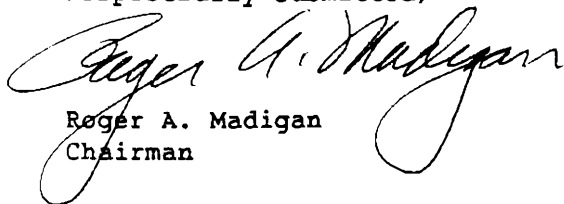
January, 1987

TO THE MEMBERS OF THE GENERAL ASSEMBLY:

This report presents the product of a Joint State Government Commission staff project conducted pursuant to Senate Resolution No. 59 of 1985. The resolution, adopted June 26, 1985 calls for a compilation of the Pennsylvania statutory law relating to blindness to facilitate reference to those statutes.

This report has been organized topically, with references provided to relevant regulations and case law.

Respectfully submitted,

  
Roger A. Madigan  
Chairman



# Contents

---

LETTER OF TRANSMITTAL . . . . .	v
INTRODUCTION. . . . .	1
CHAPTER 1: Commonwealth Agencies. . . . .	3
Administrative Code of 1929, §§ 448(1), 448(k), 2328 - Advisory Committee for the Blind . . . . .	3
Administrative Code of 1929, §§ 463, 2209.1 - Advisory Council on Affairs of the Handicapped . . . . .	6
CHAPTER 2: Human Relations. . . . .	9
Pennsylvania Human Relations Act. . . . .	9
Crimes and Offenses, 18 Pa.C.S. § 7325 - Prohibition of discrimination against guide dogs . . . . .	30
CHAPTER 3: Disabled Veterans. . . . .	31
Constitution of Pennsylvania, Article VIII, Section 2(b), (c) - Special exemption from taxation. . . . .	31
Act of June 21, 1963 (P.L.174, No.104) - Exemption from real estate taxes . . . . .	32
Military Affairs, 51 Pa.C.S. § 7701 - Blind veteran's pension. . . . .	34
Fish, 30 Pa.C.S. § 2707 - Free fishing licenses . . . . .	34
CHAPTER 4: Health . . . . .	35
Public Welfare Code, § 1405 - Freedom of choice and nondiscrimination in provision of medical assistance . .	35
Insurance Company Law of 1921, §§ 617, 621.12 . . . . .	35
Fraternal Benefit Society Code, § 503 . . . . .	37
CHAPTER 5: Housing. . . . .	39
Real Estate Licensing and Registration Act, § 604 - Prohibition against discrimination . . . . .	39

Real and Personal Property, 68 Pa.C.S. § 3410 - Conversion condominiums. . . . .	41
CHAPTER 6: Safety . . . . .	45
Act of September 1, 1965 (P.L.459, No.235) - Building specifications and standards . . . . .	45
Act of May 20, 1976 (P.L.129, No.56) - Construction of ramps and crosswalks by Department of Transportation . .	48
CHAPTER 7: Education. . . . .	51
Public School Code of 1949. . . . .	51
§ 502 - Establishment of special schools . . . . .	51
§ 1328 - Compulsory education for blind children . . . .	52
§§ 1371, 1372 - Education of exceptional children. . . .	52
§§ 1373.1, 1376, 1376.1, 1377, 1380, 1381, 1382, 1901, 2541 - Payment of costs for special educational programs. . . . .	55
Act of June 25, 1947 (P.L.951, No.401), § 2 - Exemption of blind schools from act to regulate private schools	63
Administrative Code of 1929, § 1303 - Vocational Education. .	63
CHAPTER 8: Business Activities/Employment . . . . .	65
Public Welfare Code, §§ 801-804 - Business Enterprises and Employment Fund for the Blind. . . . .	65
Little Randolph-Sheppard Act - Committee of Blind Vendors . .	67
Administrative Code of 1929, § 2409.1 - Handicapped-made products and services. . . . .	71
Industrial Homework Law . . . . .	73
Act of July 26, 1961 (P.L.906, No.389) - Sale of blind-made products. . . . .	85
Administrative Code of 1929, § 569 - Department of Labor and Industry to provide rehabilitation programs. .	86
Vocational Rehabilitation Act of 1945 . . . . .	86
Public Welfare Code, §§ 405.1, 408 - Exemption from work registration program . . . . .	91
Act of May 21, 1943 (P.L.595, No.259) - Restaurant in Capitol	93
Unemployment Compensation Law, § 753 - Exemption. . . . .	93
Minimum Wage Act of 1968, §§ 5, 9 - Exemption . . . . .	94
Conservation Corps Act, § 9 - Nondiscrimination . . . . .	94
CHAPTER 9: Transportation . . . . .	97
Vehicles, 75 Pa.C.S. §§ 1334, 1338 - Handicapped plates . . .	97
Vehicles, 75 Pa.C.S. § 1535 - Penalty - Failure to yield to blind pedestrians. . . . .	99
Vehicles, 75 Pa.C.S. § 3354 - Handicapped parking . . . . .	99
Vehicles, 75 Pa.C.S. § 3549 - Blind pedestrians . . . . .	100

Third Class City Code, §§ 2403, 2650 - Handicapped parking. . . . .	100
First Class Township Code, § 1502 - Handicapped parking . . .	101
Second Class Township Code, § 702 - Handicapped parking . . .	102
Borough Code, §§ 1202, 2903 - Handicapped parking . . . . .	102
 CHAPTER 10: Social Services. . . . .	 105
Attendant Care Services Act . . . . .	105
Public Welfare Code, § 432 - Public assistance. . . . .	108
Public Welfare Code, §§ 771-774 - Adoption Opportunities Act.	111
Act of December 10, 1974 (P.L.865, No.292) - Federal general revenue sharing. . . . .	113
Senior Center Grant Program Act, § 6. . . . .	115
County Institution District Law, §§ 401, 405 - Care of blind individuals. . . . .	116
County Code, § 2164 - Care of blind individuals . . . . .	117
 CHAPTER 11: Pensions . . . . .	 119
Constitution of Pennsylvania, Article III, Section 29 - Special appropriations . . . . .	119
Public Welfare Code, §§ 501-515 - Blind pensions. . . . .	119
Pennsylvania Municipal Retirement Law, §§ 212, 313, 411 - Disability retirement. . . . .	124
Education, 24 Pa.C.S. §§ 5907, 8505, 8507 - School system disability retirement. . . . .	129
Second Class County Code, §§ 1711, 1715 - Disability retirement. . . . .	131
Third Class City Code, § 4303 - Disability retirement . . . .	132
 CHAPTER 12: Voting Rights. . . . .	 133
Constitution of Pennsylvania, Article VII, Section 14 - Absentee voting. . . . .	133
Permanent Registration Act for Cities, Boroughs, Towns and Townships, §§ 18, 18.1, 18.2, 28, 28.1 . . . . .	133
First Class City Permanent Registration Act, §§ 20, 20.1, 20.2, 30 . . . . .	137
Pennsylvania Election Code. . . . .	139
§ 102 - Definitions. . . . .	139
§ 1218 - Assistance in voting. . . . .	139
§§ 1301, 1302, 1302.1, 1306, 1306.1, 1308 - Absentee voting. . . . .	140
§ 1830 - Unlawful assistance in voting . . . . .	146
 CHAPTER 13: Miscellaneous Provisions . . . . .	 149
Dog Law, §217 - Exemption for guide dogs. . . . .	149
Fish, 30 Pa.C.S. § 2709 - Exemption from licensing. . . . .	149



## Introduction

---

The General Assembly of Pennsylvania in 1985 Senate Resolution No. 59 directs the Joint State Government Commission to research and compile the Pennsylvania statutory law relating to blindness.

Through its research, Commission staff found over 30 different statutes relating to blindness. These statutes have been organized according to subject matter and placed in 13 topical chapters. Where appropriate, reference has been made to regulations and court decisions affecting these statutes.





## Chapter 1: Commonwealth Agencies

---

The Department of Public Welfare has supervisory control over public and private institutions that provide rehabilitation, training, guidance, counseling, shelter and other social services to the handicapped. See generally §§ 901-922, 1001-1059 of the Public Welfare Code (62 P.S. §§ 901-922, 1001-1059).

Programs for blind individuals are administered by the Commissioner of the Bureau of Blindness and Visual Services, with the assistance of the Advisory Committee for the Blind. The structure of the advisory committee is set forth below.

### THE ADMINISTRATIVE CODE OF 1929 Act of April 9, 1929 (P.L.177, No.175)

Section 448. (71 P.S. § 158) Advisory Boards and Commissions.--The advisory boards and commissions, within the several administrative departments, shall be constituted as follows:

\* \* \*

- (1) The following advisory committees are hereby created:
  - Advisory Committee for the Blind,
  - Advisory Committee for General and Special Hospitals,
  - Advisory Committee for Children and Youth,
  - Advisory Committee for Public Assistance,
  - Advisory Committee for Mental Health and Mental Retardation.

Each advisory committee shall consist of the Commissioner in the Department of Public Welfare, directing the program to which the advisory committee is attached, as an ex officio member, and not less than three (3) nor more than nine (9) members appointed by the

Governor. In the case of the Advisory Committee for Mental Health and Mental Retardation, the committee shall include the Chairman of the Public Health and Welfare Committee of the Senate, the Chairman of the Health and Welfare Committee of the House of Representatives and the President of the Pennsylvania State Association of County Commissioners or his alternate. The exact number of members of each advisory committee shall be determined by the Governor upon recommendation of the State Board of Public Welfare. The qualifications of the members of each advisory committee shall also be determined by the Governor upon recommendation of the State Board of Public Welfare: Provided, That with respect to each advisory committee, the Governor shall appoint members with due regard for representation of the professional and lay groups concerned with the fields of interest served by the program to which each advisory committee is attached. The term of office of each member of each advisory committee, except as herein otherwise provided, shall be six (6) years. The original appointment of the members of the advisory committee shall be for overlapping terms of six (6), four (4) and two (2) years. In making these original appointments, the Governor shall, in so far as possible, appoint approximately one-third (1/3) of the recommended complement of each advisory board to each of the overlapping terms.

A majority of the members of each advisory committee shall constitute a quorum. Each advisory committee shall elect a chairman from among its members. Each advisory committee shall meet at least four (4) times a year. Special meetings of each advisory committee shall be held on call of the chairman, and it shall be the duty of the chairman to call a special meeting upon the written request of one-third (1/3) or more of the members not including vacancies of the advisory committee.

The provisions of clause (k) of this section with respect to filling of vacancies, removal of members, length of service, political party office and compensation shall be applicable to advisory committee members, and are incorporated herein by reference.

\* \* \*

One member of the Advisory Committee for the Blind sits on the State Board of Public Welfare. The composition and requirements of membership of the State Board of Public Welfare are set forth in section 448(k) of The Administrative Code of 1929, as follows:

(k) The State Board of Public Welfare is hereby created. The board shall consist of the Secretary of Public Welfare, ex officio,

and sixteen (16) members appointed by the Governor. Four (4) members shall be appointed from among the members of the General Assembly, two (2) from the Senate and two (2) from the House of Representatives.

These members of the board shall, with respect to each branch of the General Assembly, be from different political parties, and they shall, in no event, retain membership on the board after they cease to be members of the branch of the Legislature from which they were appointed. One (1) member shall be appointed by the Governor from each of the six (6) advisory committees created by clause (1) of this section, and the first member of each advisory committee appointed by the Governor shall automatically become a member of the board. The term of office of each member of the board, except as herein otherwise provided, shall be six (6) years.

In the original appointment of the members of the board, six (6) members shall be appointed for the term of six (6) years, five (5) members for the term of four (4) years, and five (5) members for the term of two (2) years. Any vacancy occurring in the membership of the board shall be filled by the Governor only for the unexpired term. The Governor may remove any member of the board at any time. No member of the board shall serve more than two (2) consecutive terms not including a vacancy appointment, nor shall any member hold office in any political party.

Nine (9) members of the board shall constitute a quorum. A chairman who shall not be a member of an advisory committee shall be elected by the board, annually, from among its members. Members of the board shall serve without compensation other than reimbursement of travel and other actual expenses incurred in the performance of their duties. The board shall meet at least six (6) times a year. Special meetings of the board shall be held on call of the chairman or the Secretary of Public Welfare, and it shall be the duty of the chairman to call a special meeting upon the written request of one-third (1/3) or more members, not including vacancies, of the board.

The following provision sets forth the powers and duties of the Advisory Committee for the Blind.

Section 2328. (71 P.S. § 611.8) Powers and Duties of Advisory Committees.--The Advisory Committee for the Blind, the Advisory Committee for General and Special Hospitals, the Advisory Committee for Children and Youth, the Advisory Committee for Public Assistance and the Advisory Committee for Mental Health and Mental Retardation, shall, concerning matters within their respective special fields of interest, have the power and their duty shall be:

- (a) To advise the appropriate major program unit of the

Department of Public Welfare. This advice shall include, but shall not be limited to, such matters as standards of eligibility, nature and extent of service, amounts of payments to individuals, standards of approval, certification and licensure of institutions and agencies, ways and means of coordinating public and private welfare activities, and such other matters as may, by law, require citizen review or may be referred to the committees by the departmental units advised by them; and the Advisory Committee for Mental Health and Mental Retardation shall also have the power and duty to advise the Governor and the Secretary of Public Welfare with regard to the appointment of the Commissioner of Mental Health.

(b) To arrange for and conduct such public hearings as may be required by law or which they deem necessary and advisable,

(c) To promote better public understanding of the programs and objectives of the departmental units advised by them, and

(d) To make recommendations to the State Board of Public Welfare on matters referred to the committees for consideration and advice, or as may be required to promote the effectiveness of the programs, of the departmental units advised by them.

The remaining sections of The Administrative Code of 1929 included provide the structure and duties of the Advisory Council on Affairs of the Handicapped.

Section 463. (71 P.S. § 173) Advisory Council on Affairs of the Handicapped.--The Advisory Council on Affairs of the Handicapped shall consist of nine members who shall be named by the Governor, three of whom shall be representatives of employers, three as representatives of bona fide labor organizations having State-wide or national membership, and three who are themselves physically handicapped, from bona fide organizations of the physically handicapped.

The Secretary of the State Department of Labor shall be ex officio chairman of said advisory council.

The terms of the members shall be for three years from the dates of their respective appointments. Five members of the Advisory Council shall constitute a quorum. Each member of the Advisory Council shall be paid travelling expenses and other necessary expenses, and per diem compensation at the rate of fifteen dollars per day for each day of actual service.

The Advisory Council shall meet not less than twice yearly or oftener on the call of the chairman.

Section 2209.1. (71 P.S. § 569.1) The Advisory Council on Affairs of the Handicapped.--The Advisory Council on Affairs of the Handicapped shall have the power and its duties shall be to act in an advisory capacity to all agencies of the State government dealing with the problems of the physically handicapped, including the State Board of Vocational Rehabilitation, the State Employment Service and the State Council of the Blind, and any other agency having a substantial part of the handicapped program, with a view of coordinating and improving these services so as to render better service to the handicapped and to effectuate as far as possible greater economy in the operation of these State services.

Meetings of State agencies under the jurisdiction of the Governor which affect handicapped individuals are required to be held in locations accessible to those persons. 4 Pa. Code § 1.183.



## Chapter 2: Human Relations

---

The Pennsylvania Human Relations Act is included in this chapter in its entirety, as it is the most comprehensive antidiscrimination law in the Commonwealth. It protects the civil rights of all handicapped persons and provides a grievance procedure to be followed in the event those rights are violated.

PENNSYLVANIA HUMAN RELATIONS ACT  
Act of October 27, 1955 (P.L.744, No.222)  
43 P.S. §§ 951-962.2

Section 1. Short Title.--This act may be cited as the "Pennsylvania Human Relations Act."

Section 2. Findings and Declaration of Policy.--

(a) The practice or policy of discrimination against individuals or groups by reason of their race, color, religious creed, ancestry, handicap or disability, use of guide animals because of blindness or deafness of the user, use of support animals because of a physical handicap of the user or because the user is a handler or trainer of support or guide animals, age, sex, or national origin is a matter of concern of the Commonwealth. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the Commonwealth, and undermines the foundations of a free democratic state. The denial of equal employment, housing and public accommodation opportunities because of such discrimination, and the consequent failure to utilize the productive capacities of individuals to their fullest extent, deprives large segments of the population of the Commonwealth of earnings necessary to maintain decent standards of living, necessitates their resort to public relief and intensifies group conflicts, thereby resulting in grave injury to the public

health and welfare, compels many individuals to live in dwellings which are substandard, unhealthful and overcrowded, resulting in racial segregation in public schools and other community facilities, juvenile delinquency and other evils, thereby threatening the peace, health, safety and general welfare of the Commonwealth and its inhabitants.

(b) It is hereby declared to be the public policy of this Commonwealth to foster the employment of all individuals in accordance with their fullest capacities regardless of their race, color, religious creed, ancestry, handicap or disability, use of guide dogs because of blindness or deafness of the user, use of support animals because of a physical handicap of the user or because the user is a handler or trainer of support or guide animals, age, sex, or national origin, and to safeguard their right to obtain and hold employment without such discrimination, to assure equal opportunities to all individuals and to safeguard their rights to public accommodation and to secure housing accommodation and commercial property regardless of race, color, religious creed, ancestry, sex, handicap or disability, use of guide animals because of blindness or deafness of the user or national origin.

(c) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare, prosperity, health and peace of the people of the Commonwealth of Pennsylvania.

Section 3. Right to Freedom from Discrimination in Employment, Housing and Public Accommodation.--The opportunity for an individual to obtain employment for which he is qualified, and to obtain all the accommodations, advantages, facilities and privileges of any public accommodation and of housing accommodation and commercial property without discrimination because of race, color, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness, or physical handicap of the user or because the user is a handler or trainer of support or guide animals is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this act.

Section 4. Definitions.--As used in this act unless a different meaning clearly appears from the context:

(a) The term "person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employe, lending institution and the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof.

(b) The term "employer" includes the Commonwealth or any political subdivision or board, department, commission or school



district thereof and any person employing four or more persons within the Commonwealth, but except as hereinafter provided, does not include religious, fraternal, charitable or sectarian corporations or associations, except such corporations or associations supported, in whole or in part, by governmental appropriations. The term "employer" with respect to discriminatory practices based on race, color, age, sex, national origin or non-job related handicap or disability, includes religious, fraternal, charitable and sectarian corporations and associations employing four or more persons within the Commonwealth.

(c) The term "employee" does not include (1) any individual employed in agriculture or in the domestic service of any person, (2) any individuals who, as a part of their employment, reside in the personal residence of the employer, (3) any individual employed by said individual's parents, spouse or child.

(d) The term "labor organizations" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.

(e) The term "employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.

(f) The term "Commission" means the Pennsylvania Human Relations Commission created by this act.

(g) The term "discriminate" includes segregate.

(h) The term "age" includes any person between the ages of forty and seventy inclusive and shall also include any other person so protected by further amendment to the Federal Age Discrimination in Employment Act.

(i) The term "housing accommodations" includes (1) any building, structure, mobile home site or facility, or portion thereof, which is used or occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and (2) any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site or facility. The term "housing accommodations" shall not include any personal residence offered for rent by the owner or lessee thereof or by his or her broker, salesperson, agent or employe.

(j) The term "commercial property" means (1) any building, structure or facility, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a manufactory or any public accommodation; and (2) any vacant land offered for sale, lease, or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern, or public accommodation.

(k) The term "personal residence" means a building or structure

containing living quarters occupied or intended to be occupied by no more than two individuals, two groups or two families living independently of each other and used by the owner or lessee thereof as a bona fide residence for himself and any members of his family forming his household.

(l) The term "public accommodation, resort or amusement" means any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public, including but not limited to inns, taverns, roadhouses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or restaurants or eating houses, or any place where food is sold for consumption on the premises, buffets, saloons, barrooms or any store, park or enclosure where spirituous or malt liquors are sold, ice cream parlors, confectioneries, soda fountains and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises, drug stores, dispensaries, clinics, hospitals, bathhouses, swimming pools, barber shops, beauty parlors, retail stores and establishments, theatres, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses and all educational institutions under the supervision of this Commonwealth, nonsectarian cemeteries, garages and all public conveyances operated on land or water or in the air as well as the stations, terminals and airports thereof, financial institutions and all Commonwealth facilities and services, including such facilities and services of all political subdivisions thereof, but shall not include any accommodations which are in their nature distinctly private.

(m) The term "political subdivision" means any county, city, borough, incorporated town or township of this Commonwealth.

(n) The term "legislative body" means the body or board authorized by law to enact ordinances or adopt resolutions for the political subdivision.

(o) The term "local commission" means a Human Relations Commission created by the legislative body of a political subdivision.

(p) The term "non-job related handicap or disability" means any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in or has been engaged in. Uninsurability or increased cost of insurance under a group or employe insurance plan does not render a handicap or disability job related.

(q) The term "permanent hearing examiner" shall mean a full-time employe who is an attorney.

(r) The term "designated agent of the complainant" shall mean an individual who is a para-legal under the supervision of a practicing attorney.

(s) The term "commercial profit" means any form of compensation in money, or which can be measured in terms of money.

Section 5. Unlawful Discriminatory Practices.--It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or in the case of a fraternal corporation or association, unless based upon membership in such association or corporation, or except where based upon applicable security regulations established by the United States or the Commonwealth of Pennsylvania:

(a) For any employer because of the race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability of any individual to refuse to hire or employ, or to bar or to discharge from employment such individual, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment, if the individual is the best able and most competent to perform the services required. The provision of this paragraph shall not apply, to (1) termination of employment because of the terms or conditions of any bona fide retirement or pension plan, (2) operation of the terms or conditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement, (3) operation of the terms or conditions of any bona fide group or employe insurance plan, and (4) age limitations placed upon entry into bona fide apprenticeship programs of two years or more approved by the State Apprenticeship and Training Council of the Department of Labor and Industry, established by the act of July 14, 1961 (P.L.604, No.304), known as "The Apprenticeship and Training Act." Notwithstanding any provision of this clause, it shall not be an unlawful employment practice for a religious corporation or association to hire or employ on the basis of sex in those certain instances where sex is a bona fide occupational qualification because of the religious beliefs, practices, or observances of the corporation, or association.

(b) For any employer, employment agency or labor organization, prior to the employment or admission to membership, to:

(1) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, color, religious creed, ancestry, age, sex, national origin or past handicap or disability of any applicant for employment or membership. An employer may inquire as to the existence and nature of a present handicap or disability. To determine whether such handicap or disability substantially interferes with the ability to perform the essential function of the employment which is applied for, is being engaged in, or has been engaged in, the employer must

inquire beyond the mere existence of a handicap or disability.

(2) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability.

(3) Deny or limit, through a quota system, employment or membership because of race, color, religious creed, ancestry, age, sex, national origin, non-job related handicap or disability or place of birth.

(4) Substantially confine or limit recruitment or hiring of individuals, with intent to circumvent the spirit and purpose of this act, to any employment agency, employment service, labor organization, training school or training center or any other employe-referring source which services individuals who are predominantly of the same race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability.

(5) Deny employment because of a prior handicap or disability.

Nothing in clause (b) of this section shall bar any institution or organization for handicapped or disabled persons from limiting or giving preference in employment or membership to handicapped or disabled persons.

(c) For any labor organization because of the race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability of any individual to deny full and equal membership rights to any individual or otherwise to discriminate against such individuals with respect to hire, tenure, terms, conditions or privileges of employment or any other matter, directly or indirectly, related to employment.

(d) For any person, employer, employment agency or labor organization to discriminate in any manner against any individual because such individual has opposed any practice forbidden by this act, or because such individual has made a charge, testified or assisted, in any manner, in any investigation, proceeding or hearing under this act.

(e) For any person, employer, employment agency, labor organization or employe, to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this act or any order issued thereunder, or to attempt, directly or indirectly, to commit any act declared by this section to be an unlawful discriminatory practice.

(f) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise to discriminate against any individual because of his race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability.

(g) For any individual seeking employment to publish or cause to be published any advertisement which in any manner expresses a limitation or preference as to the race, color, religious creed, ancestry, age, sex, national origin or non-job related handicap or disability of any prospective employer.

(h) For any person to:

(1) Refuse to sell, lease, finance or otherwise to deny or withhold any housing accommodation or commercial property from any person because of the race, color, religious creed, ancestry, sex, national origin or handicap or disability of any prospective owner, occupant or user of such housing accommodation or commercial property, or to refuse to lease any housing accommodation or commercial property to any person due to use of a guide animal because of the blindness or deafness of the user, or use of a support animal because of a physical handicap of the user or because the user is a handler or trainer of support or guide animals.

(1.1) Evict or attempt to evict an occupant of any housing accommodation before the end of the term of a lease because of pregnancy or the birth of a child.

(2) Refuse to lend money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property or otherwise withhold financing of any housing accommodation or commercial property from any person because of the race, color, religious creed, ancestry, sex, national origin, handicap or disability or the use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, of any present or prospective owner, occupant or user of such housing accommodation or commercial property.

(3) Discriminate against any person in the terms or conditions of selling or leasing any housing accommodation or property or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing accommodation or commercial property, because of the race, color, religious creed, ancestry, sex, national origin, handicap or disability or the use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, of any present or prospective owner, occupant or user of such housing accommodation or commercial property.

(4) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodation or commercial property because of the race, color, religious creed, ancestry, sex, national origin or handicap or disability



of any present or prospective owner, occupant or user of any housing accommodation or commercial property.

(5) Print, publish or circulate any statement or advertisements: (I) relating to the sale, lease or acquisition of any housing accommodation or commercial property or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property which indicates any preference, limitation, specification, or discrimination based upon race, color, religious creed, ancestry, sex, national origin or handicap or disability, or (II) relating to the lease of any housing accommodation or commercial property which indicates any preference, limitation, specification or discrimination based upon use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals.

(6) Make any inquiry, elicit any information, make or keep any record or use any form of application, containing questions or entries concerning race, color, religious creed, ancestry, sex, national origin or handicap or disability in connection with the sale or lease of any housing accommodation or commercial property or loan of any money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property, or to make any inquiry, elicit any information, make or keep any record or use any form of application, containing questions or entries concerning the use of a guide or support animal because of the blindness, deafness or physical handicap of the user, or because the user is a handler or trainer of support or guide animals, in connection with the lease of any housing accommodation or commercial property.

(i) For any person being the owner, lessee, proprietor, manager, superintendent, agent or employe of any place of public accommodation, resort or amusement to

(1) Refuse, withhold from, or deny to any person because of his race, color, sex, religious creed, ancestry, national origin or handicap or disability, or to any person due to use of a guide or support animal because of the blindness, deafness or physical handicap of the user, or because the user is a handler or trainer of support or guide animals, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such place of public accommodation, resort or amusement.

(2) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of

the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, color, religious creed, sex, ancestry, national origin or handicap or disability, or to any person due to use of a guide or support animal because of the blindness, deafness or physical handicap of the user, or that the patronage or custom thereof of any person, belonging to or purporting to be of any particular race, color, religious creed, ancestry, national origin or handicap or disability, or to any person due to use of a guide or support animal because of the blindness, deafness or physical handicap of the user, or because the user is a handler or trainer of support or guide animals is unwelcome, objectionable or not acceptable, desired or solicited.

Nothing in clause (h) of this section shall bar any religious or denominational institution or organization or any charitable or educational organization, which is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established or maintained. Nor shall it apply to the rental of rooms or apartments in a landlord occupied rooming house with a common entrance.

(j) For any person subject to the act to fail to post and exhibit prominently in his place of business any fair practices notice prepared and distributed by the Pennsylvania Human Relations Commission.

(k) For any employer to discriminate against an employe or a prospective employe because the employe only has a general education development certificate as compared to a high school diploma. However, should vocational technical training or other special training be required with regard to a specific position, then such training or special training may be considered by the employer. This section of the act as amended shall not be construed to prohibit the refusal to hire or the dismissal of a person who is not able to function properly in the job applied for or engaged in.

This section of the act shall not be construed to prohibit the refusal to hire or the dismissal of a person who is not able to function properly in the job applied for or engaged in.

#### Section 5.1. Religious Observance, Public Employes.--

(a) It shall be an unlawful discriminatory practice for any officer, agency or department of the State or any of its political subdivisions, to prohibit, prevent or disqualify any person from, or otherwise to discriminate against any person in, obtaining or holding employment by the State or by any such subdivision, because of such person's observance of any particular day or days or any portion thereof as a sabbath or other holy day in accordance with the requirements of the person's religion.

(b) Except as may be required in an emergency or where personal presence is indispensable to the orderly transaction of public business, no person employed by the State or any of its political subdivisions shall be required to remain at the place of employment during any day or days or portion thereof that, as a religious requirement, the person observes as the sabbath or other holy day, including a reasonable time prior and subsequent thereto for travel between the place of employment and home, provided however, that any such absence from work shall, wherever practicable in the judgment of the employer, be made up by an equivalent amount of time and work at some other mutually convenient time, or shall be charged against any leave with pay ordinarily granted, other than sick leave, provided further, however, that any such absence not so made up or charged, may be treated by the employer of such person as leave taken without pay.

(c) This section shall not be construed to apply to any position dealing with the public health or safety where the person holding such position must be available for duty whenever needed, or to any position or class of positions the nature and quality of the duties of which are such that the personal presence of the holder of such position is regularly essential on any particular day or days or portion thereof for the normal performance of such duties with respect to any applicant therefor or holder thereof who, as a religious requirement, observes such day or days or portion thereof as the sabbath or other holy day.

Section 5.2. Abortion and Sterilization; Immunity from Requirement to Perform; Unlawful Discriminatory Practices.--

(a) No hospital or other health care facility shall be required to, or held liable for refusal to, perform or permit the performance of abortion or sterilization contrary to its stated ethical policy. No physician, nurse, staff member or employe of a hospital or other health care facility, who shall state in writing to such hospital or health care facility an objection to performing, participating in, or cooperating in, abortion or sterilization on moral, religious or professional grounds, shall be required to, or held liable for refusal to, perform, participate in, or cooperate in such abortion or sterilization.

(b) It shall be an unlawful discriminatory practice:

(1) For any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to, any hospital or other health care facility, refusal of such hospital or health care facility to perform or permit to be performed, participate in, or cooperate in, abortion or sterilization by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such hospital or health care facility with respect to abortion or sterilization.



(2) For any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to any physician, nurse or staff member or employe of any hospital or health care facility, due to the willingness or refusal of such physician, nurse or staff member or employe to perform or participate in abortion or sterilization by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such physician, nurse or staff member or employe with respect to abortion or sterilization.

(3) For any public or private agency, institution or person, including a medical, nursing or other school, to deny admission to, impose any burdens in terms of conditions of employment upon, or otherwise discriminate against any applicant for admission thereto or any physician, nurse, staff member, student or employe thereof, on account of the willingness or refusal of such applicant, physician, nurse, staff member, student or employe to perform or participate in, abortion or sterilization by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such person with respect to abortion or sterilization: Provided, however, That this subsection shall not apply to any health care facility operated exclusively for the performance of abortion or sterilization or directly related procedures or to a separate clinic of a health care facility for the performance of abortion or sterilization or directly related procedures.

Section 5.3. Prohibition of Certain Real Estate Practices.--It shall be an unlawful discriminatory practice for any person to:

(a) Induce, solicit or attempt to induce or solicit for commercial profit any listing, sale or transaction involving any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area in which there reside, or do not reside, persons of a particular race, color, religious creed, ancestry, sex, national origin, handicap or disability, or who are guide or support animal dependent.

(b) Discourage, or attempt to discourage, for commercial profit, the purchase or lease of any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area in which there reside, or may in the future reside in increased or decreased numbers, persons of a particular race, color, religious creed, ancestry, sex, national origin, handicap or disability, or who are guide or support animal dependent.

(c) Misrepresent, create or distort a circumstance, condition or incident for the purpose of fostering the impression or belief on

the part of any owner, occupant or prospective owner or occupant of any housing accommodation or commercial property, that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area which would be adversely impacted by the residence, or future increased or decreased residence, of persons of a particular race, color, religious creed, ancestry, sex, national origin, handicap or disability, or who are guide or support animal dependent within such neighborhood, community or area.

(d) In any way misrepresent or otherwise misadvertise within a neighborhood or community, whether or not in writing, that any housing accommodation or commercial property within such neighborhood or community is available for inspection, sale, lease, sublease or other transfer, in any context where such misrepresentation or misadvertising would have the effect of fostering an impression or belief that there has been or will be an increase in real estate activity within such neighborhood or community due to the residence, or anticipated increased or decreased residence, of persons of a particular race, color, religious creed, ancestry, sex, national origin, handicap or disability, or the use of a guide or support animal because of the blindness, deafness or physical handicap of the user.

Section 6. Pennsylvania Human Relations Commission.--There shall be, and there is hereby established in the Governor's Office a non-partisan, departmental administrative commission for the administration of this act, which shall be known as the "Pennsylvania Human Relations Commission," and which is hereinafter referred to as the "Commission."

Said Commission shall consist of eleven members, to be known as Commissioners, who shall be appointed by the Governor by and with the advice and consent of a majority of the members of the Senate, not more than six of such Commissioners to be from the same political party, and each of whom shall hold office for a term of five years or until his successor shall have been duly appointed and qualified. Vacancies occurring in an office of a member of the Commission by expiration of term, death, resignation, removal or for any other reason shall be filled in the manner aforesaid for the balance of that term. Commission members failing to attend meetings for three consecutive months shall forfeit their seats unless the chairperson of the commission receives written notification from the member involved that the absence was due to personal illness or the death or illness of an immediate family member.

Subject to the provisions of this act, the Commission shall have all the powers and shall perform the duties generally vested in and imposed upon departmental administrative boards and commissions by the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), known as "The Administrative Code of one thousand nine hundred and twenty-nine," and its amendments, and shall be subject to all the provisions of such code which apply generally to departmental administrative boards and commissions.

The Governor shall designate one of the members of the Commission to be its chairman who shall preside at all meetings of the commission and perform all the duties and functions of the chairman thereof. The Commission may designate one of its members to act as chairman during the absence or incapacity of the chairman and, when so acting, the member so designated shall have and perform all the powers and duties of the chairman of the Commission. Six members of the Commission or a majority of those duly appointed and qualified shall constitute a quorum for transacting business, and a majority vote of those present at any meeting shall be sufficient for any official action taken by the Commission.

Each member of the Commission shall receive per diem compensation at the rate of sixty dollars (\$60) per day for the time actually devoted to the business of the Commission. Members shall also receive the amount of reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

The Commission shall adopt an official seal by which its acts and proceedings shall be authenticated, and of which the courts shall take judicial notice. The certificate of the chairman of the Commission, under the seal of the Commission and attested by the secretary, shall be accepted in evidence in any judicial proceeding in any court of this Commonwealth as adequate and sufficient proof of the acts and proceedings of the Commission therein certified to.

Section 7. Powers and Duties of the Commission.--The Commission shall have the following powers and duties:

(a) To establish and maintain a central office in the City of Harrisburg.

(b) To meet and function at any place within the Commonwealth.

(c) To appoint such attorneys and permanent hearing examiners and other employes and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties. Permanent hearing examiners shall perform no duties inconsistent with their duties and responsibilities as permanent hearing examiners.

(c.1) To conduct mandatory training seminars on the Pennsylvania Human Relations Act and other applicable federal and state law procedures and rules for all investigative personnel.

(c.2) To afford complainants and respondents the opportunity for comments after the final disposition of a complaint. These comments shall be provided to the commission members.

(c.3) To appoint attorneys to perform the following functions: (1) render legal advice to commission members on matters appearing before it; or (2) give legal assistance to complainants appearing before the commission or hearing examiners. These responsibilities shall require a separate staff of attorneys to perform each function.

(d) To adopt, promulgate, amend and rescind rules and regulations to effectuate the policies and provisions of this act.

(e) To formulate policies to effectuate the purposes of this act, and make recommendations to agencies and officers of the Commonwealth or political subdivisions of government or board, department, commission or school district thereof to effectuate such policies.

(f) To initiate, receive, investigate and pass upon complaints charging unlawful discriminatory practices.

(f.1) To investigate where no complaint has been filed but with the consent of at least eight of the members of the Commission any problem of racial discrimination with the intent of avoiding and preventing the development of racial tension.

(f.2) On request of the Governor, to investigate claims of excessive use of force by police in civil rights protest activities.

(g) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take testimony of any person under oath or affirmation and, in connection therewith, to require the production for examination of any books and papers relating to any matter under investigation where a complaint has been properly filed before the Commission. The Commission may make rules as to the issuance of subpoenas by individual Commissioners. In case of contumacy or refusal to obey a subpoena issued to any person any court of jurisdiction, upon application by the Commission, may issue to such person an order requiring such person to appear before the Commission, there to produce documentary evidence, if so ordered, or there to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

No person shall be excused from attending and testifying, or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the Commission or of any individual Commissioner, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

(h) To inspect upon request such records of the Commonwealth or any political subdivision, board, department, commission or school district thereof as it may deem necessary or advisable to carry into effect the provisions of this act.

(i) To create such advisory agencies and conciliation councils, local or statewide, as well as aid in effectuating the purposes of this act. The Commission may itself or it may empower these agencies and councils to (1) study the problems of discrimination in all or specific fields of human relationships when based on race,

color, religious creed, ancestry, age, sex, national origin or handicap or disability and (2) foster, through community effort or otherwise, good will among the groups and elements of the population of the State. Such agencies and councils may make recommendations to the Commission for the development of policies and procedure in general. Advisory agencies and conciliation councils created by the Commission shall be composed of representative citizens, serving without pay, but the Commission may make provision for technical and clerical assistance to such agencies and councils, and for the payment of the expenses of such assistance.

(j) To issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious creed, ancestry, age, sex, national origin or handicap or disability.

(k) From time to time but not less than once a year, to report to the General Assembly and the Governor describing in detail the investigations, proceedings and hearings it has conducted and their outcome, the decisions it has rendered and the other work performed by it, and make recommendations for such further legislation concerning abuses and discrimination because of race, color, religious creed, ancestry, age, sex, national origin or handicap or disability as may be desirable.

(l) To prepare and distribute fair practices notices.

(m) To submit annually a report to the Labor and Industry Committee of the Senate and the State Government Committee of the House, with a description of the types of complaints received, status of cases, commission action which has been taken, how many were found to have probable cause, how many were resolved by public hearing and the length of time from the initial complaint to final commission resolution.

(n) To notify local human relations commissions of complaints received by the Pennsylvania Human Relations Commission involving persons within a commission's jurisdiction.

(o) To prepare and publish all findings of fact, conclusions of the law, final decisions and orders made after a public hearing by the hearing examiners, commission panel or full commission.

(p) To give public access to the commission's compliance manual.

(q) To preserve opinions rendered by the commission for five years from the date of publication.

Section 8. Educational Program.--The Commission, in cooperation with the Department of Education, is authorized to prepare a comprehensive education program, designed for the students of the schools in this Commonwealth and for all other residents thereof, in order to eliminate prejudice against and to further good will among all persons, without regard to race, religious creed, ancestry, age, sex, national origin, handicap or disability.

Section 8.1. Investigatory Hearings Relating to Racial Problems.-- Whenever any problem of racial discrimination or racial tension arises, the Commission may immediately hold an investigatory hearing. The place of any such hearing shall be in the county where the problem exists. The hearing may be public or private and the Commission shall have the same powers as provided in clause (g) for hearings on complaint filed.

The purpose of the hearing shall be to resolve the problem promptly by the gathering of all the facts from all the interested parties and making such recommendations as may be necessary.

The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed. Should the recommendations of the Commission not be accepted within a reasonable time the Commission may, with the consent of eight members, on its own behalf initiate a complaint and the hearing findings and Commission order shall proceed the same as where a complaint has been filed.

Section 9. Procedure.--

(a) Any person claiming to be aggrieved by an alleged unlawful discriminatory practice may make, sign and file with the Commission a verified complaint, in writing, which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unlawful discriminatory practice complained of, and which shall set forth the particulars thereof and contain such other information as may be required by the Commission. Commission representatives shall not modify the substance of the complaint. The Commission upon its own initiative or the Attorney General may, in like manner, make, sign and file such complaint. Any employer whose employes, or some of them, hinder or threaten to hinder compliance with the provisions of this act may file with the Commission a verified complaint, asking for assistance by conciliation or other remedial action, and during such period of conciliation or other remedial action, no hearings, orders or other actions shall be taken by the Commission against such employer.

(b)(1) After the filing of any complaint, or whenever there is reason to believe that an unlawful discriminatory practice has been committed, the Commission shall make a prompt investigation in connection therewith.

(2) The commission shall send a copy of the complaint to the named respondent within thirty days from the date of docketing the complaint.

(3) A respondent shall file a written, verified answer to the complaint within thirty days of service of the complaint. The commission, upon request of the respondent, may grant an extension of not more than thirty additional days.

(c) If it shall be determined after such investigation that no probable cause exists for crediting the allegations of the complaint, the Commission shall, within ten days from such determination, cause to be issued and served upon the complainant written notice of such determination, and the said complainant or his attorney may, within ten days after such notice, file with the Commission a written request for a preliminary hearing before the Commission to determine probable cause for crediting the allegations of the complaint. If it shall be determined after such investigation that probable cause exists for crediting the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion. The members of the Commission and its staff shall not disclose what has transpired in the course of such endeavors: Provided, That the Commission may publish the facts in the case of any complaint which has been dismissed, and the terms of conciliation when the complaint has been adjusted, without disclosing the identity of the parties involved.

(d) In case of failure to eliminate such practice or in advance thereof, if in the judgment of the Commission circumstances so warrant, the Commission shall cause to be issued and served a written notice, together with a copy of such complaint as the same may have been amended, requiring the person, employer, labor organization or employment agency named in such complaint, hereinafter referred to as respondent, to answer the charges of such complaint at a hearing before the Commission at a time and place to be specified in such notice. The place of any such hearing shall be in the county in which the alleged offense was committed.

(e) The case in support of the complaint shall be presented before the Commission or before a permanent hearing examiner designated by the Commission for the purpose of hearing said complaint by one of its attorneys or agents, by the complainant's attorney or by a designated agent of the complainant. The respondent may file a written, verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. The complainant may likewise appear at such hearing in person or otherwise, with or without counsel, and submit testimony. The Commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed.

(f) If, upon all the evidence at the hearing, the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this act, the Commission shall state its findings of fact, and shall issue and cause to be served on such respondent an order requiring such

respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action, including, but not limited to, reimbursement of certifiable travel expenses in matters involving the complaint, not to exceed fifty dollars (\$50), compensation for loss of work in matters involving the complaint, not to exceed two hundred dollars (\$200), hiring, reinstatement or upgrading of employes, with or without back pay, admission or restoration to membership in any respondent labor organization, the making of reasonable accommodations, or selling or leasing specified housing accommodations or commercial property, upon such equal terms and conditions and with such equal facilities, services and privileges or lending money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations or commercial property, upon such equal terms and conditions to any person discriminated against or all persons as, in the judgment of the Commission, will effectuate the purposes of this act and including a requirement for report of the manner of compliance. When the respondent is a licensee of the Commonwealth, the Commission shall inform the appropriate State licensing authority of the order with the request that the licensing authority take such action as it deems appropriate against such licensee. An appeal from the Commission's order shall act as a supersedeas and stay such action by the State licensing authority until a final decision on said appeal. If, upon all the evidence, the Commission shall find that a respondent has not engaged in any such unlawful discriminatory practice, the Commission shall state its findings of fact, and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent.

(g) The Commission shall establish rules or practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder. Three or more members of the Commission or a permanent hearing examiner designated by the Commission shall constitute the Commission for any hearing required to be held by the Commission under this act. The recommended findings, conclusions and order made by said members or permanent hearing examiner shall be reviewed and approved or reversed by the Commission before such order may be served upon the parties of the complaint. The recommended findings, conclusions and order made by said members or permanent hearing examiner shall become a part of the permanent record of the proceeding and shall accompany any order served upon the parties to the complaint. Any complaint filed pursuant to this section must be so filed within one hundred eighty days after the alleged act of discrimination. Any complaint may be withdrawn at any time by the party filing the complaint.

Section 9.1. Injunctions in Certain Housing Complaints.--When it appears that a housing unit or units involved in a complaint may be sold, rented or otherwise disposed of before a determination of



the case has been made, and the commission shows probable cause for the complaint, the court of common pleas of the county in which the unit is located may issue an injunction restraining the sale, rental or other disposition of the unit or units, except in compliance with the order of court. In every such case, the court shall grant or deny the injunction within thirty days of the filing of the suit. The court may attach to any such injunction granted such other conditions as it deems proper. Such injunction, if issued, shall be of no more than thirty days duration. If an extension of time is required by the commission, this extension may be granted at the discretion of the court, but a reasonable bond shall be required by the court before granting such extension.

Section 10. Enforcement and Judicial Review.--The complainant, the Attorney General or the Commission may secure enforcement of the order of the Commission or other appropriate relief. When the Commission has heard and decided any complaint brought before it, enforcement of its order shall be initiated by the filing of a petition in court, together with a transcript of the record of the hearing before the Commission, and issuance and service of a copy of said petition as in proceedings in equity.

The Commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost, and for the purposes of enforcement or judicial review of the order.

Section 11. Penalties.--Any person who shall willfully resist, prevent, impede or interfere with the Commission, its members, agents or agencies in the performance of duties pursuant to this act, or shall willfully violate an order of the Commission, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or to undergo imprisonment not exceeding thirty (30) days, or both, in the discretion of the court, but procedure for the review of any order shall not be deemed to be such wilful conduct.

Section 12. Construction and Exclusiveness of Remedy.--

(a) The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof, and any law inconsistent with any provisions hereof shall not apply.

(b) Except as provided in subsection (c), nothing contained in this act shall be deemed to repeal or supersede any of the provisions of any existing or hereafter adopted municipal ordinance, municipal charter or of any law of this Commonwealth relating to discrimination because of race, color, religious creed, ancestry, age, sex, national origin or handicap or disability, but as to acts declared unlawful by section five of this act the procedure herein provided shall, when invoked, be exclusive and the final

determination therein shall exclude any other action, civil or criminal, based on the same grievance of the complainant concerned. If the complainant institutes any action based on such grievance without resorting to the procedure provided in this act, such complainant may not subsequently resort to the procedure herein. In the event of a conflict between the interpretation of a provision of this act and the interpretation of a similar provision contained in any municipal ordinance, the interpretation of the provision in this act shall apply to such municipal ordinance.

(c) In cases involving a claim of discrimination, if a complainant invokes the procedures set forth in this act, that individual's right of action in the courts of the Commonwealth shall not be foreclosed. If within one (1) year after the filing of a complaint with the Commission, the Commission dismisses the complaint or has not entered into a conciliation agreement to which the complainant is a party, the Commission must so notify the complainant. On receipt of such a notice the complainant shall be able to bring an action in the courts of common pleas of the Commonwealth based on the right to freedom from discrimination granted by this act. If the court finds that the respondent has engaged in or is engaging in an unlawful discriminatory practice charged in the complaint, the court shall enjoin the respondent from engaging in such unlawful discriminatory practice and order affirmative action which may include, but is not limited to, reinstatement or hiring of employees, granting of back pay, or any other legal or equitable relief as the court deems appropriate. Back pay liability shall not accrue from a date more than three years prior to the filing of a complaint

(c.1) Notwithstanding subsections (a) and (c) or any other provision of this act, nothing in this act shall be deemed to authorize imposition by the commission of remedial quota relief in cases involving hiring or promoting of employees of the Commonwealth, its agencies or instrumentalities or employees of local governments and school districts in this Commonwealth. This subsection shall not, however, prohibit the voluntary adoption of an affirmative action plan designed to assure that all persons are accorded equality of opportunity in employment.

(d) Nothing in this act shall be construed to require any employer to hire any person with a job-related handicap or disability.

(e) The local human relations commission shall notify the Pennsylvania Human Relations Commission of complaints received involving discriminatory acts within that commission's jurisdiction.

#### Section 12.1. Local Human Relations Commissions.--

(a) The legislative body of a political subdivision may, by ordinance or resolution, authorize the establishment of membership in and support of a Local Human Relations Commission. The number and qualifications of the members of any local commission and their terms and method of appointment or removal shall be such as may be determined and agreed upon by the legislative body, except that no such member shall hold office in any political party. Members of a

local commission shall serve without salary but may be paid expenses incurred in the performance of their duties.

(b) The legislative body of any political subdivision shall have the authority to appropriate funds, in such amounts as may be deemed necessary, for the purpose of contributing to the operation of a local commission including the payment of its share of the salary of an investigator or staff member acting jointly for it and one or more other local commissions.

(c) The local commission shall have the power to appoint such employes and staff, as it may deem necessary, to fulfill its purpose including the power to appoint an investigator or staff member to act jointly for it and one or more other local commissions.

(d) The legislative bodies of political subdivisions shall have the authority to grant to local commissions powers and duties similar to those now exercised by the Pennsylvania Human Relations Commission under the provisions of this act.

(e) The local human relations commission shall notify the Pennsylvania Human Relations Commission of complaints received involving discriminatory acts within that commission's jurisdiction.

Section 12.2. Cooperation of State Agencies.--The Bureau of the Visually and Physically Handicapped, the Bureau of Vocational Rehabilitation, and any other State agency which seeks to aid persons with handicaps or disability shall assist employers, the Commission and the courts of this Commonwealth in the implementation and enforcement of this act by providing expertise in the area of handicaps and disabilities.

Regulations have been promulgated under the human relations act to insure that handicapped and disabled persons are not discriminated against in the areas of employment and public accommodations. Included in these regulations are requirements that employers modify equipment or jobs to accommodate handicapped or disabled workers. These modifications are not required if they would impose an undue hardship on an employer. These regulations are found at 16 Pa. Code, Ch. 44.

CRIMES AND OFFENSES  
Title 18, Pa.C.S.

§ 7325. Discrimination on account of guide dog.

A person is guilty of a summary offense if he, being the proprietor, manager or employee of a theatre, hotel, restaurant or other place of public entertainment or amusement, refuses, withholds, or denies any person, who is using a guide dog, because of the blindness or deafness of the user, the use of or access to any accommodation, advantage, facility or privilege of such theatre, hotel, restaurant, or other place of public entertainment or amusement.

## Chapter 3: Disabled Veterans

---

This chapter includes those laws dealing specifically with blind veterans. Under Section 1, Article VIII of the Constitution of Pennsylvania, all taxes must be uniform upon the same class of subjects. Tax exemptions for disabled persons are an exception to this rule. Section 2(c) of Article VIII provides the constitutional authorization for real property tax exemptions for disabled veterans. The 1963 act which follows it establishes the eligibility criteria for the exemption. Regulations promulgated by the State Veterans' Commission detailing the applications procedure for the exemption are found at 43 Pa. Code §§ 5.21-5.26.

CONSTITUTION  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

Article VIII

§ 2(b) The General Assembly may, by law:

\* \* \*

(ii) Establish as a class or classes of subjects of taxation the property or privileges of persons who, because of age, disability, infirmity or poverty are determined to be in need of tax exemption or of special tax provisions, and for any such class or classes, uniform standards and qualifications. The Commonwealth, or any other taxing authority, may adopt or

employ such class or classes and standards and qualifications, and except as herein provided may impose taxes, grant exemptions, or make special tax provisions in accordance therewith. No exemption or special provision shall be made under this clause with respect to taxes upon the sale or use of personal property, and

\* \* \*

§ 2(c) Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of its political subdivisions if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100% permanent disability, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein.

Act of June 21, 1963 (P.L.174, No.104)  
72 P.S. §§ 4691-4694

Section 1. The following words, terms and phrases as used in this act shall have the meanings herein assigned to them, unless the context clearly indicates otherwise:

"Blind" shall mean three-sixtieths or ten-two hundredths, or less normal vision.

"Paraplegic" shall mean the bilateral paralysis of the upper or lower extremities of the body.

Section 2. (a) Any citizen or resident of this Commonwealth shall be exempt from the payment of all real estate taxes levied upon any building, including the land upon which it stands, occupied by him or her as his or her principal dwelling, if (i) he or she has been honorably discharged or released under honorable circumstances from the armed forces of the United States for service in any war or armed conflict in which this Nation was engaged, (ii) as a result of such military service he or she is blind or paraplegic or has sustained the loss of two or more limbs, or has a service-connected disability declared by the United States Veterans' Administration or its successors to be a total or one hundred per cent permanent disability, (iii) such dwelling is owned by him solely or as an estate by the entirety, and (iv) the need for the exemption from the payment of real estate taxes has been determined by the State Veterans' Commission.

(b) When the conditions specified by clauses (i), (ii) and (iii) of subsection (a) of this section shall be determined to exist by the board for the assessment and revision of taxes, or by a similar board for the assessment of taxes, and upon the receipt by such board of a certification of need for the tax exemption from the State Veterans' Commission, the board shall grant the tax exemption prescribed by subsection (a) of this section. Notification of the granting of the tax exemption by such board shall be forwarded to the person who has received the exemption from the payment of real estate taxes and to the tax levying bodies and tax collectors of all political subdivisions imposing taxes upon the dwelling of the person granted the exemption from payment of real estate taxes.

Section 3. The State Veterans' Commission shall--

(1) Fix uniform and equitable standards for determining the need for exemption from the payment of real estate taxes granted by this act.

(2) After submission of proof of need by the applicant for the exemption from payment of real estate taxes, determine the need of the applicant.

(3) Review at least once every two years all determinations of need for exemptions from the payment of real estate taxes which have been granted in order to determine any changes in the economic status of applicants bearing upon the question of need.

(4) Certify the name and address and the need for exemption from payment of real estate taxes, or termination of such need, to the board for the assessment and revision of taxes, or similar board for the assessment of taxes, having jurisdiction of the assessment of the real property owned solely or as an estate by the entirety and occupied as a residence by the person seeking the tax exemption granted by this act.

Section 4. No real property solely owned, or owned as an estate by the entirety, and used exclusively as a residence for himself and his family, by any person who has been granted an exemption from the payment of real estate taxes pursuant to the provisions of this act, shall be sold for the nonpayment of real property taxes for which the exemption from payment has been granted.

Under the Military Code, blind veterans are entitled to a special pension in addition to any pension received under the acts listed in Chapter 11. Regulations governing the application procedure for this pension are found at 43 Pa. Code § 5.31-5.36.

MILITARY AFFAIRS  
Title 51, Pa.C.S.

§ 7701. Blind veteran's pension.

(a) Definition.--As used in this section the term "blind veteran" shall mean any person who served in the military or naval forces of the United States, or any woman's organization officially connected therewith, at any time, and who gave the Commonwealth of Pennsylvania, as his or her place of residence at the time of entering the military or naval forces of the United States, and who while performing duties connected with such service suffered an injury or incurred a disease which resulted in blindness to the extent that he or she has 3/60 or 10/200 or less normal vision. The term "blind veteran" shall not include any person separated from the military or naval forces of the United States, or any woman's organization officially connected therewith, under other than honorable conditions.

(b) Amount and eligibility.--In addition to any other assistance provided by the Commonwealth and in addition to any compensation provided by the Federal Government, every blind veteran shall be paid a pension of \$100 per month. Applications for such pensions shall be made to and in the form prescribed by the department. The Adjutant General shall have the power, and it shall be his duty to determine the eligibility of every applicant for a pension, and his decision in the matter shall be final.

FISH  
Title 30, Pa.C.S.

§ 2707. Disabled veterans.

Any disabled veteran who has a disability incurred in any war or armed conflict which consists of the loss of one or more limbs, or the loss of use of one or more limbs, or total blindness, or who is 100% disabled as certified by the United States Veterans' Administration, and who meets the qualifications of section 2701 (relating to resident fishing licenses), shall be issued a free resident fishing license upon application to the commission or a county treasurer or, in counties where there is no county treasurer by virtue of a home rule charter or optional plan of government, the county official who performs the functions of a county treasurer and who has been designated as an issuing agent by the commission. An application under this section shall, in addition to any information required under section 2701, contain a statement that the applicant is a war or armed conflict veteran and that his disability was service incurred. The issuing agent or the commission may require the production of the discharge papers of the applicant.

\* \* \*



## Chapter 4: Health

---

This chapter includes provisions affecting the delivery of health care to disabled persons.

THE PUBLIC WELFARE CODE  
Act of June 13, 1967 (P.L.31, No.21)  
62 P.S. § 1405

Section 1405. Freedom of Choice and Nondiscrimination.--(a) A recipient of medical assistance benefits shall, in all cases, have the freedom to obtain medical services from whichever participating provider or providers he so chooses; however, the participating provider so chosen is free to accept or reject the recipient as a patient.

(b) Once a provider has elected to participate in the medical assistance program and has signed an agreement with the department, such providers shall not refuse to render services to any recipient on the basis of sex, race, creed, color, national origin or handicap.

The section of the Public Welfare Code included above prohibits discrimination against handicapped persons by providers in the Department of Public Welfare's medical assistance program. The following two acts include special provisions for insurance coverage of certain handicapped children.

THE INSURANCE COMPANY LAW OF 1921  
Act of May 17, 1921 (P.L.682, No.284)  
40 P.S. §§ 752, 756.2

Section 617. Conditions Subject to Which Policies Are to Be Issued.

(A) No such policy shall be delivered or issued for delivery to any person in this Commonwealth unless:

\* \* \*

(9) A policy delivered or issued for delivery after January 1, 1968, under which coverage of a dependent of a policyholder terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of the age of nineteen who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age nineteen and who is chiefly dependent upon such policyholder for support and maintenance, not so terminate while the policy remains in force and the dependent remains in such condition, if the policyholder has within thirty-one days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not require an insurer to insure a dependent who is a mentally retarded or physically handicapped child where the policy is underwritten on evidence of insurability based on health factors set forth in the application or where such dependent does not satisfy the conditions of the policy as to any requirement for evidence of insurability or other provisions of the policy, satisfaction of which is required for coverage thereunder to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent.

Section 621.2. Group Accident and Sickness Insurance.

(a) Group accident and sickness insurance is hereby declared to be that form of accident and sickness insurance covering groups of persons defined in this section with or without one or more members of their families or one or more of their dependents, or covering one or more members of the families or one or more dependents of such groups or persons and issued upon the following basis:

\* \* \*

(6) A policy delivered or issued for delivery on or after January 1, 1968 under which coverage of a dependent of an employe or other member of the insured group terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of the age of nineteen who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age nineteen and who is chiefly dependent upon such employe or member for support and maintenance, not so terminate while the insurance of the employe or member remains in force and the dependent remains in such condition, if the insured employe or member has within thirty-one days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing

provisions of this paragraph shall not require an insurer to insure a dependent who is a mentally retarded or physically handicapped child of an employe or other member of the insured group where such dependent does not satisfy the conditions of the group policy as to any requirements for evidence of insurability or other provisions as may be stated in the group policy required for coverage thereunder to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent.

FRATERNAL BENEFIT SOCIETY CODE  
Act of July 29, 1977 (P.L.105, No.38)  
40 P.S. § 1141-503

Section 503. Conditions for certificates.

(a) General conditions.--No such certificate shall be delivered or issued for delivery to any person in this Commonwealth unless all of the following conditions are met:

\* \* \*

(9) A certificate delivered or issued for delivery after January 1, 1968 under which coverage of a dependent of a certificate holder terminates at a specified age, shall, with respect to an unmarried child covered by the certificate prior to the attainment of the age of 19 who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such certificate holder for support and maintenance, not terminate while the certificate remains in force and the dependent remains in such condition, if the certificate holder has within 31 days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not require a society to insure a dependent who is a mentally retarded or physically handicapped child where the certificate is underwritten on evidence of insurability based on health factors set forth in the application or where such dependent does not satisfy the conditions of the certificate as to any requirement for evidence of insurability or other provisions of the certificate, satisfaction of which is required for coverage thereunder to take effect. In any such case, the terms of the certificate shall apply with regard to the coverage or exclusion from coverage of such dependent.

\* \* \*

(b) Nonresident members.--If any certificate is issued by a society domiciled in this Commonwealth for delivery to a person residing in another state, and if the official having responsibility

for the administration of the insurance laws of such other state shall have advised the commissioner that any such certificate is not subject to approval or disapproval by such official, the commissioner may by ruling require that such certificate meet the standards set forth in section 401 and this chapter.

## Chapter 5: Housing

---

This chapter contains those provisions of Pennsylvania law that are designed to assist blind persons in the housing market. The following section of the Real Estate Licensing and Registration Act is designed to prevent discrimination against handicapped persons seeking housing. Related provisions are found in the human relations act, set forth in Chapter 2.

REAL ESTATE LICENSING AND REGISTRATION ACT  
Act of February 19, 1980 (P.L.15, No.9)  
63 P.S. § 455.604

Section 604. Prohibited acts.

(a) The commission may upon its own motion, and shall promptly upon the verified complaint in writing of any person setting forth a complaint under this section, ascertain the facts and, if warranted, hold a hearing for the suspension or revocation of a license or registration certificate or for the imposition of fines not exceeding \$1,000, or both. The commission shall have power to refuse a license or registration certificate for cause or to suspend or revoke a license or registration certificate or to levy fines up to \$1,000, or both, where the said license has been obtained by false representation, or by fraudulent act or conduct, or where a licensee or registrant, in performing or attempting to perform any of the acts mentioned herein, is found guilty of:

\* \* \*

(22) Violating any provision of the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act," or any order or consent decree of the

Pennsylvania Human Relations Commission issued pursuant to such act if such order or consent decree resulted from a complaint of discrimination in the area of activities authorized by virtue of this act.

(i) Such activities include but are not limited to:

(A) Accepting listings on the understanding that illegal discrimination in the sale or rental of housing is to be practiced due to race, color, religious creed, sex, ancestry, national origin, physical handicap, disability or use of a guide dog because of blindness of user of a prospective lessee or purchaser.

(B) Giving false information for purposes of discrimination in the rental or sale of housing due to race, color, religious creed, sex, ancestry, national origin, physical handicap, disability or use of a guide dog because of blindness of user of a prospective lessee or purchaser.

(C) Making distinctions in locations of housing or dates of availability of housing for purposes of discrimination in the rental or sale of such housing due to race, color, religious creed, sex, ancestry, national origin, physical handicap, disability or use of a guide dog because of blindness of user of the prospective lessee or purchaser.

(ii) Nothing contained in this paragraph is intended to preclude the State Real Estate Commission from conducting its own investigation and maintaining its own file on any complaint of discrimination. The intent hereunder is to allow the Pennsylvania Human Relations Commission a reasonable period of time to conduct its own investigations, hold hearings, render its decisions and inform the State Real Estate Commission of its findings prior to the State Real Estate Commission taking action against any broker, salesperson or sales associate charged with a violation of this paragraph.

(iii) If in the event the Pennsylvania Human Relations Commission does not act on a discrimination complaint within 90 days after it is filed with the Pennsylvania Human Relations Commission then the State Real Estate Commission may proceed with action against such licensee.

(iv) The 90-day waiting period delaying State Real Estate Commission action against licensee accused of discrimination applies only in initial complaints against such licensee, second or subsequent complaints may be brought by individuals or the Pennsylvania Human Relations Commission directly to the State Real Estate Commission.

(v) The Pennsylvania Human Relations Commission shall notify the State Real Estate Commission of findings of violations by the Human Relations Commission against

licensees under this act concerning the sale, purchase or lease of real estate in violation of the "Pennsylvania Human Relations Act."

This section of the Uniform Condominium Code contains special provisions relating to the rights of blind tenants when the rental property they occupy is converted to condominium units.

REAL AND PERSONAL PROPERTY  
Title 68, Pa.C.S.

§ 3410. Conversion condominiums.

(a) Notice of conversion.--A declarant of every conversion condominium shall give each of the tenants and any subtenant in possession of a unit or units in a building or buildings subject to this subpart notice of the conversion no later than one year before the declarant will require the tenants and any subtenant in possession to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and shall be mailed by prepaid United States registered mail return receipt requested to the tenant and subtenant at the address of the unit and not more than one other mailing address provided by a tenant. Every notice shall be accompanied by a public offering statement concerning the proposed sale of condominium units within such building or buildings. Except as otherwise provided in subsection (f), no tenant or subtenant may be required by the declarant to vacate upon less than one year's notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises and the terms of the tenancy may not be altered during that period. Failure of a declarant to give notice as required by this subsection is a defense to an action for possession.

(b) Offer to tenant to purchase unit.--For six months after delivery or mailing of the notice described in subsection (a), the declarant shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that six-month period, the declarant may not offer to dispose of an interest in that unit during the following six months at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This section shall not apply to any rental unit which immediately prior to the conversion was restricted exclusively to nonresidential use. The purchase option set forth in this subsection shall be recorded in the recorder of deeds office in any county in which the proposed conversion condominium is located.

(c) Effect of wrongful conveyance.--If a declarant, in violation of subsection (b), conveys a unit to a purchaser for value

who has no knowledge of the violation, recordation of the deed conveying the unit extinguishes any right a tenant may have under subsection (b) to purchase that unit if the deed states that the seller has complied with subsection (b) but does not affect the right of a tenant to recover damages from the declarant for a violation of subsection (b).

(d) Notice to vacate.--If a notice of conversion specifies a date by which a unit or proposed unit must be vacated, the notice also constitutes a notice to quit specified by section 501 of the act of April 6, 1951 (P.L.69, No.20), known as "The Landlord and Tenant Act of 1951."

(e) Improper lease termination prohibited.--

(1) Nothing in this section permits termination of a lease by a declarant in violation of its terms.

(2) Nothing in this section or in any lease shall prohibit a tenant, after receiving notice pursuant to subsection (a), from terminating any lease without any liability for such termination provided such tenant gives the building owner 90 days' written notice of the intent to terminate the lease.

(3) The owner of any proposed conversion condominium shall not engage in any activity of any nature which would coerce the tenant into terminating any lease, including but not limited to stampeding, harassing tenants or withholding normal services or repairs.

(f) Units leased to senior citizens and blind and disabled persons.--For the purpose of this subsection, an eligible tenant or subtenant shall be a natural person who, at the time the notice described in subsection (a) is given by the declarant, is 62 years of age or older or is blind or disabled, and has occupied the unit for at least two years. Within 30 days after receipt of the notice from the declarant referred to in subsection (a), any tenant, or subtenant, in possession of a unit, who believes that he is an eligible tenant or subtenant shall so notify the declarant and shall provide the declarant with proof of his eligibility. Any eligible tenant or subtenant who has established his eligibility as aforesaid shall be entitled to remain in possession of his unit for two years following the date of the notice referred to in subsection (a), notwithstanding any prior termination date in his lease, except by reason of nonpayment of rent, waste or conduct that disturbs other occupants' peaceful enjoyment of the condominium, and the terms of the tenancy may not be altered during the time period between the date on which the tenant's lease would otherwise terminate and the expiration of this two-year period except that the rental may be increased to the extent necessary to reflect any increase in real estate taxes and utility charges, applicable to the unit and not separately paid by the tenant, for the time period between the date of the notice referred to in subsection (a) and the date on which the tenant's lease would otherwise terminate. Failure of a declarant to comply with the provisions of this subsection is a defense to an action for possession.



(g) Tenant meetings; open to the public.--At least 30 days before the notice of conversion is given, the declarant shall hold a tenant meeting open to the public in the municipality where the conversion is proposed at a place and time convenient to the persons who may be directly affected by the conversion.

(h) Community development grants.--If Federal funds under Title I of the Community Development Act of 1974 have been used to finance the rehabilitation of multifamily rental housing, with the intent that such housing subsequent to the rehabilitation is to be used for residential rental purposes, such housing shall not be converted to a condominium for a period of ten years from the date the rehabilitation is completed.



## Chapter 6: Safety

---

The acts in this chapter provide for access ramps and other facilities designed to aid disabled persons.

Act of September 1, 1965 (P.L.459, No.235)  
71 P.S. §§ 1455.1-1455.3a

Section 1. Applicability of Standards.--The standards and specifications set forth in this act shall apply to all buildings of assembly, educational institutions and office buildings which are constructed in whole or in part by the use of Commonwealth funds, or the funds of any instrumentality of the Commonwealth or which are leased by the Commonwealth or an instrumentality thereof by reason of a lease executed after December 31, 1974 and shall also apply to department stores, theaters, retail stores, sports arenas and to restaurants with sit-down, interior dining facilities constructed after the effective date of this amending act: Provided, however, That the provisions of this act shall not apply to any department store, theater, retail store, sports arena and other buildings that are constructed and contain less than 2,800 square feet of usable floor space. All Commonwealth financed or leased buildings and facilities constructed or leased in this Commonwealth shall conform to each of the standards and specifications prescribed herein. All department stores, theaters, retail stores and sports arenas for which contracts for the planning and/or design have been awarded prior to the effective date of this amending act shall be exempt.

Section 2. Grounds, Buildings and Facilities. (a) Walks.--Public walks shall be at least 48 inches wide and shall have a gradient not greater than 5 percent. These walks shall be of a continuing common surface, not interrupted by steps or abrupt changes in level. Wherever walks cross other walks, driveways, or parking lots they shall blend to a common level. A walk shall have a level platform at the top which is at least 5 feet by 5 feet, if a door swings out onto the platform or toward the walk. This

platform shall extend at least 1 foot beyond each side of the doorway. A walk shall have a level platform at least 3 feet deep and 5 feet wide, if the door does not swing onto the platform or toward the walk. This platform shall extend at least 1 foot beyond each side of the doorway.

(b) Special Parking Areas.--At least one parking area shall be made accessible to the building by either placing it at the grade level of the building or providing ramps at curbs or steps between the parking area and the building.

(c) Ramps for the Handicapped.--Where ramps with gradients are necessary or desired, they shall conform to the following specifications:

(1) The ramp shall not have a slope greater than 1 foot rise in 12 feet, or 8.33 percent, or 4 degrees 50 minutes.

(2) The ramp shall have handrails on at least one side, and preferably two sides. The top of handrails shall be 32 inches above the surface of the ramp and shall extend 1 foot beyond the top and bottom of the ramp.

(3) The ramp shall be at least 32 inches wide (inside clear measurements) and have a surface that is nonslip.

(4) If a door swings out onto the platform or toward the ramp, the platform of the ramp shall be at least 5 feet by 5 feet. This platform shall be clear of door frame.

(5) If the door does not swing onto the platform or toward the ramp, this platform shall be at least 3 feet deep and 5 feet wide. This platform shall be clear of door frame.

(6) The bottom of the ramp shall have at least a 6 foot level run.

(7) Where the ramp exceeds 30 feet in length, level platforms shall be provided at 30 foot intervals. Level platform shall also be provided at turns in the ramp. Platforms shall be at least 32 inches wide by 5 feet long.

(d) Entrances and Doors.--Each building shall have at least one entrance which is accessible to individuals in wheelchairs. This entrance shall provide access to elevators either on a level plane or by ramp.

Doors shall have a clear opening of no less than 32 inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of 5 feet from the door in the direction the door swings and shall extend 1 foot beyond each side of the door. Sharp inclines and abrupt changes in level shall be avoided at doorsills. As much as practicable, thresholds shall be flush with the floor.

(e) Stairs.--Steps in stairs shall be designed wherever practicable so as not to have abrupt (square) nosing. Stairs shall have handrails 32 inches high as measured from the tread at the face of the riser. Stairs shall have at least one handrail that extends at least 18 inches beyond the top step and beyond the bottom step.

Steps should, wherever possible, and in conformation with existing step formulas, have risers that do not exceed 7 inches.

(f) Floors.--Floors shall wherever practicable have a surface that is nonslip. Floors on the same story shall be of a common level throughout or be connected by a ramp in accord with subsection (c) of this section.

(g) Rest Rooms.--

(1) Toilet rooms shall be accessible to, and usable by, the physically handicapped and shall have space to allow traffic of individuals in wheelchairs.

(2) Toilet rooms shall have at least one toilet stall that: (i) is 3 feet wide, (ii) is at least 4 feet 8 inches, preferably 5 feet deep, (iii) has a door (where doors are used) that is 32 inches wide and swings out, (iv) has handrails or grab bars which are an integral part of the toilet seat, or are mounted on the wall, at such a height and in such a position as the Secretary of Labor and Industry shall, by regulation determine, (v) has a water closet with the seat 20 inches from the floor.

(3) Toilet rooms shall have lavatories with narrow aprons, which when mounted at standard height are usable by individuals in wheelchairs; or shall have lavatories mounted higher, when particular designs demand, so that they are usable by individuals in wheelchairs.

(4) Mirrors and shelves shall be provided above lavatories at a height as low as practicable and no higher than 40 inches above the floor, measured from the top of the shelf and the bottom of the mirror.

(5) Toilet rooms for men shall have an appropriate number of wall-mounted urinals with the opening of the basin 19 inches from the floor, or shall have floor-mounted urinals that are on level with the main floor of the toilet room.

(6) Toilet rooms shall have an appropriate number of towel racks, towel dispensers, and other dispensers and disposal units mounted no higher than 40 inches from the floor.

(h) Fountains.--An appropriate number of water fountains or other water-dispensing means shall be accessible to, and usable by, the physically disabled.

Water fountains or coolers shall have up-front spouts and controls. Water fountains or coolers shall be hand-operated or hand-and-foot operated.

(i) Elevators.--Where elevators are to be provided they shall be accessible to, and usable by, the physically disabled at all levels normally used by the general public. Elevators shall be designed to allow for traffic by wheelchairs.

(j) Controls.--Switches and controls for light, heat, ventilation, windows, draperies, elevators, fire alarms, and all similar controls of frequent or essential use, shall be placed

within the reach of individuals in wheelchairs.

(k) Hazards.--Every effort shall be exercised to obviate all hazards to individuals with physical disabilities.

Section 3. Enforcement.--The Department of Labor and Industry shall be responsible for enforcement of this act.

Section 3.1. Advisory Board, Guidelines, Exemptions.--(a) There is hereby created an Advisory Board which shall be composed of five members appointed by the Secretary of Labor and Industry. At least three members of the Advisory Board shall be consumers and shall be public members. All members of the Advisory Board shall serve for a term of two years and until their successors are appointed and qualified. The members of the Advisory Board shall serve without compensation but shall be reimbursed by the Department of Labor and Industry for the necessary and actual expenses incurred in attending the meeting of the Advisory Board and in the performance of their duties under this act. Meetings of the Advisory Board shall be called by the Secretary of Labor and Industry.

(b) The Advisory Board shall review the principles, standards and specifications of this act and the impact of this act on entities affected by its coverage and shall develop guidelines under which exemptions and variances from the provisions of this act may be granted.

(c) The Advisory Board shall review all applications for exemptions and variances from the provisions of this act and shall advise the Secretary of Labor and Industry on whether an exemption or variance should be granted.

(d) The Secretary of Labor and Industry may grant a variance or exemption from the provisions of this act. When determining whether to grant an exemption or variance, the secretary shall consider the guidelines of the board and its recommendations on the particular applications.

Regulations governing facilities for the handicapped are found at 34 Pa. Code §§ 47.111-47.131.

Act of May 20, 1976 (P.L.129, No.56)  
53 P.S. §§ 1898, 1899

Section 1. The Department of Transportation and municipalities shall install ramps, where feasible, at crosswalks, in both business and residential areas, when making new installations of sidewalks and curbs or gutters, or improving or replacing existing sidewalks and curbs or gutters, so as to make the transition from street to

sidewalk easily negotiable for handicapped persons in wheelchairs and for other persons who may have difficulty in making the required step up or down from curb level to street level.

Section 2. All such ramps shall be constructed or installed in accordance with design specifications therefor prepared by the Department of Transportation. The Department of Transportation shall make available to such municipalities design standards for such ramps.





## Chapter 7: Education

---

The provisions of the Public School Code of 1949 found in this chapter provide for the establishment of special classes and schools for the education of blind individuals. Regulations governing qualifications of professional staffs, allocation of costs between school districts and the Commonwealth and special school programs are found at 22 Pa. Code Ch. 13, 22 Pa. Code § 59.11, 22 Pa. Code Part VII, and 22 Pa. Code Ch. 171.

### PUBLIC SCHOOL CODE OF 1949 Act of March 10, 1949 (P.L.30, No.14)

Section 502. (24 P.S. § 5-502) Additional Schools and Departments.-- In addition to the elementary public schools, the board of school directors in any school district may establish, equip, furnish, and maintain the following additional schools or departments for the education and recreation of persons residing in said district, and for the proper operation of its schools, namely:--

- High schools,
- Trade schools,
- Vocational schools,
- Technical schools,
- Cafeterias,
- Agricultural schools,
- Evening schools,
- Kindergartens,
- Libraries,
- Museums,
- Reading-rooms,
- Gymnasiums,

Playgrounds,  
Schools for physically and mentally handicapped,  
Truant schools,  
Parental schools,  
Schools for adults,  
Public lectures,

Such other schools or educational departments as the directors, in their wisdom, may see proper to establish.

Said additional schools or departments, when established, shall be an integral part of the public school system in such school district and shall be so administered.

No pupil shall be refused admission to the courses in these additional schools or departments, by reason of the fact that his elementary or academic education is being or has been received in a school other than a public school.

Section 1328. (24 P.S. § 13-1328) Compulsory Education of Physical Defectives.--Every parent, guardian, or other person, having control or charge of any child of compulsory school age who is deaf or blind, or is so crippled, or whose hearing or vision is so defective as to make it impracticable to have such child educated in the public schools of the district in which he is a resident, shall allow such child to be sent to some school where proper provision is made for the education of the deaf, or of the blind, or of crippled children, or shall provide for the tuition of such child by a legally certified private tutor.

Section 1371. (24 P.S. § 13-1371) Definition of Exceptional Children; Reports; Examination.--

(1) The term "exceptional children" shall mean children of school age who deviate from the average in physical, mental, emotional or social characteristics to such an extent that they require special educational facilities or services and shall include all children in detention homes.

(2) It shall be the duty of the district superintendent, in every school district in accordance with rules of procedure prescribed by the Superintendent of Public Instruction, to secure information and report to the proper intermediate unit, on or before the fifteenth day of October of each year, and thereafter as cases arise, every exceptional child within said district. As soon thereafter as possible the child shall be examined by a person certified by the Department of Public Instruction as a public school psychologist, and also by any other expert which the type of handicap and the child's condition may necessitate. A report shall be made to the proper intermediate unit of all such children examined and of all children residing in the district who are enrolled in special classes.

Section 1372. (24 P.S. § 13-1372) Exceptional Children; Education and Training.--

(1) Standards for Proper Education and Training of Exceptional Children. The State Board of Education shall adopt and prescribe standards and regulations for the proper education and training of all exceptional children by school districts or counties singly or jointly. The Department of Public Instruction shall have power, and it shall be its duty, to determine the counties which shall be joined for the purpose of providing proper education and training of exceptional children. Standards and regulations shall recognize such factors as number of exceptional children, types of handicaps, facility of transportation, adequacy of existing provisions for exceptional children, and availability of school plant facilities.

(2) Plans for Education and Training Exceptional Children. Each intermediate unit, cooperatively with other intermediate units and with school districts shall prepare and submit to the Superintendent of Public Instruction, on or before the first day of August, one thousand nine hundred seventy for his approval or disapproval, plans for the proper education and training of all exceptional children in accordance with the standards and regulations adopted by the State Board of Education. Plans as provided for in this section shall be subject to revision from time to time as conditions warrant, subject to the approval of the Superintendent of Public Instruction.

(3) Special Classes or Schools Established and Maintained by School Districts. Except as herein otherwise provided, it shall be the duty of the board of school directors of every school district to provide and maintain, or to jointly provide and maintain with neighboring districts, special classes or schools in accordance with the approved plan. The Secretary of Education shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act relating thereto. If the approved plan indicates that it is not feasible to form a special class in any district or to provide such education for any such child in the public schools of the district, the board of school directors of the district shall secure such proper education and training outside the public schools of the district or in special institutions, or by providing for teaching the child in his home, in accordance with rules and regulations prescribed by the Department of Education, on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children. However, the institution of special classes and programs at the secondary level for exceptional children who are gifted and talented students may be deferred until September 1978 at the

discretion of the board of the school directors of any school district.

In addition to the above and in accordance with rules and regulations prescribed by the Department of Education, homebound instruction shall be provided for children confined in detention homes as provided in section 7, act of June 2, 1933 (P.L.1433, No.311), as amended, for the period of their confinement, if their confinement exceeds or is expected to exceed ten days, even though such children are not exceptional.

(4) Classes for Exceptional Children. The intermediate unit shall have power, and it shall be its duty, to provide, maintain, administer, supervise and operate such additional classes or schools as are necessary or to otherwise provide for the proper education and training for all exceptional children who are not enrolled in classes or schools maintained and operated by school districts or who are not otherwise provided for.

(5) Day-Care Training Centers, Classes and Schools for the Proper Education and Training of Exceptional Children. Where in the judgment of the Superintendent of Public Instruction, the provisions of this act relating to the proper education and training of exceptional children have not been complied with or the needs of exceptional children are not being adequately served, the Department of Public Instruction is hereby authorized to provide, including the payment of rental when necessary, maintain, administer, supervise and operate classes and schools for the proper education and training of exceptional children. Pupil eligibility for enrollment in classes for exceptional children shall be determined according to standards and regulations promulgated by the State Board of Education. For each child enrolled in any special class or school for exceptional children operated by the Department of Public Instruction, the school district in which the child is resident shall pay to the Commonwealth, a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil" as determined for the schools operated by the district or by a joint board of which the district is a member, based upon the costs of the preceding school term as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment plus a sum equal to ten (10) per centum of such tuition charges. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question. In order to facilitate such payments by the several school districts, the Superintendent of Public Instruction shall withhold from any moneys due to such district out of any State appropriation,

except from reimbursement due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the maintenance and administration of centers and classes for exceptional children.

(6) Pupils Credited to District of Residence. The average daily membership of pupils enrolled in classes and schools for exceptional children, operated by an intermediate unit or by the Department of Public Instruction, shall be credited to the school district of residence for the purpose of determining the district's "teaching units" to be used in calculating the district's reimbursement fractions or weighted average daily membership to be used in calculating a district's aid ratio and in determining payments to the district on account of instruction as provided in section two thousand five hundred two of the act to which this is an amendment.

Section 1373.1. (24 P.S. § 13-1373.1) Readers; Helpers; Guides; Aids; Appliances; Etc.; Reimbursement.--The Commonwealth shall reimburse school districts out of the moneys appropriated to the Department of Public Instruction for special education for the cost of readers, helpers, guides, aids, appliances, special school books and supplies and devices for any child between the ages of six and twenty-one years of age who is blind, partially sighted, deaf, hard of hearing, or afflicted with cerebral palsy, and who is enrolled, with the approval of the Department of Public Instruction, in any of the public schools of the Commonwealth, an amount equal to the costs of these services and equipment multiplied by the district's aid ratio.

No such expenditures nor purchases may be made by any school district unless in accordance with a budget submitted by the district and approved by the Department of Public Instruction. The total expenditure by the Commonwealth hereunder shall not exceed seventy-five percent of a sum which would have been expended for the tuition and maintenance of any such child in a residential school for the blind, including partially sighted, deaf, hard of hearing, or those afflicted with cerebral palsy, that has been approved by the Department of Public Instruction for the education of the blind, partially sighted, deaf, hard of hearing, or those afflicted with cerebral palsy. The services of such readers, helpers and guides may be contracted and paid for by the school district irrespective of the age of the person rendering such assistance and of the employment of such person by the school district as a teacher or otherwise and of the time and place where such services are rendered.

The Department of Public Instruction shall establish such necessary rules, regulations and standards as it may deem necessary for carrying out the provisions of this act.

Section 1376. (24 P.S. § 13.1376) Cost of Tuition and Maintenance of Certain Exceptional Children in Approved Institutions.--

(a) When any child between the ages of six (6) and twenty-one (21) years of age and resident in this Commonwealth, who is blind or deaf, or afflicted with cerebral palsy and/or brain damage and/or muscular dystrophy and/or mentally retarded and/or socially and emotionally disturbed, is enrolled, with the approval of the Department of Education, as a pupil in an approved school for the blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied and/or mentally retarded, and/or socially and emotionally disturbed, approved by the Department of Education, in accordance with standards and regulations promulgated by the Council of Basic Education, the school district in which such child is resident shall pay twenty per centum (20%) of the actual audited cost of tuition and maintenance of such child in such school, as determined by the Department of Education; and the Commonwealth shall pay, out of funds appropriated to the department for special education, eighty per centum (80%) of the cost of their tuition and maintenance, as determined by the Department. If the residence of such child in a particular school district cannot be determined, the Commonwealth shall pay, out of moneys appropriated to the department for special education, the whole cost of tuition and maintenance of such child. The Department of Education shall be provided with such financial data from approved schools as may be necessary to determine the reasonableness of costs for tuition and room and board concerning Pennsylvania resident approved reimbursed students. The Department of Education shall evaluate such data and shall disallow any cost deemed unreasonable. Any costs deemed unreasonable by the Department of Education for disallowance shall be considered an adjudication within the meaning of Title 2 of the Pa.C.S. (relating to administrative law and procedure) and regulations promulgated thereunder.

(b) When any person less than six (6) or more than twenty-one (21) years of age and resident in this Commonwealth, who is blind or deaf, or afflicted with cerebral palsy and/or brain damage and/or muscular dystrophy, is enrolled, with the approval of the Department of Education, as a pupil in an approved school for the blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied, approved by the Department of Education, the Commonwealth shall pay to such school, out of moneys appropriated to the department for special education, the actual audited cost of tuition and maintenance of such person, as determined by the Department of Education, subject to review and approval in accordance with standards and regulations promulgated by the Council of Basic Education, and in addition, in the case of any child less than six (6) years of age, who is blind, the cost, as determined by

the Department of Education of instructing the parent of such blind child in caring for such child.

(c) Each approved school, prior to the start of the school year, shall submit to the department such information as the department may require in order to establish an estimate of reimbursable costs. Based upon this information, any other data deemed necessary by the department and in accordance with department standards, the department shall develop for each approved school an estimate of reimbursable costs. Based upon such estimate, the department shall provide each approved school with quarterly payments in advance of department audit. The department may withhold a portion of such payments not exceeding five percent (5%) of such payment, pending final audit. In no event shall either the advance payments or final reimbursement made by the department following audit exceed the appropriation available for approved schools.

(d) No private institution receiving payment in accordance with this section shall impose any charge on the student and/or parents who are Pennsylvania approved reimbursable residents for a program of individualized instruction and maintenance appropriate to the child's needs; except that charges for services not part of such program may be made if agreed to by the parents.

Section 1376.1. (24 P.S. § 13.1376.1) Actual Cost of Tuition and Maintenance of Certain Exceptional Children in the Four Chartered Schools for Education of the Deaf and the Blind.--

(a) The following term, whenever used or referred to in this section, shall have the following meaning. "Chartered school" shall mean any of the four (4) chartered schools for the education of the deaf or the blind: the Pennsylvania School for the Deaf; the Overbrook School for the Blind; the Western Pennsylvania School for Blind Children; and the Western Pennsylvania School for the Deaf.

(b) When any child of school age resident in this Commonwealth, who is blind or deaf, is enrolled with the approval of the Department of Education as a pupil in any of the four (4) chartered schools in accordance with standards and regulations promulgated by the Council of Basic Education, the school district in which such child is resident shall pay twenty percent (20%) of the actual cost of tuition and maintenance of such child in such institution, as determined by the Department of Education; and the Commonwealth shall pay, out of funds appropriated to the department for special education, eighty percent (80%) of the actual cost of their tuition and maintenance, as determined by the department. If the residence of such child in a particular school district cannot be determined, the Commonwealth shall pay, out of moneys appropriated to the department for special education, the whole cost of tuition and maintenance of such child. The Department of Education shall be provided with such financial data from each of the chartered schools as may be necessary to determine the reasonableness of charges for



tuition and room and board of each of the chartered schools made on Pennsylvania resident approved students. The Department of Education shall evaluate such data and shall disallow any charges deemed unreasonable. Any charge deemed unreasonable by the Department of Education for disallowance shall be considered an adjudication within the meaning of Title 2 of the Pa.C.S. (relating to administrative law and procedure) and regulations promulgated thereunder.

(c) When any person less than school age resident in this Commonwealth who is blind or deaf is enrolled, with the approval of the Department of Education, as a residential pupil in any of the four (4) chartered schools, the Commonwealth shall pay to the school, out of moneys appropriated to the department for special education, the actual cost of tuition and maintenance of such person, as determined by the Department of Education, subject to review and approval in accordance with standards and regulations promulgated by the Council of Basic Education, and in addition, in the case of any child less than school age, who is blind, the cost, as determined by the Department of Education of instructing the parent of such blind child in caring for such child.

(d) None of the chartered schools receiving payment in accordance with this section shall impose any charge on the student and/or parents who are approved reimbursable residents for a program of instruction and maintenance appropriate to the child's needs; except that charges for programs not part of the normal school year may be made.

Section 1377. (24 P.S. § 13-1377) Payment of Cost of Tuition and Maintenance of Certain Exceptional Children.--

(a) To facilitate payments by the several school districts to the schools or institutions in which deaf or blind, or cerebral palsied and/or brain damaged and/or muscular dystrophied, or socially and emotionally disturbed or mentally retarded children are enrolled, of amounts due by such districts for their proportion of the cost of tuition and maintenance of such children, the Secretary of Education shall withhold from any moneys due to such districts out of any State appropriation for the assistance as reimbursement of school districts, the amounts due by such districts to such schools or institutions for the blind or the deaf, or the cerebral palsied and/or brain damaged and/or muscular dystrophied or the socially and emotionally disturbed and/or mentally retarded. Amounts so withheld shall be paid to such schools or institutions by warrant of the Auditor General upon the State Treasurer, after requisition of the Secretary of Education, for which purpose all amounts so withheld are hereby specifically appropriated to the Department of Education.

(b) Payments of the Commonwealth's proportion of the cost of tuition and maintenance of blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied, or socially and emotionally disturbed and/or mentally retarded pupils enrolled in



schools or institutions for the blind or for the deaf, or for the cerebral palsied and/or brain damaged and/or muscular dystrophied, or for the socially and emotionally disturbed and of the cost of instruction of parents of blind pupils less than six (6) years of age, as hereinbefore provided, shall be made quarterly, out of moneys appropriated to the Department of Education for special education, by warrant of the Auditor General upon the State Treasurer, after requisition by the Secretary of Education. Except for the provisions of section 1376.1 providing for the actual cost of tuition and maintenance of certain exceptional children in the four chartered schools for education of the deaf and of the blind, in no event shall the total payment for the cost of tuition and maintenance of any such child exceed the rates per year allowed under section 1376. The maximum amount payable for the cost of tuition and maintenance of such children shall be subject to review at least once every two years for the purpose of recommending an adjustment thereof.

(c) For the purpose of enabling the Department of Education to determine from time to time what amounts are due to schools for the blind or for the deaf or for the cerebral palsied and/or brain damaged and/or muscular dystrophied or for the socially and emotionally disturbed and/or mentally retarded hereunder, such schools shall forward to the department, at such times and in such form as the department shall prescribe, sworn statements setting forth the names, ages, and residences of all pupils enrolled hereunder, specifying the school districts liable for a part of the cost of tuition and maintenance of any such pupils, the per capita cost of and maintenance of pupils, and such other information as the department shall require.

For the purpose of providing adequate administration of the program and to carry out the preaudit functions authorized in section 1376(a), one-half of one percent (.50%) of the total appropriations for approved private schools from all funds shall be allocated to the Department of Education.

(d) When, during the course of the 1982-1983 school year, programs for exceptional children are caused to be transferred from schools or institutions for the blind or deaf, or cerebral palsied or brain damaged or muscular dystrophied or mentally retarded, or socially and emotionally disturbed, as provided for in sections 1376 and 1376.1, to school districts or intermediate units, as provided for in sections 2509 and 2509.1, under unanticipated or emergency circumstances, and when such transfers necessitate the transfer of funds from the appropriation to the Department of Education for special education for approved private schools to the appropriation to the Department of Education for payments on account of special education of exceptional children in public schools, the Secretary of Education shall be empowered so to transfer such funds, upon approval of the Secretary of the Budget and written notification to

the State Treasurer and the chairmen of the House and Senate Appropriations and Education Committees.

Section 1377.1. (24 P.S. § 13-1377.1) Transfer of Funds for Transferal Programs.-- When, during the course of a school year or after the end of a school year, programs for exceptional children are caused to be transferred from schools or institutions for the blind or deaf, or cerebral palsied or brain damaged or muscular dystrophied or mentally retarded, or socially and emotionally disturbed, as provided for in sections 1376 and 1376.1, to school districts or intermediate units, as provided for in sections 2509 and 2509.1, and when such transfers necessitate the transfer of funds from the appropriation to the Department of Education for special education for approved private schools to the appropriation to the Department of Education for payments on account of special education of exceptional children in public schools, the Secretary of Education shall be empowered to transfer such funds, upon approval of the Secretary of the Budget and written notification to the State Treasurer and the chairmen of the House and Senate Appropriations and Education Committees.

Section 1380. (24 P.S. § 13-1380) Education of Blind Children Under Eight Years.--The Department of Public Instruction is authorized to educate blind children, residing in this Commonwealth, under the age of eight (8) years, whenever, from any cause, the parent or parents thereof may be unable properly to educate them. With the written consent of the parents, parent, or nearest relative, if there be no parents, or the local authorities of the proper institution district, if there be neither parents nor relatives, the Department of Public Instruction may contract with any nonsectarian institution in this State, or elsewhere, established for the education of the blind, whereby any such child may, at a cost not exceeding three dollars (\$3) per day, to be paid by the Commonwealth, out of funds appropriated to the Department of Public Instruction for the education of blind children, be educated until it shall reach the age of eight (8) years. Such education may be continued beyond the age of eight (8) years, when, for physical, mental or other proper reasons, such child or children need special care for a longer period. The contract may be canceled and the child or children removed at any time by the Department of Public Instruction. The provisions of this section shall not repeal or modify any existing acts relative to the education of the blind.

Section 1381. (24 P.S. § 13-1381) Higher Education for Blind or Deaf Students.--The Department of Public Instruction is authorized to make provision for defraying the necessary expense of any students who are blind or deaf and are regularly enrolled students pursuing any course of study, profession, art, or science in any university, college, conservatory of music, normal, professional, or vocational school approved by the Department of Public Instruction,

and who are residents of the Commonwealth. Before any contract is entered into, the Department of Public Instruction shall make a careful investigation of all circumstances surrounding the case. If, after such investigation, it appears that any blind or deaf student who desires to attend any such school or institution, or who is attending such school or institution, seems to be fitted for special work, the Department of Public Instruction is authorized to expend the necessary amount, out of the general sum appropriated for this purpose, not to exceed five hundred dollars (\$500) per year for each such blind or deaf student.

Section 1382. (24 P.S. § 13-1382) Period of Instruction.--The time for which pupils of this Commonwealth may be taught in institutions or schools for the instruction of the blind or for the deaf, in whole or in part, at the expense of the Commonwealth, shall extend to such number of years from the time of entering said institutions or schools as may be approved by the Department of Public Instruction.

Section 1901. (24 P.S. § 19-1901) Scope of General Extension Education; Definitions.--The following words and phrases, as used in this article, shall, unless a different meaning is plainly required by the context, have the following meaning:

"General extension education" shall designate the instructional and recreational services listed below that are provided and administered by the board of school directors of any school district, but shall not include activities which are subsidized under the provisions of Federal enactment nor the coaching or supervision of interscholastic athletic teams or games.

The areas of "extension education" for which local school districts receive reimbursement from the Commonwealth, as provided in section 1146, shall be as follows:

- (1) General extension education credit courses, including
  - (a) Standard evening high school, and
  - (b) Summer schools (elementary and secondary).
- (2) General extension education noncredit courses organized for classes in which eighty per cent (80%) of the pupils are out-of-school youth and adults, including
  - (a) Citizenship classes (education for immigrants, education for illiterates),
  - (b) Adult education for the blind (itinerant and class instruction, parent education for blind),
  - (c) Home nursing, home management, child care.
- (3) Recreation, including recreation activities for children and youth from the ages of six (6) to twenty-one (21).

Section 2541. (24 P.S. § 25-2541) Payments on Account of Pupil Transportation.--

(a) School districts shall be paid by the Commonwealth for every school year on account of pupil transportation which, and the

means and contracts providing for which, have been approved by the Department of Education, in the cases hereinafter enumerated, an amount to be determined by multiplying the cost of approved reimbursable pupil transportation incurred by the district by the district's aid ratio. In addition thereto, the Commonwealth shall pay to each district qualifying a payment for excessive cost of transportation, said amount to be determined by subtracting from the cost of the approved reimbursable transportation the sum of the Commonwealth transportation payment immediately above, plus the product of one-half mill (0.0005) times the latest market value of the district as determined by the State Tax Equalization Board, provided such amount is not negative. In addition thereto, the Commonwealth shall pay to school districts which own their own vehicles, an annual depreciation charge of ten per centum (10%), to be calculated on the basis of the approved cost at which the district acquired the vehicle for which depreciation is claimed. With respect to vehicles purchased prior to January 1, 1956, the number of depreciation payments shall be limited to ten such payments. With respect to vehicles purchased on or after January 1, 1956, the annual depreciation charge shall not exceed seven hundred dollars (\$700) for such vehicles. The number of annual depreciation charges shall be limited, so that the total amount of such payments shall not exceed the cost of the vehicle as approved by the Department of Education at the time of the purchase. In no case shall the Commonwealth pay, in depreciation charges, more than ten thousand five hundred dollars (\$10,500) for any one vehicle.

(b) Such payments for pupil transportation shall be made in the following cases:

\* \* \*

(3) To all school districts, for the transportation of physically or mentally handicapped children regularly enrolled in special classes approved by the Department of Education or enrolled in a regular class in which approved educational provisions are made for them.

\* \* \*

(c) Payments for pupil transportation on account of the school year 1979-1980 and every school year thereafter shall be made only in the following cases:

\* \* \*

(4) To all school districts for the transportation of exceptional children regularly enrolled in special classes approved by the Department of Education or enrolled in a regular class in which approved educational provisions are made for them.

\* \* \*

The following provision of the act regulating private academic schools has been included in order to make it clear that private schools for the blind are not subject to that act.

Act of June 25, 1947 (P.L.951, No.401)  
24. P.S. § 2732

Section 2. The provisions of this act shall not apply to colleges, or universities, schools maintained or classes conducted by employers for their own employes where no fee or tuition is charged, schools or classes owned and operated by or under the authority of bona fide religious institutions, or by the Commonwealth of Pennsylvania or any political subdivision thereof, or schools for the blind, deaf and dumb receiving Commonwealth appropriations, or schools accredited by accrediting associations, approved by the State Board of Education, but such schools may choose to apply for a license and, upon approval and issuance thereof, shall be subject to the provisions of this act.

THE ADMINISTRATIVE CODE OF 1929  
Act of April 9, 1929 (P.L.177, No.175)  
71 P.S. § 333

Section 1303. Vocational Education.--The Department of Public Instruction shall have the power, and its duty shall be:

(a) To administer the laws of this Commonwealth relating to vocational education, industrial education, agricultural education, and household arts education, as defined in said laws;

(b) To investigate the need for and aid in the establishment of, supervise, inspect, and approve, for the purpose of reimbursement on the part of the State, schools, departments, and courses, for agricultural, industrial, commercial, and home economics, mining, and other vocational and practical education, as well as continuation schools, when maintained as a part of the public school system of the Commonwealth;

(c) Out of the funds appropriated to it by the General Assembly for the purpose, to pay for the education of deaf and blind children, residents of Pennsylvania, in schools which afford vocational training to such children, to make appropriate rules and regulations for the admission of State pupils to such schools, and to supervise the education of State pupils in any such schools.



## Chapter 8: Business Activities/Employment

---

Chapter 8 includes provisions of State law designed to aid blind individuals in establishing their own businesses and obtaining employment both in and outside the home, as well as providing for the vocational rehabilitation of handicapped persons. In addition, the Committee on Employment of the Handicapped was established to promote employment of handicapped workers through support and service activities. Provisions governing the committee's composition, objectives and functions can be found at 4 Pa. Code §§ 5.351-5.356.

PUBLIC WELFARE CODE  
Act of June 13, 1967 (P.L.31, No.21)  
62 P.S. §§ 801-804

Section 801. Departmental Powers and Duties.--The department shall have the power and its duties shall be:

- (1) To collect, systematize and transmit to other agencies relevant information in regard to blind and visually handicapped persons in this Commonwealth on which programs for the improvement of their condition can be based;
- (2) To formulate general policy and to devise and conduct programs for the prevention of blindness;
- (3) To provide, or to purchase, medical and surgical care and other necessary services or aids to vision for needy blind or visually handicapped persons when such care and aids are not otherwise available; provided that the total cost thereof shall

not exceed one thousand dollars (\$1,000) per person during any period of eighteen months;

(4) To teach necessary skills and crafts having remunerative or therapeutic values to the adult blind in their homes;

(5) To furnish complete vocational rehabilitation services to the blind or visually handicapped in conformity with Federal regulations; provided that the department may establish and operate, or may provide the means for nonprofit corporations to establish and operate, workshops and other rehabilitation facilities and may promulgate rules and regulations for the conduct of such workshops and facilities;

(6) To provide special services for children excluded from school because of handicaps in addition to visual disability;

(7) To conduct a business enterprise program for the blind under the law of the Commonwealth of Pennsylvania relating thereto.

Section 802. Business Enterprises; Revolving Fund.--There is hereby created in the State Treasury a revolving fund to be designated as the "Employment Fund for the Blind," which shall be used by the department in carrying out the purposes specified in this article. All moneys in said fund from time to time are hereby appropriated to the department for such purposes, and shall be paid without further appropriations under requisition and warrant drawn on the State Treasurer in the usual manner.

Section 803. Business Enterprises; Equipment; Leases; Repayment.--The department is hereby authorized to purchase, own, install, maintain, license and lease equipment, accessories and vending machines to be used for suitable business enterprises for or on behalf of the blind and to advance to deserving blind persons out of moneys in the employment fund for the blind, such reasonable amounts as may be considered proper to enable such blind persons to purchase the merchandise, equipment, stock and accessories necessary to put into operation a vending or refreshment stand or other suitable business enterprises in some suitable location to be leased or arranged for by the department. Pennsylvania blind veterans of the world wars shall be given first preference for locations established, in accordance with the provisions of the Federal Randolph-Sheppard Act (20 U.S.C.A. § 107, et seq.), and the rules and regulations pursuant thereto.

Such business enterprises shall be approved by the department and supervised periodically by the department.

The leases or permits for the installation and operation of any such stands or other suitable business enterprises shall be secured by the department in its own name.

Any moneys advanced to a blind person under the authority of this act shall be repaid by such person in monthly installments,



which shall in no case be less than two percent of the gross monthly sales made at the stand or business in question.

Equipment and accessories purchased, owned, installed and maintained by the department may be leased to deserving blind persons for an amount not to exceed four percent of the gross monthly sales, except in those locations in which the gross monthly sales do not exceed one thousand dollars (\$1,000). Such rental in these locations shall not exceed one percent of the gross monthly sales. The department shall periodically regulate the rental fees charged to such blind persons in accordance with the regulations to be adopted by it, in such a manner as to achieve approximate equality of opportunity to such blind persons, and to assure that the fund shall at no time exceed one hundred fifty thousand dollars (\$150,000). The department shall transmit all such repayments and rental fees into the State Treasury, where they shall be credited to the Employment Fund for the Blind.

The department is authorized to receive and transmit to the State Treasury for credit to the Employment Fund for the Blind, all moneys heretofore or hereafter received by the Commonwealth on account of contracts between the Commonwealth, acting through the Department of Property and Supplies and vending machine owners, whereby the Commonwealth is to receive a percentage of the profits from vending machines operated in State buildings, except for those vending machines in State buildings wherein a restaurant or cafeteria is operated by the Department of Property and Supplies.

Section 804. Business Enterprises; Regulations; Grants and Contributions.--The department is hereby authorized to take any action and to adopt suitable rules and regulations necessary to facilitate the operation of this act, and in furtherance of those objectives to accept any grants or contributions from the Federal government or any agency thereof. Any such grants or contributions shall be held by the State Treasurer as custodian for the department, and shall be paid out on requisition of the department without further appropriation.

LITTLE RANDOLPH-SHEPPARD ACT  
Act of December 16, 1986 (P.L. \_\_, No.187)  
\_\_P.S.\_\_

Section 1. Short title.

This act shall be known and may be cited as the Little Randolph-Sheppard Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Blind person." A person whose central acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit of the

field of vision in the better eye to a degree that its widest diameter subtends an angle of no greater than 20 degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye or by an optometrist.

"Bureau" or "Bureau of Blindness and Visual Services." The administrative unit in the department, under the commissioner, which provides services to the blind and visually impaired.

"Commissioner." The Commissioner of the Bureau of Blindness and Visual Services of the department.

"Committee." The Committee of Blind Vendors established by section 3.

"Department." The Department of Public Welfare of the Commonwealth.

"Rental fees." The fee fixed by the commissioner and the committee for the rental of the snack bar location and equipment.

"State property." Property owned or leased by the State government or an agency of the State government and designated by the bureau as appropriate for participation in the Business Enterprise Program. The definition shall not include property which is owned or leased for:

(1) Rest, recreation and safety rest areas on the national system of interstate and defense highways.

(2) Institutions of higher learning except as provided in section 9.

(3) Institutions of the Department of Corrections.

"Vending facility." An automatic vending machine, cafeteria, snack bar, shelter, cart or counter where food, tobacco, newspapers, periodicals or other articles are offered for sale and dispensed automatically or manually.

"Vending machine income." Either of the following:

(1) Receipts, other than those of a blind vendor, from the operation of vending machines on State property, after costs of goods sold, where the machines are operated, serviced or maintained by or with the approval of the Commonwealth and the committee.

(2) Commissions paid other than to a blind vendor by a commercial vending concern which operates, services or maintains vending machines on State property for or with the approval of the Commonwealth.

### Section 3. Committee established.

The Committee of Blind Vendors is established. The committee shall consist of blind vendors licensed under section 5. The committee shall conduct a biennial election of a president, first vice president and secretary and may conduct elections to fill vacancies in office at any time. The commissioner shall assure active participation by the committee. Active participation means a substantive ongoing process of negotiations between the commissioner and the committee to achieve joint planning and approval of program policies, standards and procedures affecting the operation of

vending facilities by blind licensed vendors, with the commissioner having final administrative responsibility. The committee shall actively participate in administrative policy and program development decisions concerning vending facilities operated by blind licensed vendors.

Section 4. Blindness and visual services.

(a) General powers and duties.--The bureau shall:

(1) Survey vending facility opportunities on all State property.

(2) License blind persons for the operation of vending facilities on State property.

(3) Provide vending facility equipment and an adequate initial stock of suitable articles to licensed blind vendors.

(4) Provide the necessary training and supervision to licensed blind vendors.

(5) Issue appropriate rules and regulations to carry out the provisions of this section.

(6) Collect rental fees and appropriate vending machine income and transmit them to the Treasury Department for deposit in the Employment Fund for the Blind established by section 802 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

(b) Powers and duties in conjunction with committee.--The bureau shall, with active participation by the committee:

(1) Consider and respond to grievances of blind licensed vendors.

(2) Develop and administer a Statewide system for the transfer and promotion of blind licensed vendors.

(3) Develop training and retraining programs for blind licensed vendors and blind persons interested in obtaining a license to operate a vending facility.

(4) Organize meetings and conferences for blind vendors in this Commonwealth.

(5) Adopt regulations necessary to insure uniform administration of the vending facilities program for persons licensed under section 5. The regulations shall apply uniformly to vending facilities operated by blind licensees on Federal as well as other public property.

Section 5. Licensing.

(a) Issuance.--The bureau shall issue a license for the operation of a vending facility only to a blind person who is a resident of this Commonwealth; who qualifies for a license under the Randolph-Sheppard Act (20 U.S.C. § 107, et seq.); and who is able, after successfully completing all necessary training, to operate a vending facility. Each license shall be for an indefinite period but may be terminated or suspended if, after affording the vendor an opportunity for an appeal under section 9 to the bureau and the

committee, it is determined that the facility is not being operated in accordance with this act.

(b) Termination and suspension.--Licenses may be terminated or suspended if the licensed vendor:

(1) Shows serious or repeated employment-related misconduct or mismanagement of the facility.

(2) Shows continued indebtedness or delinquency in required reporting.

(3) Is incapacitated for an extended period of time to the extent that the vendor cannot conduct the affairs of the facility.

(4) Shows restoration of sight to better than legal blindness, which is the basis of eligibility for participation in the program.

(5) Voluntarily withdraws or resigns from the program.

#### Section 6. Veterans preference.

Pennsylvania blind veterans shall be given preference in placement at their first vending location. This preference shall be applicable only for entry to the program and only in competition with other entering trainees. It may only be used once under the business enterprises regulations as provided for in section 804 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

#### Section 7. Operation of vending facility.

(a) New contracts.--No person in control of the maintenance, operation and protection of State property may offer or grant to any other party a contract or concession to operate a vending facility unless:

(1) The bureau is properly notified to negotiate an agreement with a licensed blind vendor to operate a vending facility.

(2) The bureau and the committee are not willing or able to establish a vending facility on the property.

(b) Existing contracts.--If, on the effective date of this act, a vending facility is being operated on State property by a person other than a licensed blind vendor, when the present contract expires, is terminated or comes up for renewal or upon a change of the maintenance, operation and protection of the property, the person in control shall notify the bureau and attempt to make an agreement with the bureau for a licensed blind vendor to operate the facility. The bureau, with the cooperation of the person in control of the maintenance, operation and protection of the State property, shall select the type and location of the vending facility to be provided and, under the bureau's regulations, the person to operate such a facility. If the bureau determines that a vending facility, operated by a full-time licensed blind vendor, is not feasible on State property, the business enterprises program may install vending machines on the property with income accruing under section 4(a)(6). The contract for the operation of a vending facility shall

specify that it shall be operated at a reasonable cost consistent with a fair return, high quality food products or service and reasonable prices.

#### Section 8. Income.

Income from existing vending machines on State property and from new or replacement vending machines installed on State property, after the effective date of this act shall accrue to the licensed blind vendor operating a vending facility on the property or, if none, to the Employment Fund for the Blind for uses consistent with the Randolph-Sheppard Act (20 U.S.C. § 107, et seq.). The licensed blind vendor or the bureau, as appropriate, shall be responsible for servicing and maintaining the vending machines from which income is received. The revolving Employment Fund for the Blind shall be used to:

- (1) Purchase new equipment and replace existing equipment for new and existing vending facilities, including any construction necessary for the installation of equipment or related renovation.
- (2) Purchase initial stock and supplies.
- (3) Provide training services.
- (4) Establish and maintain retirement funds or other appropriate benefits for licensed blind vendors.
- (5) Pay for necessary program operating expenses, including appropriate expenses for the committee.

#### Section 9. Institutions of higher learning.

An institution of higher learning which, on the effective date of this act, is a party to a lease or other contract with a Commonwealth agency entered into under section 803 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, may, when the present contract expires, is terminated or comes up for renewal, enter into contract with the bureau for the operation of a vending facility under this act. An institution of higher learning may, at any time, voluntarily participate in the program established by this act.

#### Section 10. Appeal.

A person aggrieved by a decision of the bureau under this act may appeal under Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

THE ADMINISTRATIVE CODE OF 1929  
Act of April 9, 1929 (P.L.177, No.175)  
71 P.S. § 639.1

#### Section 2409.1. Handicapped-Made Products and Services.--

(a) Notwithstanding other provisions of this act, handicapped-made products and services shall be purchased by the Commonwealth in accordance with the provisions of this section.

(b) The Secretary of General Services shall have the power, and it shall be his duty, to determine the fair market price on any product or service, the practice of which is not licensed under the laws of this Commonwealth, which handicapped persons can manufacture or perform and which has been offered for sale to the Commonwealth or any of its agencies by any charitable nonprofit-making agency for the handicapped, incorporated under the laws of this Commonwealth, and manufacturing merchandise within this Commonwealth and providing services within this Commonwealth, and approved for such purpose by the Department of General Services, to revise such prices from time to time, in accordance with changing market conditions, and to make such rules and regulations regarding specifications, time of delivery and other relevant matters as are necessary to carry out the provisions of this section. At the request of the Secretary of General Services and with the approval of the Secretary of Public Welfare, the Department of Public Welfare or other nonprofit-making agency shall facilitate the distribution of orders and services among agencies for the handicapped.

(c) Except as hereinafter provided, all products manufactured within this Commonwealth and services rendered within this Commonwealth by the handicapped, hereafter procured by or for the Commonwealth or any of its agencies, shall be procured, in accordance with applicable specifications of the Department of General Services or other agencies of the Commonwealth, from charitable nonprofit-making agencies for the handicapped, organized under the laws of this Commonwealth, and manufacturing such products within this Commonwealth and offering services within this Commonwealth, with the approval of the Department of General Services, whenever such products and services are available at a price determined to be the fair market price for the product, products or services so manufactured or offered, as hereinbefore provided. The Department of General Services shall annually discuss their needs for products and services, not on contract with any department or agency of the Commonwealth with the agency representing the handicapped.

(d) In the event any product or service offered for sale by the handicapped is available for procurement from any department or agency of the Commonwealth, and procurement therefrom is required by the provisions of any other section of this act or of any other law of this Commonwealth, procurement of such products shall be made in accordance with such other provisions of law.

(e) As used in this section:

"Blind individual" means an individual whose (1) central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or (2) widest diameter of the visual field subtends an angle no greater than twenty degrees.

"Handicapped-made" means products made or services rendered by persons who are blind, mentally retarded or physically handicapped.

"Mentally retarded" means subaverage general intellectual functioning which originates during the developmental period and is

associated with impairment of one or more of the following: (1) maturation, (2) learning or (3) social adjustment.

"Physically handicapped" means a person who is limited in most activities and functioning by virtue of a severe impairment or impairments of the various bodily systems which cannot be eliminated, modified or substantially reduced by the usual rehabilitation services and which preclude competitive employment.

The Supreme Court has held that the legislature, in adding § 2409.1 to the Administrative Code, intended to require the Commonwealth to procure, without competitive bidding, all needed services from nonprofit-making agencies for the handicapped, with the sole restriction that the agency be willing and able to perform competently and at the fair market price determined by the Commonwealth. Pennsylvania Industries for the Blind and Handicapped v. Larson, 496 Pa. 1, 436 A.2d 122 (1981).

INDUSTRIAL HOMEWORK LAW  
Act of May 18, 1937 (P.L.665, No.176)  
43 P.S. §§ 491-1--491-23

Section 1. Legislative Purpose.--This State has long recognized that employment of men, women and children under conditions detrimental to health and general welfare results in injury, not only to the workers immediately affected, but also to the public interest as a whole. This recognition has produced a broad program of regulatory legislation to conserve the public welfare. The continuance of an unregulated industrial homework system in this State runs counter to that program since it is usually accompanied by excessively low wages, long and irregular hours, and unsanitary or other inadequate working quarters. In enacting this act, the Legislature stated that industrial homework was harmful to society as a whole, to the industrial homework work force, and to workers in factory industries forced to compete against the lower wages and less salutary working conditions characteristic of industrial homework. The Legislature concluded that "industrial homework must eventually be abolished." It is the aim of this act to achieve that goal, and eliminate the pernicious influence of industrial homework on the people of this State, by abolishing industrial homework except when it is engaged in by certain types of individuals unable

to leave their homes to work, as hereinafter specified.

Section 2. Short Title.--This act shall be known and may be cited as the "Industrial Homework Law."

Section 3. Definitions.--The following words, terms and phrases, when used in this act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) "Contractor." Any person who for the account or benefit of an employe, representative contractor or other person, distributes to a home-worker, or any other person, not recruited or engaged by such employer, representative contractor, or other person, articles or materials to be manufactured in a home, and thereafter to be returned to him or otherwise disposed of in accordance with his directions.

(b) "Department." The Department of Labor and Industry of this Commonwealth.

(c) "Employer." Any person who for his own account or benefit, directly or indirectly, or through an employe, agent, independent contractor, or any other person,

(1) Delivers, or cause to be delivered to another person, any articles or materials to be manufactured in a home and thereafter to be returned to him, not for the personal use of himself or of a member of his family, or thereafter to be disposed of otherwise in accordance with his directions, or

(2) Sells to another person, any materials or articles for the purpose of having such articles or materials manufactured in a home and of then rebuying such materials or articles after such manufacture, either by himself, or by someone designated by him.

(c.1) "Family." The spouse and children of a home-worker, and the mother, father, grandmother, and grandfather of a home-worker and his spouse.

(d) "Home." Any room, house, apartment, or other premises, whichever is most extensively used, in whole or in part, as a place of dwelling, and including outbuildings upon premises that are primarily used as a place of dwelling, where such outbuildings are under the control of the person dwelling on such premises.

(e) "Home-worker." Any person engaged in manufacturing in a home, articles or materials for an employer, a representative contractor, or a contractor.

(f) "Industrial Homework." Any manufacture in a home of articles, or materials for an employer, a representative contractor, or a contractor.

(g) "Manufacture." To prepare, alter, repair, finish, or process, in whole or in part, or handle in any way connected with the production, wrapping, packaging, or preparation for display of an article or materials.



(h) "Person." An individual, partnership, firm, association, domestic or foreign corporation, the legal representatives of a deceased individual, or the receiver, trustee, or successor of an individual, partnership, association, or corporation.

(i) "Representative Contractor." Any person who receives from an employer, or contractor not within the State, articles or materials to be distributed by him to any home-worker, or other person, not recruited or engaged by such employer or contractor, to be manufactured in a home, and thereafter to be returned to him, or otherwise disposed of, in accordance with his directions. The singular shall include the plural, and the masculine shall include the feminine and neuter.

Section 4. Prohibited Homework.--It shall be unlawful to manufacture in a home for an employer, contractor, or representative contractor, any of the following articles, or to perform in a home, for such persons, any of the following work, and no permit issued under this act shall be deemed to authorize such manufacture or the performance of any such work:--

(a) Articles of food or drink.

(b) Articles for use in connection with the serving of food or drink.

(c) Toys and dolls.

(d) Tobacco.

(e) Drugs and poisons.

(f) Bandages and other sanitary goods.

(g) Explosives, fireworks, and articles of like character.

(h) The tearing or sewing of rags: Provided, That the word "rags" shall not be deemed to apply to new remnants, clippings, or selvages which are the by-products of manufacturing processes.

(i) Articles, the processing of which requires exposure to substances determined by the department to be hazardous to the health or safety of persons so exposed.

Section 5. Power to Prohibit.--

(a) The department shall have the power, upon its own initiative, to make an investigation of that portion or branch of any industry which employs home-workers, in order to determine:

(1) Whether the wages and conditions of employment are injurious to the health and welfare of home-workers in such portion or branch; or

(2) Whether the wages and conditions of employment prevailing in such portion or branch have the effect of rendering unduly difficult the maintenance of existing labor standards, or the observance and enforcement of labor standards established by law, or regulation for the industry of which such portion or branch is a part, thus jeopardizing wages or working conditions of the factory workers in such industry.

(b) If, on the basis of information in its possession, with or without an investigation as provided in this section, the department shall find that industrial homework cannot be continued within any industry without injuring the health and welfare of the home-workers

within that industry, or without rendering unduly difficult the maintenance of existing labor standards or the observance and enforcement of labor standards established by law for the protection of the factory workers in that industry, the department shall, by order, require all employers, representative contractors, or contractors in such industry to discontinue the furnishing within this Commonwealth of articles or materials for industrial homework, and no permit issued under this act shall be deemed thereafter to authorize the furnishing of articles, or materials for industrial homework prohibited by such order.

(c) All power machines used in conduct of industrial homework shall be guarded in accordance with the laws and regulations of the Department of Labor and Industry.

#### Section 6. Procedure.--

(a) Before making such order, the department shall hold a public hearing, or hearings, at which an opportunity to be heard shall be afforded to any employer or representative of employers, and any home-worker or representative of home-workers, and any other person or persons having an interest in the subject matter of hearing. A public notice of such hearing shall be given in such manner as may be fixed by the department. Such notice shall be made at least thirty days before the hearing is held. Such hearing, or hearings, shall be in such place, or places, as the department deems most convenient to the employers and home-workers to be affected by such order.

(b) The department shall determine the effective date of such order, which date shall be not less than ninety days after the date of the promulgation of its order. The order shall set forth the type or types of manufacturing which are prohibited after its effective date.

Section 7. Permit Required By Employers and Representative Contractors.--Every employer and every representative contractor within this Commonwealth must procure from the department an employer's permit. Application for such permit shall be made on a form prescribed by the department. Such permit shall be in writing, dated when issued, and signed by the Secretary of Labor and Industry, or his duly authorized representative. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted. Such permit shall be valid for a period of one year from the date of its issuance, unless sooner revoked.

#### Section 8. Injunction against Continued Violations.--

Whenever any employer or representative contractor has twice been found guilty of conducting his business without an employer's permit, the department may apply to the court for an injunction, and such court shall upon such application issue an injunction, to restrain such employer or representative contractor from further violating the provisions of this act.

Section 9. Permit Required by Contractors.--Every contractor must procure from the department a contractor's permit. Application for such permit shall be made on a form prescribed by the department. Such permit shall be in writing and signed by the Secretary of Labor and Industry, or his duly authorized representative. It shall give the name and address of the person to whom it is issued, and shall designate and limit the acts that are permitted. Such permit shall be valid for a period of one year from the date of its issuance unless sooner revoked.

Section 10. Fees.--

(a) A fee of five hundred dollars (\$500.00) shall be paid to the department for the original issuance of an employer's permit.

(b) For each annual renewal of such permit, the employer or representative contractor shall pay to the department a fee of--

(1) One hundred dollars (\$100.00), where at no time during the preceding year did the employer, or representative contractor, directly or indirectly, have business relations simultaneously with more than one hundred home-workers.

(2) Two hundred dollars (\$200.00), where at any time during the preceding year the employer, or representative contractor, directly or indirectly, had business relations simultaneously with more than one hundred, but less than three hundred home-workers.

(3) Three hundred dollars (\$300.00), where at any time during the preceding year the employer, or representative contractor, directly or indirectly, had business relations simultaneously with three hundred or more home-workers.

(c) A fee of three hundred dollars (\$300.00) shall be paid to the department for the issuance of a contractor's permit. For each annual renewal of such permit, the contractor shall pay to the department a fee of one hundred dollars (\$100.00).

(d) No fee shall be required for the original issuance of an employer's, representative contractor's or contractor's permit nor renewal thereof for employment of handicapped people where the department finds:

(1) That a person is unable to adjust to factory employment because of old age or physical or mental deficiency or disability or is unable to leave home because his services are essential to care for an invalid in the home;

(2) That the employer and home-worker comply with all requirements and conditions of this act and all rules and regulations of the department;

(3) That such limited distribution of work to handicapped persons is not inconsistent with the purpose and policy of this act.

Section 11. Home-Worker's Certificate.--

(a) Every person desiring to engage in industrial homework within this Commonwealth must procure from the department a

home-worker's certificate, which shall be issued without cost and which shall be valid for a period of one year from the date of its issuance, unless sooner revoked or suspended by action of the department or, under subsection (f) of this section, automatically. Application for such certificate shall be made in such form as the department may by regulation prescribe and must be remade each year. Such certificate shall be valid only for work performed by the applicant himself in his own home, and in accordance with the provisions of this act.

(b) No home-worker's certificate shall be issued:--

(1) To any person under the age of sixteen years; or

(2) To any person known to be suffering from an infectious, contagious, or communicable disease, or known to be living in a home that is not clean, sanitary and free from infectious, contagious, or communicable diseases.

(3) To any person, unless that person is unable to leave his home to work on account of:

(i) his own physical handicap, if that handicap has lasted for more than thirty consecutive days; or

(ii) his own illness, if that illness has lasted for more than thirty consecutive days; or

(iii) the necessity of caring for a member of his family who is ill or handicapped, if that illness and/or handicap and necessity has lasted for more than thirty consecutive days.

(c) It shall be the duty of each applicant for a home-worker's certificate to prove his eligibility for a certificate by presenting evidence of handicap or illness of himself or illness or handicap of a family member sufficient to prove to the department that he qualifies for a home-worker's certificate under one of the exceptions set forth in subsection (b)(3) of this section. The department shall be empowered to require any applicant for a home-worker's certificate, or any family member of any applicant for a home-worker's certificate upon whose illness an applicant is relying in order to obtain a certificate, to submit to a medical examination by a physician of the department's choosing in order to aid the department in making a decision on whether or not to issue a certificate.

(d) Whenever a physical examination by a physician is necessary, in order for a person to qualify for or to retain a home-worker's certificate, if the person is working, or has been promised work on the condition that he obtain a home-worker's certificate, it shall be the duty of the employer, representative contractor, or contractor for which the person is working or by which the person has been promised work, to pay the cost of the physical examination.

(e) Every certificate shall contain the following information, in addition to any information which the department shall, by regulation, require:

- (1) The home-worker's
  - (i) name,
  - (ii) address,
  - (iii) sex,
  - (iv) Social Security number,
  - (v) date of birth,
  - (vi) height,
  - (vii) weight,
  - (viii) eye color,
  - (ix) hair color; and
- (2) The expiration date of the certificate; and
- (3) The basis of the home-worker's eligibility for a certificate, as set forth in subsection (b)(3) above.

(f) Upon the termination of the handicap, illness, or necessity of caring for a family member who is ill or handicapped which has qualified a person for a home-worker's certificate under subsection (b)(3) of this section, that person's certificate shall automatically be revoked.

(g) The department may revoke, or suspend any home-worker's certificate if it finds that the holder is performing industrial homework contrary to the conditions under which the certificate was issued, or to any provision of this act, or has permitted any person not holding a valid home-worker's certificate to assist him in performing his industrial homework or has obtained the certificate through fraud or misrepresentation.

(h) The department shall keep records of the applications made and certificates issued under this section, and of all information contained thereon.

(i) Notwithstanding any provisions of this act to the contrary, a special home-worker's certificate may be issued to a person who does not qualify for a certificate under subsections (b)(3) and (c) if the person meets the other qualifications of subsection (b) and if the person has been employed fulltime for a period of at least six months in the manufacture of shoes, and is unable to continue his factory employment, if the following conditions are met:

- (1) The special certificate holder may perform homework only for an employer which operates a factory in which shoes are manufactured, and which does not have more than five percent of its employes engaged in the manufacture of shoes in industrial homework.

- (2) The homework performed by the special certificate holder must be part of the manufacturing process of shoes.

- (3) The special certificate holder must be paid the same wages and receive the same benefits as the employer pays or affords to employes in its factory who perform similar work.

- (4) The employer must deliver and pick up all the materials used in or produced by homework at the home of the

special certificate holder without charge to the home-worker.

(5) All machinery, equipment, and materials used in the manufacture of goods by the special certificate holder must be supplied to the special certificate holder and maintained by the employer without charge to the home-worker. A certificate issued under authority of this subsection shall bear a mark indicating that it permits its holder to engage in homework only in the shoe manufacturing industry. The provisions of this act shall govern the issuance and use of a special home-worker's certificate insofar as they do not conflict with this subsection. The use of a special home-worker's certificate in violation of this act shall automatically revoke the certificate.

(j) Notwithstanding any provisions of this act to the contrary, a special home-worker's certificate may be issued to a person who does not qualify for a certificate under subsections (b)(3) and (c) if the person meets the other qualifications of subsection (b), has been employed fulltime for a period of at least one month in the manufacture of brushes, is unable to continue his factory employment, and if the following conditions are met:

(1) The special certificate holder performs homework only for an employer operating a factory in which brushes are manufactured who does not have more than thirty per cent of its employes engaged in the manufacture of brushes in industrial homework.

(2) The homework performed by the special certificate holder is part of the process of manufacturing brushes.

(3) The employer delivers and picks up all the materials used in or produced by homework at the home of the special certificate holder without charge to the home-worker.

(4) All machinery, equipment, and materials used in the manufacture of goods by the special certificate holder is supplied to the special certificate holder and maintained by the employer without charge to the home-worker. A certificate issued pursuant to this subsection shall bear a mark indicating that it permits its holder to engage in homework only in the brush manufacturing industry. The provisions of this act shall govern the issuance and use of a special home-worker's certificate insofar as they do not conflict with this subsection. The use of a special home-worker's certificate in violation of this act shall automatically revoke the certificate.

Section 12. Records to be Kept.--No person having an employer's or a contractor's permit shall deliver, or cause to be delivered, or received, any articles or materials for or as a result of industrial homework, unless he shall keep in such form and forward to the department at such intervals, as it may by regulation prescribe, and on such blanks as it may provide, a complete and accurate record of all persons engaged in industrial homework on articles or materials furnished or distributed by him; of all places where such persons work; of all articles or materials furnished and distributed to such persons, described as the department may require; of all goods which

such persons have manufactured; of the net cash wages received by each home-worker; of the Social Security number and certificate number of each home-worker; and of all contractors to whom he has furnished articles or materials to be manufactured for him in any home. Records kept pursuant to this section shall be open, at all times, to inspection by the department.

Section 13. Conditions of Manufacture.--Industrial homework on articles or materials manufactured for any person to whom an employer's permit has been issued shall be performed:--

(a) Only by a person possessing a valid home-worker's certificate.

(b) Only by persons over the age of sixteen years.

(c) Only by persons resident in the home in which the work is done.

(d) Only during such hours as may be fixed by law or regulation as permissible hours of labor in factories by persons of the same age and sex as the home-worker; and

(e) Only in a home that is clean and sanitary and free from any infectious, contagious, or communicable disease.

(f) Only by persons who are incapable of leaving their homes to work because of one of the reasons stated in section 11(b)(3). Upon the issuance of an employer's permit to an employer, or representative contractor, or a contractor's permit to a contractor, such employer, representative contractor, or contractor shall be deemed to have accepted responsibility for the observance of the conditions of manufacture specified by this section; and each of such conditions shall be deemed to be a condition of the employer's or contractor's permit to the same extent as though it was expressly set forth therein.

Section 14. Labels Required.--

(a) No employer, or representative contractor, shall deliver, or cause to be delivered, any articles or materials to be manufactured by any home-worker, unless there has been conspicuously affixed to each article or material a label, or other mark of identification, bearing the employer's or representative contractor's name and address, printed or written legibly in English; but if the articles or materials are of such a nature that they cannot be individually so labeled or identified, then the employer or representative contractor shall conspicuously label, in like manner, the package, or other container in which such articles or materials are delivered, or are to be kept, while in the possession of the home-worker.

(b) Every article manufactured in whole or in part by industrial homework which is offered for sale, wholesale and retail, shall bear a conspicuous label stating in clearly legible type that it has been manufactured by industrial homework. It shall be the duty of the department to prescribe regulations concerning the nature and placement of labels on such articles.

Section 15. Unlawfully Manufactured Articles.--Any articles, or materials which are being manufactured in a home, in violation of any provision of this act, may be seized and removed by an agent of the department, and may be retained by him until claimed by the employer or representative contractor. The department shall, by registered mail, give notice of such removal to the person whose name and address are affixed to the article, as provided by section fourteen. Unless the article so removed is claimed within thirty days thereafter, it may be destroyed or otherwise disposed of.

Section 16.1. Duty to Inspect and Report.--It shall be the duty of every employer, representative contractor and contractor, at least once every month, or more frequently, if he has reasonable cause to believe that a home-worker is not in compliance with section 11 or section 13:

(1) To inspect the home of every home-worker to which it delivers goods to the extent required to determine whether the provisions of section 13 are being complied with; and

(2) To inspect the certificate of every home-worker to which it delivers goods to the extent required to determine whether the certificate is valid and whether the holder of the certificate possesses the physical characteristics stated on the certificate in compliance with section 11; and

(3) To report to the department within twenty-four hours after discovery, the name and address of any home-worker whom it reasonably believes, on the basis of the performance of the duties imposed by subsections (a) and (b) of this section, to be performing or seeking to perform homework in violation of this act.

Section 17.1. Violations and Penalties.--

(a) It shall be a summary offense, punishable by a fine of one thousand dollars (\$1,000.00) or imprisonment for up to sixty days, or both:

(1) For any person to obtain or attempt to obtain an employer's or a contractor's permit required by section 7 or section 9 through fraud or misrepresentation; or

(2) For any person to deliver or cause to be delivered, to any person, any articles or materials for manufacture by industrial homework, prohibited by section 4 or by the department under authority of section 5; or

(3) For any person to deliver or cause to be delivered, to any person, any articles or materials for manufacture by industrial homework, if the person delivering or causing the delivery does not have in his possession a valid appropriate permit required by section 7 or section 9; or

(4) For any person to deliver or cause to be delivered, to any person, any articles or materials for manufacturing by industrial homework, if the person to whom the articles or



materials are delivered does not possess a home worker's certificate which is valid or which, after performance of the inspection required by section 16, a person could reasonably believe to be valid; or

(5) For any person to fail to keep records or make a report as required by section 12, or refuse to grant access to such records as required by section 12, or to keep records or make a report required by section 12 inaccurately, if the inaccuracy is due to fraud, misrepresentation, or reckless disregard for accuracy; or

(6) For any person to fail to perform any duty imposed by section 16; or

(7) For an employer, representative contractor, or contractor to obtain or aid any person to obtain a home-worker's certificate, if he knows or has reason to know that the person does not meet the qualifications of a home-worker set forth in section 11; or

(8) For any person to sell or to possess with intent to sell, any articles manufactured in violation of any provision of this act, or any manufactured articles which have not been labeled as required by section 14(b); if the person knows or should have known that the articles were manufactured by industrial homework and are not labeled as required by this act.

(9) For any person to make a deduction from the wages or salary of any home-worker prohibited by section 8.

(b) It shall be a summary offense, punishable by a fine of five hundred dollars (\$500.00) or imprisonment for up to thirty days, or both, for any person to deliver or cause to be delivered, to any person, any articles or materials for manufacture by industrial homework which are not labeled in the manner prescribed by section 14(a).

(c) It shall be a summary offense, punishable by a fine of five thousand dollars (\$5,000.00) or imprisonment for between sixty and ninety days, or both, for any person to commit a second violation of this act within five years from the date of his conviction for violation of this act.

(d) If a person convicted under this section is a corporation, the president and any other officer of the corporation empowered to supervise the action of the corporation found to be violative of this act shall be subject to the penalties of imprisonment provided for by this section.

(f) Upon learning of the conviction of any person for violation of this act, it shall be the duty of the Secretary of Labor and Industry, or his authorized representative, to revoke any permit which the convicted person may hold. The department shall not issue any permit authorized by this act to any such person, or his successor in interest, for a period of five years after the revocation of the permit becomes final. If a person convicted under this act did not have a valid permit at the time of his conviction, the department shall not issue any permit authorized by this act to

any such person, or his successor in interest, for a period of five years after the person's conviction becomes final. In its performance of the duties imposed on it by this subsection, the department shall afford the convicted person due process of law.

(g) When delivery or causing delivery of any articles or materials for manufacture by industrial homework is an element of an offense under this section, and more than one delivery violative of this act is made to the same individual home-worker within one calendar week, those deliveries shall constitute only one offense under this act. In such a case the person making or causing the delivery shall be found guilty of that portion of the act which he has violated which carries the most onerous penalty. Deliveries during each calendar week to different individuals shall constitute separate offenses.

Section 18. Agreements to Contributions by Employes Void.--No agreement by a home-worker to pay any portion of a payment required of any person by any provision of this act shall be valid, and no person shall make a deduction for such purpose from the wages or salary of any home-worker.

Section 19. Filing and Inspection of Records and Returns.--Records, reports, applications, and returns required to be made by this act, shall be kept on file by the Department of Labor and Industry, and shall be open to examination and inspection, and subject to its regulation. They may be used as evidence in any proceeding under this act, but shall not otherwise become matter of public record.

Section 20. Fees of Witnesses.--Each witness who appears in obedience to a subpoena issued by the department shall be entitled to such witness fees as the department shall allow, payable from appropriations made to the department for such purposes.

Section 21.1. Enforcement.--The Secretary of Labor and Industry shall have the duty, but not the exclusive right, to enforce the provisions of this act. Criminal proceedings authorized by this act may be brought and prosecuted by the secretary or his authorized agent, by the district attorney of any county in which the offense occurred, or by any citizen of Pennsylvania.

Section 22. Rules and Regulations.--Rules and regulations necessary to carry out the provisions of this act shall be made by the department with the approval of the Industrial Board. It shall have the power, and its duty shall be, to enforce all the provisions of this act, except as otherwise specifically provided.

Section 23. Payment into State Treasury.--All fees and other moneys derived from the operation of this act shall be paid into the State Treasury, through the Department of Revenue to the credit of the General Fund.

Regulations governing industrial home-work are found at 34 Pa. Code §§ 17.1-17.8.

Act of July 26, 1961 (P.L.906, No.389)  
73 P.S. §§ 209.1-209.6

Section 1. It shall be unlawful for any person, firm, corporation, company or partnership to sell, or offer to sell, to the public any merchandise or other products of any nature, which are represented to be blind-made products, unless the merchandise or other products have been actually made or manufactured by blind persons as defined in this act, or if such merchandise or other products are made or manufactured by a corporation, association or partnership, it shall be unlawful for such products to be sold or offered for sale to the public as blind-made products unless they are blind-made products as defined in this act.

Section 2. It shall be unlawful for any person, firm, corporation, company or partnership having products for sale to use the word blind in the name or title of the person, firm, corporation, company or partnership, unless the person, firm, corporation, company or partnership limits its sales to the sale of blind-made products as defined in this act.

Section 3. A blind-made product shall be one which in its manufacture and packaging has involved the use of blind workers to an extent constituting not less than seventy-five per cent of the total personnel engaged in the direct labor of manufacture and packaging of the product.

Section 4. For the purposes of this act, a blind person engaged in the manufacture and packaging of blind-made products shall be one who has visual acuity not to exceed twenty two-hundredths in the better eye with correcting lenses or visual acuity greater than twenty two-hundredths but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

Section 5. The provisions of section 2 of this act shall not apply to the sale, or the offer to sell, merchandise or products known as "blinds," nor to persons whose given individual names are "Blind."

Section 6. Any person who violates any provisions of this act shall, upon summary conviction thereof, be sentenced to pay a fine not exceeding one hundred dollars (\$100) and costs of prosecution,

and in default of payment thereof, shall undergo imprisonment not exceeding thirty days. Each sale, or offer to sell, merchandise or products in violation of the provisions of this act shall be deemed a separate offense.

THE ADMINISTRATIVE CODE OF 1929  
Act of April 9, 1929 (P.L.177, No.175)  
71 P.S. § 569

Section 2209. Rehabilitation.--The Department of Labor and Industry shall have the power:

(a) To render aid to persons injured in industrial pursuits, to arrange for medical treatment for such persons, and procure artificial limbs and appliances to enable them to engage in remunerative occupations;

(b) To make surveys to ascertain the number and condition of physically handicapped persons within the Commonwealth;

(c) To cooperate with the Department of Public Instruction in arranging for training courses in the public schools, or other educational institutions, for persons injured in industrial pursuits, and to arrange for such courses in industrial or agricultural establishments;

(d) To such extent as the department shall have funds available for the purpose, to provide maintenance for such injured persons during such training in such amounts as may be provided by law.

VOCATIONAL REHABILITATION ACT OF 1945  
Act of May 22, 1945 (P.L.849, No.345)  
43 P.S. § 681.1-681.11

Section 1. Short Title.--This act shall be known and may be cited as the "Vocational Rehabilitation Act of one thousand nine hundred forty-five."

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

(1) "State board" means the Secretary of Labor and Industry and seven persons appointed by the Governor for a term of six years, the first of whom shall be appointed for a one-year term, the second for a two-year term, the third for a three-year term, the fourth for a four-year term, the fifth for a five-year term and the sixth and seventh for a six-year term, who shall constitute the State Board of Vocational Rehabilitation. The members shall serve without compensation other than reimbursement for travel and other actual expenses incurred in the performance of their duties. The board shall meet at least four times a year at such times and places as it is determined. Special meetings may be called by the chairman who shall be the Secretary of Labor and Industry or upon the

presentation of a resolution of two members of the board. Four members of the board shall constitute a quorum.

(2) "Employment handicap" means a physical or mental condition, which constitutes, contributes to, or if not corrected will probably result in, an obstruction to professional or occupational performance.

(3) "Disabled individual" means any person who has a substantial employment handicap.

(4) "Vocational rehabilitation" and "vocational rehabilitation services" mean any services provided directly or through public or private instrumentalities, found to be necessary to compensate a disabled individual for his employment handicap and to enable him to engage in a remunerative occupation or profession, or to achieve such ability of independent living as to enable him to dispense with the need for substantial institutional care or the need of substantial assistance from an attendant or nurse: Provided, That such services to achieve independent living shall not be provided unless Federal grant-in-aid funds are authorized and appropriated by Congress for participation in all or part of the cost of providing such services: And further provided, That such services are rendered under such terms and conditions as may be necessary to secure the full benefits of such Federal aid. "Vocational rehabilitation" services shall include, but are not limited to, medical and vocational diagnosis, medical treatment and therapy, vocational guidance, counseling and placement, rehabilitation training, or instruction, physical restoration, transportation, occupational licenses, occupational tools, equipment and supplies, maintenance, books, supplies and materials.

(5) "Rehabilitation training or instruction" means all necessary training or instruction provided to a disabled individual to compensate for his employment handicap, including, but not limited to manual pre-conditioning, pre-vocational, vocational and supplementary training, or instruction and training, or instruction provided for the purpose of achieving broader or more remunerative skills and capacities.

(6) "Physical restoration" means any medical, surgical or therapeutic treatment necessary to correct or substantially reduce a disabled individual's employment handicap within a reasonable length of time, including, but not limited to medical, psychiatric, dental and surgical treatment, nursing services, hospital and convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory conditions.

(7) "Prosthetic appliance" means any artificial device necessary to support or take the place of a part of the body, or to increase the acuity of a sense organ.

(8) "Occupational licenses" means any license, permit or other written authority, required by any governmental unit to be obtained in order to engage in an occupation.

(9) "Maintenance" means money payments necessary to meet living requirements during vocational rehabilitation.

(10) "Occupational tools, equipment and supplies," means such customary implements, appliances, apparatus, fixtures and materials necessary in the particular case for the successful prosecution of the disabled individual's employment objective.

(11) "Severely handicapped individual" means a disabled individual for whom it is found, that because of the nature of his disabilities, participation in competitive employment will not be practicable, even after provision of vocational rehabilitation services.

(12) "Regulations" means regulations made by the State board.

Section 3. Regulations.--In carrying out its duties under this act, the State Board, subject to the approval of the Executive Board of the Commonwealth, when required by law, shall make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility and investigation, and determination thereof for vocational rehabilitation services, procedures for fair hearings and such other regulations as it finds necessary to carry out the purposes of this act.

Section 4. Administration.--Except as otherwise provided by State law with respect to vocational rehabilitation of the blind, the State board shall provide vocational rehabilitation services to disabled individuals determined to be eligible therefor, and in carrying out the purposes of this act the State Board is authorized among other things,

(1) To cooperate with other departments, agencies and institutions, both public and private, in providing for the vocational rehabilitation of disabled individuals in studying the problems involved therein, and in establishing, developing and providing, in conformity with the purposes of this act, such programs, facilities and services as may be necessary or desirable,

(2) To enter into reciprocal agreements with other states to provide for the vocational rehabilitation of residents of the State's concern,

(3) To conduct research and compile statistics relating to the vocational rehabilitation of disabled individuals,

(4) To administer the expenditure of funds made available by the government of the United States for vocational rehabilitation,

(5) To make surveys to ascertain the number and condition of physically handicapped persons residing in the Commonwealth,

(6) To administer the laws of the Commonwealth providing for vocational rehabilitation, and

(7) To administer the Rehabilitation Center at Johnstown. The Secretary of Labor and Industry shall be chief executive officer for vocational rehabilitation of the State Board of Vocational Education. Moneys received from the Federal government and moneys contributed by the Commonwealth of Pennsylvania shall be paid into a special fund in the State Treasury to be called the "Vocational Rehabilitation Fund," subject to requisition by the State board through its executive officer.

The Bureau of Rehabilitation in the Department of Labor and Industry shall be administered, supervised and controlled by the State board, and all persons employed by the Department of Labor and Industry and the Department of Public Instruction in administering the laws relating to vocational rehabilitation on the effective date of this act shall become and are employes of the State board. The status of every such person under any law or regulation providing for civil service shall not be affected by such transfer.

All files, records and equipment of the Department of Labor and Industry and Department of Public Instruction pertaining to the administration of the laws relating to vocational rehabilitation shall become the property of the State Board of Vocational Education designated as the State Board of Vocational Rehabilitation.

Section 5. Cooperation with Federal Government.--The State board shall cooperate, pursuant to agreements with the Federal government, in carrying out the purposes of any Federal statutes pertaining to vocational rehabilitation, and is authorized to adopt such methods of administration as are found by the Federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation, and to comply with such conditions as may be necessary to secure the full benefits of such Federal statutes.

Section 6. Receipt and Disbursement of Vocational Rehabilitation Funds--The State Treasurer is hereby designated as the custodian of all funds received from the Federal government for the purpose of carrying out any Federal statutes pertaining to vocational rehabilitation. The State Treasurer shall make disbursements from such funds and from all State funds available for vocational rehabilitation purposes in accordance with law.

Section 7. Eligibility for Vocational Rehabilitation.--Vocational rehabilitation services shall be provided to any disabled individual, (1) whose vocational rehabilitation the State board

determines after full investigation can be satisfactorily achieved, excepting a nonresident of the State who is in the State for the sole purpose of obtaining such services, or (2) who is eligible therefor under the terms of a reciprocal agreement with another state or with the Federal government: Provided, That except as otherwise provided by law or as specified in any agreement with the Federal government with respect to classes of individuals certified to the State board thereunder, the following rehabilitation services shall be provided at public cost only to disabled individuals found to require financial assistance with respect thereto:

- (1) Physical restoration.
- (2) Transportation, not provided to determine the eligibility of the individual for vocational rehabilitation, services and the nature and extent of the services necessary.
- (3) Occupational licenses.
- (4) Occupational tools, equipment and supplies.
- (5) Maintenance.
- (6) Training or instruction.

Section 7.1. Rehabilitation and Training, Industrial Cases; Limitations.--

(a) Notwithstanding any provision of this act to the contrary, the State Board of Vocational Rehabilitation may provide vocational rehabilitation and vocational training and services to individuals injured in industrial accidents or who incurred industrial disabilities and are entitled to benefits under, "The Pennsylvania Workmen's Compensation Act" or "The Pennsylvania Occupational Disease Act." These services and benefits may also be provided prior to the availability of Federal funds or services and prior to the availability of other State services or funds and may be supplemental thereto.

(b) The State Board of Vocational Rehabilitation may make money payments necessary to meet living requirements for disabled or injured individuals and their families during the period of vocational rehabilitation and training and for an additional sixty day trial period of employment, if the disabled or injured individual is cooperative and demonstrates satisfactory progress.

(c) The cost of providing the services and benefits herein provided shall be paid for first with Federal or State funds, if and when available, and if no such funds are available, shall, then and in such event, be paid from the Second Injury Reserve and Rehabilitation Fund.

Section 8. Maintenance not Assignable.--No right of a disabled individual under this act shall be transferable or assignable at law or in equity.

Section 9. Hearings.--Any individual applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of any officer or agent of the State board shall be entitled, in accordance with regulations, to a fair hearing by the State board.



Section 10. Misuse of Vocational Rehabilitation Lists and Records.--It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in accordance with regulations, for any person or persons to solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of or names of, or any information concerning persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files or communications of the State or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any officer or employe violating this provision shall be subject to discharge or suspension after due hearing.

Section 11. Limitation on Political Activity.--No officer or employe engaged in the administration of the vocational rehabilitation program shall use his official authority or influence, or permit the use of the vocational rehabilitation program, for the purpose of interfering with an election or affecting the results thereof, or for any partisan political purpose. No such officer or employe shall take any active part in the management of political campaigns, or participate in any political activity, except that he shall retain the right to vote as he may please and to express his opinions as a citizen on all subjects. No such officer or employe shall solicit or receive nor shall any such officer or employe be obliged to contribute or render any service, assistance, subscription, assessment or contribution for any political purpose. Any officer or employe violating this provision shall be subject to discharge or suspension after due hearing.

Regulations governing the administration of vocational rehabilitation facilities can be found at 55 Pa. Code §§ 2390.1-2390.113. The provisions of the Public Welfare Code set forth below relate to the inclusion of handicapped individuals in the Pennsylvania employables program.

PUBLIC WELFARE CODE  
Act of June 13, 1967 (P.L.31, No.21)  
62 P.S. §§ 405.1, 408

Section 405.1. Work Registration Program.--

(a) Prior to the authorization of assistance, every individual shall register in accordance with regulations of the department for

employment, training and manpower services, unless such individual is:

\* \* \*

(2) a person who has a serious physical or mental handicap which prevents him or her from working in any substantial activity as determined in accordance with the standards established by the department. The department shall require that documentation of disability be submitted from a physician or psychologist. Alcohol or drug dependent persons are obligated to comply with section 9(d), act of April 14, 1972 (P.L.221, No.63), known as the "Pennsylvania Drug and Alcohol Abuse Control Act";

(3) required to be present in the home because of illness or incapacity of another member of the household;

\* \* \*

(b) Any person excluded from the requirements of registration by reason of subsection (a), may register to participate in the Pennsylvania employables program.

\* \* \*

(f) The department shall take all appropriate measures to obtain any necessary Federal approval and assistance for the Pennsylvania employables program. If the United States Department of Health, Education and Welfare does not approve all or part of the Pennsylvania employables program, that part of the program unapproved shall not apply to persons who are otherwise eligible for aid to families with dependent children, but it shall apply to persons eligible for general assistance. In addition, the department shall take all appropriate measures to secure Federal funding for all or part of the demonstration programs authorized by subsection (e), including but not limited to a request for financial assistance pursuant to section 1110 of the Federal Social Security Act.

(g) The department shall promptly redetermine eligibility upon receipt of notice of deregistration.

(h) No department or agency of the Commonwealth and no vendor delivering social services funded in whole or in part by contracts with or grants from the Department of Public Welfare shall discriminate in any manner including employment or job placement against any person because that person is or was an applicant for or recipient of assistance.

Section 408. Meeting Special Needs; Encouraging Self-Support and Employment.--The department shall take measures not inconsistent with the purposes of this article; and when other funds or facilities for such purposes are inadequate or unavailable to provide for special needs of individuals eligible for assistance; to relieve suffering and distress arising from handicaps and infirmities; to promote their rehabilitation; to help them if possible to become self-dependent; and, to cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitative or similar services.

The section included below is excerpted from the act providing for the operation of a restaurant in the Capitol.

Act of May 21, 1943 (P.L.595, No.259)  
71 P.S. § 1565.5

Section 6. "Restaurant," as used in this act, shall mean grill, cafeteria and soda fountain, to include all the incidents of such businesses as they are generally conducted in this Commonwealth.

This act shall not be construed to deny nor prohibit the operation of any refreshment stand in the State Capitol and other State office buildings by a blind person under the supervision of the Department of Public Welfare.

The following provision of the Unemployment Compensation Law provides an exemption from the act.

UNEMPLOYMENT COMPENSATION LAW  
Act of December 5, 1936 (Sp. Sess. 2, 1937 P.L.2897, No.1)  
43 P.S. § 753

Section 4. Definitions.--The following words and phrases, as used in this act, shall have the following meanings, unless the context clearly requires otherwise.

\* \* \*

(1)(4) The word "employment" shall not include--

(8) For the purposes of Articles X, XI, XII--

(a) Service performed . . .

\* \* \*

(d) in a facility conducted for the purpose of carrying out a program of (i) rehabilitation for individuals whose earning capacity, is impaired by age or physical or mental deficiency or injury or (ii) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

\* \* \*

THE MINIMUM WAGE ACT OF 1968  
Act of January 17, 1968 (P.L.11, No.5)  
43 P.S. §§ 333.105, 333.109

Section 5. Exemptions.--

(a) Employment in the following classifications shall be exempt from both the minimum wage and overtime provisions of this act:

\* \* \*

(7) In seasonal employment, if the employe is under eighteen years of age, or if a student under twenty-four years of age, by a nonprofit health or welfare agency engaged in activities dealing with handicapped or exceptional children or by a nonprofit day or resident seasonal recreational camp for campers under the age of eighteen years, which operates for a period of less than three months in any one year;

Section 9. Enforcement; Rules and Regulations.--The secretary shall enforce this act. He shall make and, from time to time, revise regulations, with the assistance of the board, when requested by him, which shall be deemed appropriate to carry out the purposes of this act and to safeguard the minimum wage rates thereby established. Such regulations may include, but are not limited to, regulations defining and governing bona fide executive, administrative, or professional employes and outside salesmen, learners and apprentices, their number, proportion, length of learning period, and other working conditions; handicapped workers; part-time pay; overtime standards; bonuses; allowances for board, lodging, apparel, or other facilities or services customarily furnished by employers to employes; allowances for gratuities; or allowances for such other special conditions or circumstances which may be incidental to a particular employer-employe relationship.

The procedure to be followed by employers who wish to employ handicapped workers at less than the prescribed minimum wage is found at 34 Pa. Code §§ 231.71-231.76.

CONSERVATION CORPS ACT  
Act of July 2, 1984 (P.L.561, No.112)  
32 P.S. § 5509

Section 9. Prohibited activities.

The secretary, in developing and approving projects, shall assure that:

(1) In employment practices, no individual will be discriminated against because of the individual's race, color, religious creed, ancestry, sex, national origin or non-job-related handicap or disability.

This act is scheduled to expire June 30, 1988.



## Chapter 9: Transportation

---

This chapter includes provisions relating to the registration of automobiles used by handicapped individuals, offenses against blind pedestrians and provisions of various municipal codes providing reserved parking for handicapped persons.

### VEHICLES Title 75, Pa.C.S.

#### § 1334. Return of registration plate.

(a) General rule.--Registration plates shall be returned to the department under the following circumstances:

\* \* \*

(4) A handicapped registration plate shall be returned if the person to whom it was issued no longer qualifies under section 1338 (relating to handicapped plate and placard).

(b) Time for return of plate.--Each registration plate required to be returned under this section shall be returned to the department within five days of the occurrence requiring its return.

(c) Statement accompanying returned plate.--Each returned registration plate shall be accompanied by a statement of the reason for the return of the plate and the date of the occurrence requiring its return.

#### § 1338. Handicapped plate and placard.

(a) Handicapped plate.--On the application of any person who:

(1) does not have full use of a leg or both legs as evidenced by the use of a wheelchair, walker, crutches, quad cane or other such device;

(2) is blind;

(3) is physically limited by a cardiopulmonary condition such as severe emphysema or chronic bronchitis, restricting substantially his movements; or

(4) is a parent or a person in loco parentis of a person specified in paragraph (1), (2) or (3); the department shall issue a special registration plate for one passenger car or other vehicle with a registered gross weight of not more than 9,000 pounds, designating the vehicle so licensed as being used by a handicapped person. Special plates for handicapped persons may also be issued for vehicles operated exclusively for the use and benefit of handicapped persons.

(b) Handicapped parking placard.--On the application of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a handicapped person. Such placard shall be prominently displayed on the right front dash of the vehicle when it is in use for the transportation of such person. Placards may also be issued for use in vehicles when operated for the use and benefit of handicapped persons.

(c) Physician's statement.--

(1) Any person applying for a special plate or parking placard for handicapped persons must present a statement certified by a physician, licensed to practice in this Commonwealth, that the handicapped person is handicapped as provided in subsection (a).

(2) Any person applying for a renewal of registration of a special plate for handicapped persons must comply with this subsection. Once a handicapped person has been duly certified by a physician as being handicapped, as provided in subsection (a), the applicant need not submit a certification for subsequent renewals of registration for a special plate for handicapped persons. A person who was issued a handicapped plate under this section and no longer qualifies for one shall not be charged a replacement fee for a regular registration plate upon payment of the regular registration fee.

(3) In lieu of a physician's statement, a person applying for a special plate or parking placard may present a statement from a police officer certifying that the person does not have full use of a leg, or both legs, or is blind.

(4) The department shall phase out existing handicapped placards as soon as practicable and issue a new series to persons who comply with this section.

(d) Penalty.--Any person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100.



§ 1535. Schedule of convictions and points.

(a) General rule.--A point system for driver education and control is hereby established which is related to other provisions for use, suspension and revocation of the operating privilege as specified under this title. Every driver licensed in this Commonwealth who is convicted of any of the following offenses shall be assessed points as of the date of violation in accordance with the following schedule:

Section Number	Offense	Points
* * *		
3549(a)	Failure to yield to blind pedestrian.	3

(b) Multiple offenses from same act.--If a driver is convicted of two or more offenses as a result of the same act, points shall be assessed only for the offense for which the greatest number of points may be assessed.

(c) No points after six months.--The department shall assign points to the record of any person within six months from the date of a conviction. Any points assigned after such six-month period shall be null and void.

(d) Exception.--This section does not apply to a person who was operating a pedalcycle or an animal drawn vehicle.

§ 3354. Additional parking regulations.

\* \* \*

(d) Handicapped persons and disabled veterans.--

(1) When a motor vehicle bearing a handicapped or severely-disabled veteran plate or displaying a handicapped or severely-disabled parking placard as prescribed in this title is being operated by or for the transportation of the handicapped person or severely-disabled veteran, displaying a placard issued to handicapped persons or disabled veterans as prescribed in this title is being operated by or for the transportation of the handicapped person or disabled veteran, the driver shall be relieved of any liability for parking for a period of 60 minutes in excess of the legal parking period permitted by local authorities except where local ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours.

(2) At the request of any handicapped person or severely disabled veteran, local authorities may erect on the highway as close as possible to their place of residence a sign or signs indicating that that place is reserved for the handicapped person or severely-disabled veteran, that no parking is allowed there by others, and that any unauthorized person parking there shall be subject to a fine.

(3) Except for persons parking vehicles lawfully bearing a handicapped or severely-disabled veteran registration plate or displaying a handicapped or severely-disabled veteran parking

placard when such vehicles are being operated by or for the transportation of a handicapped person or a severely-disabled veteran, persons or disabled veterans, no person shall park a vehicle on public or private property reserved for a handicapped person or severely-disabled veteran which property has been so posted in accordance with departmental regulations.

(e) Unauthorized use--An operator of a vehicle bearing a handicapped or severely-disabled veteran plate or displaying a handicapped or severely-disabled veteran parking placard shall not make use of the parking privileges accorded to handicapped persons and severely-disabled veterans under subsection (d)(3) unless the operator is handicapped or a severely-disabled veteran or unless the vehicle is being operated for the transportation of a handicapped person or severely-disabled veteran.

(f) Penalty.--Any person violating subsection (a), (b) or (d)(1) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$15. Any person violating subsection (d)(2) or (3) or (e) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$15 nor more than \$50.

§ 3549. Blind pedestrians.

(a) General rule.--The driver of a vehicle shall yield the right-of-way to any totally or partially blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog and shall take such precautions as may be necessary to avoid injuring or endangering the pedestrian and, if necessary, shall stop the vehicle in order to prevent injury or danger to the pedestrian.

(b) Effect of absence of cane or dog.--This section shall not be construed to deprive a totally or partially blind pedestrian not carrying a cane or not being guided by a dog of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of a totally or partially blind pedestrian to carry a cane or to be guided by a guide dog upon the streets, highways or sidewalks of this Commonwealth be held to constitute contributory negligence in and of itself.

THE THIRD CLASS CITY CODE  
Act of June 23, 1931 (P.L.932, No.317)  
53 P.S. §§ 37403, 37650

Section 2403. Specific Powers.--In addition to other powers granted by this act, the council of each city shall have power, by ordinance:

\* \* \*

54. Parking Lots.--To acquire by lease, purchase, or condemnation proceedings, any land which in the judgment of city

council may be necessary and desirable for the purpose of establishing and maintaining lots for the parking of motor vehicles, and for no other use or purpose, and to regulate the use thereof and to establish or designate, at the discretion of council, areas exclusively reserved for parking by handicapped individuals and to post signs regulating such areas.

\* \* \*

Section 2650. Regulation; Revenue; Bonding Operators.--For the purposes of protecting the public and of raising revenue, each city may enact suitable ordinances regulating the business of operating for profit parking lots within the city and may require such lots to reserve areas exclusively for parking by handicapped individuals. License or permit fees may be charged and collected from the operators of such parking lots. Any city adopting such a regulatory plan shall require from each operator a bond to be approved by council for the protection of the public from loss of or damage to the vehicles parked, stored or placed under the jurisdiction of such parking lot operator.

THE FIRST CLASS TOWNSHIP CODE  
Act of June 24, 1931 (P.L.1206, No.331)  
53 P.S. § 56549

Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power--

\* \* \*

XLIX. Parking and Parking Lots. To regulate parking, to provide parking accommodations so as to promote the convenience and protection of the public and to establish or designate, at the discretion of the commissioners, areas exclusively reserved for parking by handicapped individuals; to erect parking meters and to regulate parking meter charges and to post signs regulating parking in areas established or designated for handicapped parking. To acquire by gift or purchase, or the right of eminent domain, lands for use as parking lots, and to plan, design, locate, hold, construct, improve, maintain, operate, own or lease, either in the capacity of lessor or lessee and install facilities and equipment, including parking meters, on any such land to be devoted to the parking of vehicles of any kind, which in the judgment of the board of township commissioners, may be necessary and desirable for the purpose of establishing and maintaining such parking lots and to regulate the use thereof. Whenever any lands shall be acquired by any township for parking lots, they may be operated by such townships as parking lots for parking vehicles only, but not for the sale or distribution of any commodity, or when so provided by ordinance or resolution, they may be let to and for private

operation as parking lots on such terms and conditions as may be prescribed.

SECOND CLASS TOWNSHIP CODE  
Act of May 1, 1933 (P.L.103, No.69)  
53 P.S. § 65724

Section 702. Supervisors to Exercise Powers.--The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power--

\* \* \*

XXIV. Regulation of Parking.--To regulate parking, to provide parking accommodations so as to promote the convenience and protection of the public and to establish or designate, at the discretion of the supervisors, parking areas exclusively reserved for handicapped parking purposes. The supervisors shall also have power to erect parking meters and to regulate parking meter charges and to post signs regulating parking in areas established or designated for handicapped parking.

\* \* \*

THE BOROUGH CODE  
Act of February 1, 1966 (1965 P.L.1656, No.581)  
53 P.S. §§ 46201, 47903

Section 1202. Specific Powers.--The powers of the borough shall be vested in the corporate authorities. Among the specific powers of the borough shall be the following, and in the exercise of any of such powers involving the enactment of any ordinance or the making of any regulation, restriction or prohibition, the borough may provide for the enforcement thereof and may prescribe penalties for the violation thereof or for the failure to conform thereto:

\* \* \*

(46) Parking lots. To acquire by lease, purchase or eminent domain any land which the corporate authorities may deem necessary or desirable for the purpose of establishing and maintaining parking lots, and to regulate the use thereof, and to regulate parking and provide parking accommodations so as to promote the convenience and protection of the public and to establish or designate, at the discretion of the corporate authorities, areas exclusively reserved for parking by handicapped individuals and to post signs regulating

such areas. The right to regulate the use of the lots shall include the right to impose fines and fees for violation of any law or ordinance regulating parking.

\* \* \*

Section 2903. Licensing Parking Lots Operated for Profit.-- Any borough may, by ordinance, regulate the business of operating parking lots for profit within the borough and may require such lots to reserve areas exclusively for parking by handicapped individuals. License or permit fees may be charged and collected from the operators of such parking lots. Any borough adopting such a regulatory plan shall require from each operator of such a parking lot a bond to be approved by council for the protection of the public from loss of or damage to vehicles parked, stored or placed under the jurisdiction of such parking lot operator: Provided, That nothing in this section shall apply to parking lots operated by a municipal authority or a parking authority.

Regulations providing for the erection of special signs designating reserved parking areas by the Department of Transportation can be found at 67 Pa. Code § 217.4.

Common carriers are required to transport guide dogs of persons paying regular fares. Such dogs must be leashed and muzzled, and may not occupy a seat in the conveyance. See 52 Pa. Code § 29.102.



## Chapter 10: Social Services

---

This chapter contains those statutes which provide for State social assistance programs for blind and other disabled persons in this Commonwealth.

ATTENDANT CARE SERVICES ACT  
Act of December 10, 1986 (P.L. \_\_, No.150)  
\_\_P.S.\_\_

Section 1. Short title.

This act shall be known and may be cited as the Attendant Care Services Act.

Section 2. Declaration of policy.

The General Assembly declares it is the policy of this Commonwealth that:

(1) The increased availability of attendant care services for adults will enable them to live in their own homes and communities.

(2) Priority recipients of attendant care services under this act shall be those mentally alert but severely physically disabled who are in the greatest risk of being in an institutional setting.

(3) Recipients of attendant care have the right to make decisions about, direct the provision of and control their attendant care services. This includes, but is not limited to, hiring, training, managing, paying and firing of an attendant.

(4) Attendant care services may be provided by county governments and county human service departments.

(5) Subject to available funds, attendant care programs should be developed to serve eligible individuals throughout this Commonwealth.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Attendant care services."

(1) Those basic and ancillary services which enable an eligible individual to live in his home and community rather than in an institution and to carry out functions of daily living, self-care and mobility.

(2) Basic services shall include, but not be limited to:

(i) Getting in and out of a bed, wheelchair and/or motor vehicle.

(ii) Assistance with routine bodily functions, including, but not limited to:

(A) Health maintenance activities.

(B) Bathing and personal hygiene.

(C) Dressing and grooming.

(D) Feeding, including preparation and cleanup.

(3) If a person is assessed as needing one or more of the basic services, the following services may be provided if they are ancillary to the basic services:

(i) Homemaker-type services, including, but not limited to, shopping, laundry, cleaning and seasonal chores.

(ii) Companion-type services, including, but not limited to, transportation, letter writing, reading mail and escort.

(iii) Assistance with cognitive tasks, including, but not limited to, managing finances, planning activities and making decisions.

"Department." The Department of Public Welfare of the Commonwealth.

"Eligible individual." Any physically disabled/mentally alert person 18 through 59 years of age who meets all of the following requirements:

(1) Experience any medically determinable physical impairment which can be expected to last for a continuous period of not less than 12 months.

(2) Is capable of selecting, supervising and, if needed, firing an attendant.

(3) Is capable of managing his own financial and legal affairs.

(4) Because of physical impairment, requires assistance to complete functions of daily living, self-care and mobility, including, but not limited to, those functions included in the definition of attendant care services.

"Personal care attendant." An individual other than a family member who provides attendant care services to eligible individuals.

"Secretary." The Secretary of Public Welfare of the Commonwealth.



Section 4. Program.

(a) Establishment.--The department shall establish and develop under this act programs of attendant care services for eligible individuals.

(b) Solicitation of proposals.--The department shall solicit proposals to provide attendant care services under this act. Providers shall submit proposals in the form and manner required by the department.

(c) Proposal selection criteria.--Proposals shall be selected based on service priorities developed by the department; however, priority shall be given to proposals that will serve the severely disabled and those at greatest risk of being institutionalized as defined by the department.

(d) Agreements with providers.--In order to provide attendant care services, the department may enter into agreements with providers. Each agreement shall include, at minimum, the number of clients to be served, the types of attendant care services to be provided, the cost of services, the method of payment and the criteria to be used for evaluating the provision of services.

(e) Participation of eligible clients.--Providers, where appropriate, shall include eligible clients in the planning, startup, delivery and administration of attendant care services and training of personal care attendants.

(f) Consumer assessment report.--Determination of eligibility and the need for attendant care services shall be supported by consumer assessment reports as required by the department.

(g) Weekly maximum hours of service.--Each attendant care provider agency's average hours of service per consumer must not exceed 40 hours per seven-day week.

(h) Waiting list.--The department and providers shall develop a waiting list by service priority for those eligible clients who cannot be served immediately.

Section 5. Funding.

(a) Use of funds.--Funds made available under this act shall be used only for the planning, designing, delivering and administering attendant care services and training of personal care attendants.

(b) Federal and private funds.--Programs for attendant care services, under this act, shall use federal funds, where possible. The department shall apply for and use, subject to specific appropriation by the General Assembly, all federal funds which become available to carry out a program of attendant care services under this act. The department shall use any private funds which become available to carry out a program of attendant care services under this act.

(c) Program fee schedule.--The department shall develop, wherever practical, a sliding fee schedule for attendant care services for eligible clients.

(d) Disbursement of funds.--The department shall disburse funds in a manner that ensures, to the extent of available funds,

equitable distribution of service among eligible clients with attendant care needs and among various regions of this Commonwealth.

(e) Availability of services.--Attendant care services shall be available only to the extent that they are funded through annual appropriation of state and federal funds and program fees.

Section 6. Demonstration projects.

The department may initiate demonstration projects to test new ways of providing attendant care services, as well as conduct specific research into ways to best provide attendant care services in both urban and rural environments.

Section 7. Rules or regulations.

The department shall promulgate such rules and regulations as may be necessary for the effective administration of any programs of attendant care services under this act.

Section 8. Report.

Prior to June 30, 1988, the secretary shall submit a report to the legislative committees having jurisdiction over appropriations and the legislative committees having jurisdiction over health and welfare service. This report shall include at least the following information regarding attendant care services:

(1) A summary of the attendant care services provided under this act, including, but not limited to, a description of service models utilized, costs by service model, unit of service and per client, and client demographics.

(2) Recommendations regarding the direction of and funding priorities for attendant care services for fiscal years 1988-1989 and 1989-1990.

This act takes effect July 1, 1987.

Section 432 of the Public Welfare Code (62 P.S. § 432), set forth below, establishes the eligibility of handicapped persons for public assistance.

PUBLIC WELFARE CODE

Act of June 13, 1967 (P.L.31, No.21)

62 P.S. §§ 432, 771, 772, 773, 774

Section 432. Eligibility.--Except as hereinafter otherwise provided, and subject to the rules, regulations, and standards established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of the classes defined in clauses (1), (2), and (3) shall be eligible for assistance:

(1) Persons for whose assistance Federal financial participation is available to the Commonwealth as aid to families with dependent children or as other assistance, and which assistance is not precluded by other provisions of law.

(2) Persons who are eligible for State supplemental assistance.

(i) State supplemental assistance shall be granted to persons who receive Federal supplemental security income for the aged, blind and disabled pursuant to Title XVI of the Federal Social Security Act.

(ii) State supplemental assistance shall also be granted to persons who are aged, blind and disabled, as defined in Title XVI of the Federal Social Security Act, and whose income, pursuant to the standards and income disregards of Title XVI of the Social Security Act, is less than the combined income of the Federal payments under the supplemental security income program and the State supplemental assistance payments established pursuant to the provisions of this act.

(iii) In establishing the amounts of the State supplemental assistance, the department shall consider the funds certified by the Budget Secretary as available for State supplemental assistance, pertinent Federal legislation and regulation, the cost-of-living and the number of persons who may be eligible.

(iv) Beneficiaries of State supplemental assistance shall be eligible for cash State financial assistance to cover the cost of special needs as defined by statute and regulations promulgated under this act.

(v) After the amounts of assistance payments have been determined by the department with the approval of the Governor and General Assembly, the amounts of assistance payments shall not be reduced as a consequence of benefit increases, including but not limited to cost-of-living increases, provided through Federal legislation.

(vi) After the amounts of assistance payments have been determined by the department with the approval of the Governor and General Assembly, the amounts of assistance payments shall not be increased without the approval of the General Assembly in accordance with the procedure established by the act of April 7, 1955 (P.L.23, No.8) known as the "Reorganization Act of 1955," and a message to the General Assembly from the Governor for the purposes of executing such function shall be transmitted as in other cases under the Reorganization Act.

(3) Other persons who are citizens of the United States, or legally admitted aliens and who are chronically needy or transitionally needy persons.

(i) Chronically needy persons are those persons chronically in need who may be eligible for an

indeterminate period as a result of medical, social or related circumstances and shall be limited to:

\* \* \*

(C) A person who has a serious physical or mental handicap which prevents him or her from working in any substantial gainful activity as determined in accordance with standards established by the department. The department may require that documentation of disability be submitted from a physician or psychologist. The department may also order at the department's expense a person to submit to an independent examination as a condition of receiving assistance under this clause. The department shall determine eligibility within thirty days from the date of application. Persons discharged from mental institutions shall be classified as chronically needy in accordance with department regulations.

\* \* \*

(I) Any person who does not otherwise qualify as chronically needy, and who is receiving general assistance on the date this section is enacted into law and who has not refused a bona fide job offer or otherwise failed to comply with all employment requirements of this act and regulations promulgated thereunder. Such person must comply with all employment requirements of this act and regulations promulgated thereunder. If after the date this section is enacted into law a person's general assistance grants are terminated, then that person may not subsequently qualify for general assistance under this clause except when such person has been terminated from employment through no fault of his own and has not met the minimum credit week qualifications of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law." If it is determined that the classification of persons according to their status on the date of enactment as provided in this clause is invalid, then the remainder of this act shall be given full force and effect as if this clause had been omitted from this act, and individuals defined in this clause shall be considered transitionally needy if otherwise eligible. No person shall qualify for general assistance under this clause after December 31, 1982.

(ii) Assistance for chronically needy persons shall continue as long as the person remains eligible. Redeterminations shall be conducted on at least an annual

basis and persons capable of work, even though otherwise eligible for assistance to the chronically needy, would be required to register for employment and accept employment if offered as a condition of eligibility except as otherwise exempt under section 405.1.

(iii) Transitionally needy persons are those persons who are otherwise eligible for general assistance but do not qualify as chronically needy. Assistance for transitionally needy persons shall be authorized only once in any twelve-month period in an amount not to exceed the amount of ninety days' assistance.

(4) Assistance shall not be granted (i) to or in behalf of any person who disposed of his real or personal property, of the value of five hundred dollars (\$500), or more, without fair consideration, within two years immediately preceding the date of application for assistance unless he is eligible for State supplemental assistance; or (ii) to an inmate of a public institution.

(5) Assistance may be granted only to or in behalf of a resident of Pennsylvania. Needy persons who do not meet the residence requirements stated in this clause and who are transients or without residence in any state, may be granted assistance up to seven days in the form of vendor payments, all in accordance with rules, regulations, and standards established by the department.

\* \* \*

The following provisions of the Public Welfare Code, entitled the "Adoption Opportunities Act" are designed to encourage the adoption of hard-to-place children, including handicapped children.

Section 771. Declaration of Purpose.--This subdivision shall be interpreted and construed so as to effect the following purpose: to encourage and promote the placement in adoptive homes of children who are physically and/or mentally handicapped, emotionally disturbed, or hard to place by virtue of age, sibling relationship, or ethnicity.

Section 772. Definitions.--As used in this subdivision:

"Adoption opportunity" is a subsidy which may include maintenance cost; medical, surgical, and psychological expenses; and other costs incident to the adoption.

"Child" means an individual who is under the age of eighteen years.

"Eligible child" means a child in the legal custody of local authorities where parental rights have been terminated pursuant to

the procedure set forth in Article III of the act of July 24, 1970 (P.L.620, No.208), known as the "Adoption Act," and such child has been in foster placement for a period of not less than six months and where the child has been shown to be a difficult adoption placement because of a physical and/or mental handicap, emotional disturbance, or by virtue of age, sibling relationship, or ethnicity. A child in the legal custody of an agency approved by the department shall be an eligible child if the child is certified as eligible by the local authorities.

"Local authorities" means county institution districts or their successors.

Section 773. Rules and Regulations.--

(a) The Department of Public Welfare shall establish and develop criteria and promulgate necessary regulations for public child welfare agencies to implement an adoption opportunity in accordance with the provisions of this subdivision (e).

(b) The regulations shall include, but not be limited to, criteria for identifying eligible children and adoptive homes, procedures for implementing the subsidy, and reporting requirements by local authorities.

(c) All regulations established pursuant to this section shall be adopted pursuant to the act of July 31, 1968 (P.L. 769, No.240), known as the "Commonwealth Documents Law," and the hearings referred to in section 202 of that act shall be mandatory.

Section 774. Adoption Opportunity Payments and Reimbursement.--

(a) The amount of adoption subsidy for maintenance costs to an adoptive family shall not exceed the monthly payment rate for foster family care in the county in which the child resides.

(b) The department shall reimburse local authorities for at least eighty percent (80%) of the cost of an adoption opportunity provided by local authority pursuant to the provisions of this subdivision (e), provided the local authority complies with the reporting requirements established by the department pursuant to section 773.

(c) No public funds shall be expended under this subdivision (e) on behalf of an eligible child until all available benefits under existing or future private, public, local, State or Federal programs have been exhausted. Notwithstanding any other provision of law, adoptive families subsidized under the provisions of this subdivision (e) shall not be liable pursuant to the provisions of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the "Mental Health and Mental Retardation Act of 1966," or the act of June 24, 1937 (P.L.2045, No.397), known as "The Support Law," in the event that the adopted child needs services or assistance under the provisions of Article IV of this act or under the provisions of the "Mental Health and Mental Retardation Act of 1966."

The following act authorizes municipalities to spend federal funds received under the Federal, State and Local Fiscal Assistance Act of 1972 for social services to the disabled.

FEDERAL GENERAL REVENUE SHARING FUNDS EXPENDED  
Act of December 10, 1974 (P.L.865, No.292)  
53 P.S. §§ 5421-5424

Section 1. Every municipality may, by passage of an ordinance by its governing body, in any year expend all or part of any moneys received as payment to local governments pursuant to Title I of Public Law 95-512, the "State and Local Fiscal Assistance Act of 1972," or its general municipal funds for social service programs for the poor, the disabled and the aging, and for sites of established historical, architectural or esthetical value, provided such programs do not duplicate although they may expand programs of the Commonwealth or of the United States Government. Nothing contained herein shall prohibit the use of the funds in the matching of local funds with State or Federal funds in so far as permitted by law or regulation. Unless contrary to Federal statutes and regulations, no person shall be denied participation in, or the benefits of social service programs so funded because said person is not a public assistance recipient.

Section 1.1. Every municipality may by passage of an ordinance by its governing body, in any year expend, including by making an appropriation to a nonprofit corporation organized for the community development purposes, all or part of any moneys received as payment to local governments pursuant to Title I of Public Law 93-383, the "Housing and Community Development Act of 1974," or its general municipal funds for community development programs provided such programs do not duplicate although they may expand programs of the Commonwealth or of the United States Government. Nothing contained herein shall prohibit the use of funds in the matching of local funds with State or Federal funds in so far as permitted by law or regulation.

Section 2. Two or more municipalities may jointly cooperate, or any municipality may jointly cooperate with any municipality located in any other state, in the sponsorship, establishment, administration, maintenance and operation of social service programs for the poor, the disabled and the aging and for sites of established historical, architectural or esthetical value pursuant



to the act of July 12, 1972 (P.L.762, No.180), entitled "An act relating to intergovernmental cooperation."

Section 3. Municipalities which provide or jointly cooperate in the sponsorship, establishment, administration, maintenance and operation of social service programs to the poor, the disabled and the aging and for sites of established historical, or esthetical value pursuant to the act of July 12, 1972 (P.L.762, No.180) entitled "An act relating to intergovernmental cooperation," may expend or use all or part of any moneys received as payment to local governments pursuant to Title I of Public Law 92-512, the "State and Local Fiscal Assistance Act of 1972," for such purposes.

Section 3.1. Municipalities which provide or jointly cooperate in the sponsorship, establishment, administration, maintenance and operation of community development programs pursuant to the act of July 12, 1972 (P.L.762, No.180), entitled "An act relating to intergovernmental cooperation," may expend or use, including by making an appropriation to a nonprofit corporation organized for community development purposes, all or part of any moneys received as payment to local governments pursuant to Title I of Public Law 93-383, the "Housing and Community Development Act of 1974," for such purposes.

Section 4. As used in this act:

"Community development programs" means any service provided on either a single or multi-single or multi-municipal level which would address the following recognized social, economic and environmental needs of cities, towns and smaller urban communities; the elimination of slums and blight; the elimination of conditions which are detrimental to health, safety and public welfare; the conservation and expansion of housing; the expansion and improvement of the quantity and quality of community services; a more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers; the reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income; and the restoration and preservation of properties of special value for historic, architectural, or esthetic reasons. Home Rule municipalities may define the term "community development programs" within their powers under a Home Rule Charter.

"Municipality" means a county, city, borough, incorporated town, township or any other similar general purpose unit of government which shall hereafter be created by the General Assembly, except that section 2 of this act shall not apply to a city of the first class. "Social service programs" means any service provided on



either a single or multi-municipal level which would address the following recognized needs of the poor, disabled or the aged: children's services, including day care; health services, including alcohol and drug addiction; housing and homemaker services; senior opportunities and services; consumer services; migrant services; youth services; sheltered workshops for the handicapped; hot meals for older adults; rehabilitation of low to middle income housing; family planning. Home Rule municipalities may define the term "social service programs" within their powers under a Home Rule Charter.

"Sites of established historical, architectural or esthetic value" means a site registered on the List of Historical Sites by the Pennsylvania Historical and Museum Commission, Office of Historical Preservation and maintained either by governmental, municipal or private nonprofit organizations.

The following act authorizes grants to local area agencies on aging in order for the agencies to comply with a State statute that mandates certain buildings be accessible to the handicapped. See Chapter 6.

SENIOR CENTER GRANT PROGRAM ACT  
Act of December 17, 1984 (P.L.999, No.201)  
35 P.S. § 7406

Section 6. Grant requirements.

(a) Eligibility.--Grants shall be given by the department to local area agencies on aging for applying senior centers which have been approved by the appropriate area agency on aging. Grants shall be given for any and all of the following purposes in the following order or priority:

(1) To comply with the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, and other applicable Federal, State or local safety standards and other laws so designated by directives promulgated by the department.

(2) To comply with the act of September 1, 1965 (P.L.459, No.235), entitled "An act requiring that certain buildings and facilities constructed with Commonwealth funds adhere to certain principles, standards and specifications to make the same accessible to and usable by the physically handicapped, and providing for enforcement," and section 504 of the Federal Rehabilitation Act of 1973 to modify the senior center to make

it accessible to the handicapped as designated by directives promulgated by the department.

(3) To assure that the senior center is in a condition that provides for the health, welfare and safety of senior citizens as determined by directives promulgated by the department. This would include, but not be limited to, the purchase of food service equipment for the facility.

(b) Leased facilities.--Senior center facilities which are renovated with funds from the Department of Aging shall have written leases for a period to be determined by the department based on the amount of the renovations and taking into account local market conditions for rental properties.

The following two acts establish the duty of counties to provide shelter or employment for blind persons.

COUNTY INSTITUTION DISTRICT LAW  
Act of June 24, 1937 (P.L.2017, No.396)  
62 P.S. §§ 2301, 2305

Section 401. Powers and Duties as to Care of Dependents.-- The local authorities shall have the power, and it shall be their duty with funds of the institution district or of the city, according to rules, regulations and standards established by the State Department of Public Welfare--

\* \* \*

(c) To contract with any association in Pennsylvania organized to provide a home or employment for deaf and dumb or blind persons having a settlement in the county or city, or to care for any dependent having a settlement in the county or city who is deaf and dumb or blind or to help him through employment;

\* \* \*

(h) To require that any person cared for in an institution as defined herein shall pay for the cost of his care to the extent of his available resources.

\* \* \*

(i) To provide or to contract with any individual, association, corporation or governmental agency to provide care and services designed to help dependents and potential dependents to live outside of the county institution.

Section 405. Powers and Duties of Local Authorities As to Children.--The local authorities of any institution district shall have the power, and for the purpose of protecting and promoting the welfare of children and youth, it shall be their duty to provide those child welfare services designed to keep children in their own

home, prevent neglect, abuse and exploitation, help overcome problems that result in dependency, neglect or delinquency, to provide in foster family homes or child caring institutions adequate substitute care for any child in need of such care and, upon the request of the court, to provide such service and care for children and youth who have been adjudicated dependent, neglected or delinquent.

No child under the age of sixteen years shall, unless he is mentally or physically handicapped, and no other care is available for him, be admitted to, or maintained in, an institution conducted by the local authorities other than a hospital or sanitarium.

#### THE COUNTY CODE

Act of August 9, 1955 (P.L.323, No.130)

16 P.S. §§ 2164, 2168

Section 2164. Further Powers and Duties.--The county commissioners of counties of the fourth, fifth, sixth, seventh and eighth classes shall have the power and it shall be their duty, with funds of the county, according to rules, regulations and standards established by the Department of Public Welfare:

\* \* \*

(3) To contract with any association in Pennsylvania organized to provide a home or employment for deaf and dumb or blind persons having a settlement in the county, or to care for any dependent having a settlement in the county, who is deaf and dumb or blind or to help him through employment.

\* \* \*

(7) To require that any person cared for in an institution as defined herein shall pay for the cost of his care to the extent of his available resources.

(8) To provide or to contract with any individual, corporation, institution or governmental agency to provide care and services designed to help dependents remain in or return to community living, outside county institutions.

Section 2168. Powers and Duties of County Commissioners as to Children.--The county commissioners of any county of the fourth, fifth, sixth, seventh or eighth class shall have the power and for the purpose of protecting and promoting the welfare of children and youth, it shall be their duty to provide those child welfare services designed to keep children in their own homes, prevent neglect, abuse and exploitation, help overcome problems that result in dependency, neglect or delinquency, to provide in foster family homes and child caring institutions adequate substitute care for any child in need of such care and upon the request of the court, to provide such services and care for children and youth who have been adjudicated dependent, neglected or delinquent. No child under the

age of sixteen years shall, unless he is mentally or physically handicapped and no other care is available for him, be admitted to, or maintained in, an institution conducted by the county commissioners of fourth, fifth, sixth, seventh or eighth class counties other than a hospital or sanitarium.

## Chapter 11: Pensions

---

This chapter contains provisions relating to constitutionally authorized blind pensions as well as provisions relative to disability retirement benefits of governmental employees.

CONSTITUTION  
of the  
COMMONWEALTH OF PENNSYLVANIA  
Article III

§ 29. Appropriations for public assistance, military service, scholarships.

No appropriation shall be made for charitable, educational or benevolent purposes to any person or community nor to any denominational and sectarian institution, corporation or association: Provided, That appropriations may be made for pensions or gratuities for military service and to blind persons 21 years of age and upwards and for assistance to mothers having dependent children and to aged persons without adequate means of support and in the form of scholarship grants or loans for higher educational purposes to residents of the Commonwealth enrolled in institutions of higher learning except that no scholarship grants or loans for higher educational purposes shall be given to persons enrolled in a theological seminary or school of theology.

THE PUBLIC WELFARE CODE  
Act of June 13, 1967 (P.L.31, No.21)  
62 P.S. §§ 501-515

Section 501. Legislative Intent.--The legislative intent of this article is to provide pensions, paid entirely from Commonwealth

funds, for certain blind persons, as authorized by section 17 of Article III of the Constitution of this Commonwealth, while assuring continued receipt by the Commonwealth of Federal funds now available for Federal-State blind pension grants for blind persons who are needy.

Section 502. Definitions.--As used in this article:

"Blind person" means a person twenty-one years of age or older who has three-sixtieths or ten two-hundredths, or less, normal vision.

"State blind pension" means a payment to any blind person who meets the eligibility conditions prescribed in section 506, or a payment in behalf of such blind person for medical or other health care, including nursing home care, but excluding inpatient hospital care and post hospital care in the home provided by a hospital.

Section 503. Administration.--This article shall be administered by the department without regard to any Federal laws or regulations respecting operation of a State plan for aid to the blind.

Section 504. Departmental Powers and Duties.--The department shall have the power, and its duty shall be:

(1) To establish rules and regulations, consistent with law, as to the determination of eligibility for State blind pensions and as to the procedures necessary for administration of this article.

(2) To provide State blind pension to or in behalf of all blind persons who meet the eligibility conditions prescribed in section 506. Such State blind pensions shall be paid from funds appropriated to the department.

(3) To hear and determine appeals from actions of its employes affecting the rights of those applying for or receiving State blind pension.

Section 505. Departmental Regulations for Protecting Information.--

(a) The department shall have the power to make and enforce regulations:

(1) To protect the names of applicants for and recipients of State blind pension from improper publication and to restrict the use of information furnished to other agencies or persons to purposes connected with the administration of this article. Upon request by any adult resident of the Commonwealth, the department shall furnish the address and amount of State blind pension with respect to any persons about whom inquiry is made, but information so obtained shall not be used for commercial or political purposes.

(2) To protect the rights and interests of blind persons about whom personal or confidential information is in its possession.

(b) Such regulations shall not prevent or interfere with investigations by proper authorities as to the rights of persons to receive State blind pension or as to the amounts of State blind pension received.

Section 506. Eligibility.--The department shall provide a State blind pension to any blind person who:

(1) Resides in Pennsylvania;

(2) Is not an inmate of any penal institution or hospital for mental disease;

(3) Has actual annual income of his own of less than four thousand two hundred sixty dollars (\$4,260);

(4) Owns real or personal property of a combined value of not more than seven thousand five hundred dollars (\$7,500); and who

(5) Has not disposed of any property without fair consideration within the two years immediately preceding the date of application for State blind pension, or while receiving such pension, if ownership of such property, together with his other property, would render him ineligible for such pension;

(6) Is not receiving supplemental security income for the aged, blind and disabled pursuant to Title XVI of the Federal Social Security Act. With respect to the determination of eligibility for State blind pension, the value of real property shall be deemed to be its assessed value minus encumbrances but in no case shall the assessed value be more than thirty percent of the official market value; the value of personal property shall be deemed to be its actual value; and interest in property owned by the entireties shall be deemed to be a one-half interest. Determination of the amount of an applicant's income and the value of his property shall be made by the department without regard to any Federal laws or regulations respecting income and resources of applicants for aid to the blind. The valuation of real property for the purposes of clause (4) shall not be increased by reason of reassessment, except to the extent that the real property has been actually enlarged or improved. Determination of the amount of an applicant's income shall exclude any increase in (i) social security payments to him provided under Federal law and taking effect subsequent to January 1, 1971; (ii) railroad retirement benefits provided to him under the Railroad Retirement Act of 1937, 45 U.S.C. 228 et seq., and taking effect subsequent to January 1, 1976; and (iii) veterans' benefits provided to him and administered by the Veterans' Administration and taking effect subsequent to January 1, 1976.

Section 507. Amount of Pension.--Except as provided for payment

for nursing home care, the amount paid after the effective date of this act to an eligible blind person having actual annual income of his own of three thousand sixty dollars (\$3,060) or less shall be one hundred dollars (\$100) monthly, and the monthly amount paid to any other eligible blind person shall be fixed in such amount that the sum of his actual annual income and State blind pension equals four thousand two hundred sixty dollars (\$4,260) a year.

Section 508. Payment for Nursing Home Care.--The amount of State blind pension paid to or in behalf of an eligible blind person who is physically disabled and requires nursing home care, as prescribed by responsible physicians, shall be the excess of (i) the maximum amount paid by the department for nursing home care of recipients of assistance under Article IV in like circumstances, over (ii) the amount of the blind person's actual income, but shall in no case be less than the appropriate amount specified in section 507.

Section 509. Medical Assistance and Burial.--Persons receiving State Blind Pensions shall be eligible for burial assistance and, under the medical assistance program of Article IV, for payment of home and office visits of physicians or chiropractors, prescribed drugs, dental care, vision care provided by a physician skilled in diseases of the eye or by an optometrist, ambulance service and visiting nurse service.

Section 510. Repayment; Support by Relatives.-- Notwithstanding any other provisions of law, no repayment shall be required of any State blind pension for which a blind person was eligible; and, with respect to the determination of eligibility for State blind pension, no relative shall be required to make any monetary or any other payments or contributions for the support or maintenance of the blind person.

Section 511. Application.--

(a) Every person applying for State blind pension shall be required to sign a statement setting forth the nature and amount of his income, the nature and value of his property, and such other facts as may be required by the department in order to determine whether he is eligible for State blind pension. Every such applicant shall make affidavit that the facts set forth in such statement are true and correct. Every person employed in the department who has power to administer oaths for any purpose shall have power to administer oaths for the purpose of carrying into effect the provisions of this section.

(b) Whenever a blind person is unable to make application for State blind pension by reason of his illness or infirmity, application on his behalf may be made by a relative or by an official of any institution in which he is receiving medical care. Such application shall contain the statements required in subsection



(a) of this section except that such applicant shall be permitted to make affidavit that the facts set forth in such statement are, to the best of his knowledge and belief, true and correct.

Section 512. Trustees.--The department may appoint a trustee to receive the State blind pension payments for which a blind person is eligible, when, in its opinion, such trustee is necessary. A trustee shall serve without compensation from the department, and shall be subject to such rules, regulations and accounting as the department shall prescribe.

Section 513. False Statements; Penalty.--

(a) Any person who, either prior to or at the time of, or subsequent to the application for State blind pension, by means of a wilfully false statement or misrepresentation, or by impersonation or other fraudulent means, secures, or attempts to secure, or aids or abets any person in securing, State blind pension shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or to undergo imprisonment not exceeding one year, or both, and shall be sentenced to make restitution of any moneys he has received by reason of such false statement, misrepresentation, impersonation, or fraudulent means.

(b) Any person who, either prior to, or at the time of, or subsequent to the application for State blind pension, by means of a wilfully false statement or misrepresentation, or by impersonation or other fraudulent means, secures or attempts to secure State blind pension not exceeding three hundred dollars (\$300) shall, upon conviction thereof in a summary proceeding, be sentenced to pay restitution of such amount of State blind pension, and to pay a fine of not more than two hundred dollars (\$200), and, in default of making restitution and payment of the fine imposed, to undergo imprisonment not exceeding sixty days.

Section 514. Influencing Vote of Recipient or Applicant; Penalty.--Any person employed in the administration of this article who, either directly or indirectly, influences or endeavors to influence the vote of any person applying for or receiving State blind pension shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), or to undergo imprisonment not exceeding six months, or both.

Section 515. Violation, Penalty.--Any person knowingly violating any of the rules and regulations of the department made in accordance with this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), or to undergo imprisonment, not exceeding six months or both.

Regulations establishing the procedure for application for a State blind pension are found at 55 Pa. Code, Ch. 451.

Section 502 of the Public Welfare Code defines a blind person as one who has 3/60 or 10/200 or less normal vision. Under 55 Pa. Code § 451.3(c)(1), this definition is essentially repeated. This definition was challenged by a woman who was denied a State blind pension because her central visual acuity was better than 3/60 or 10/200, although she suffered from tunnel vision. The Commonwealth Court found that the regulation was not controlling to the extent that persons whose vision, in respects other than acuity, is so abnormal as to be deemed medically equivalent to blindness. Fields v. Dept. of Public Welfare, 47 Pa. Commonwealth Ct. 172, 179 (1979).

The remaining acts in this chapter provide for disability retirement benefits of employees of State and local government units.

PENNSYLVANIA MUNICIPAL RETIREMENT LAW  
Act of February 1, 1974 (P.L.34, No.15)  
53 P.S. §§ 881.212, 881.313, 881.411

Section 212. Disability Retirement.--

(a) After a contributor has had ten or more years of total service, he may, upon application or on the application of one acting in his behalf, or upon application of a head of the department of the municipality by which he is employed, be retired by the board on a disability allowance if he is under superannuation retirement age, and on a superannuation retirement allowance if he has attained or passed such age, if the physician designated by the board, after medical examination of the contributor made at the place of residence of the contributor or at a place mutually agreed upon, shall certify to the board that the contributor is unable to engage in any gainful employment and that said contributor ought to

be retired. When the disability of a contributor is determined to be service-connected, as defined in this act, no minimum period of service shall be required for eligibility. Application filing requirements shall be identical to those outlined in subsection (a) of section 208.

(b) On retirement for disability a member shall receive a retirement allowance which shall consist of:

(1) A member's annuity of the equivalent actuarial value to his accumulated deductions, plus the balance in the member's excess investment account;

(2) A municipal annuity of the equivalent actuarial value to the present value of a municipal annuity, beginning at superannuation retirement age, calculated in accordance with the provision of section 208; and

(3) A disability annuity payable from the total disability reserve account which, together with the member's annuity and the municipal annuity, shall be sufficient to produce a retirement allowance of thirty per cent of the final salary. Where the disability of the member is determined to be service-connected, as defined in this act, the retirement allowance shall equal fifty per cent of his final salary. The disability annuity shall be reduced by the amount of any payments for which the member shall be eligible under the act of June 2, 1915 (P.L.736, No.338), known as "The Pennsylvania Workmen's Compensation Act," or the act of June 21, 1939 (P.L.566, No.284), known as "The Pennsylvania Occupational Disease Act."

(c) Once every year the board may require any disability annuitant, while still under superannuation retirement age, to undergo medical examination by a physician designated by the board. Such examination shall be made at the place of residence of the beneficiary or other place mutually agreed upon. Should the physician report and certify to the board that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty and is able to engage in a gainful occupation, then his disability retirement allowance shall be discontinued, and in lieu thereof an early involuntary retirement allowance shall at that time be granted as if such person had been retired not voluntarily, if such person shall have had eight or more years of total service.

(d) Should a disability annuitant, while under superannuation retirement age, refuse to submit to at least one medical examination in any year by a physician designated by the board, his disability retirement allowance shall be discontinued until the withdrawal of such refusal, and should such refusal continue for one year, then all his rights in and to any disability retirement allowance or for early involuntary retirement allowance provided for by this act, shall be forfeited.

(e) Any contributor entitled to retire for disability may, in lieu of such retirement, if he has eight or more years of total

service, elect to retire not voluntarily under the provisions of this act.

(f) Should a disability annuitant die before the total disability retirement allowance received shall be at least equal to the amount of his accumulated deductions plus the balance in the member's excess investment account at the time of disability retirement, then the board shall pay to the named beneficiary, if living or if the beneficiary predeceased the annuitant, or no beneficiary was named, then to the annuitant's estate, an amount equal to the difference between such total retirement allowance received and the annuitant's accumulated deductions plus excess interest, and if such difference is less than one hundred dollars (\$100) and no letters have been taken out on the estate within six months after death, then such difference may be paid to the undertaker or to any person or municipality who or which shall have paid the claim of the undertaker.

Section 313. Disability Retirement.--

(a) After a contributor has had ten or more years of total service, he may, upon application or on application of one acting in his behalf, or upon application of a head of the department of the municipality by which he is employed, be retired by the board on a disability allowance if he is under superannuation retirement age, and on a superannuation retirement allowance if he has attained or passed such age, if the physician designated by the board, after medical examination of the contributor made at the place of residence of the contributor or at a place mutually agreed upon, shall certify to the board that the contributor is unable to engage in any gainful employment and that said contributor ought to be retired. When the disability of a contributor is determined to be service-connected, as defined in this act, no minimum period of service shall be required for eligibility. Application filing requirements shall be identical to those outlined in clause (1) of section 309.

(b) On retirement for disability, a member shall receive a retirement allowance which shall consist of:

(1) A member's annuity of equivalent actuarial value to his accumulated deductions, plus the balance in the member's excess investment account;

(2) A municipal annuity of equivalent actuarial value to the present value of a municipal annuity, beginning at superannuation retirement age, calculated in accordance with the provisions of section 309; and

(3) A disability annuity payable from the total disability reserve account which, together with the member's annuity and the municipal annuity, shall be sufficient to produce a retirement allowance of thirty per cent of the contributor's final salary. Where the disability of the member is determined to be service-connected, as defined in this act, the retirement allowance shall equal fifty per cent of his final salary. The

disability annuity shall be reduced by the amount of any payments for which the member shall be eligible under the act of June 2, 1915 (P.L.736, No.338), known as "The Pennsylvania Workmen's Compensation Act," or the act of June 21, 1939, known as "The Pennsylvania Occupational Disease Act."

(c) Once every year the board may require any disability annuitant, while still under superannuation retirement age, to undergo medical examination by a physician designated by the board, and such examination shall be made at the place of residence of the annuitant or other place mutually agreed upon. Should the physician report and certify to the board that such disabled annuitant is no longer physically or mentally incapacitated for the performance of duty and is able to engage in a gainful occupation, then his disability retirement allowance shall be discontinued, and in lieu thereof an early involuntary retirement allowance shall at that time be granted as if such person had been retired not voluntarily, if such person shall have eight or more years of total service.

(d) Should a disability annuitant, while under superannuation retirement age, refuse to submit to at least one medical examination in any year by a physician designated by the board, his disability retirement allowance shall be discontinued until withdrawal of such refusal, and should such refusal continue for one year, then all his rights in and to any disability retirement allowance or for early involuntary retirement allowance provided by this act shall be forfeited.

(e) Any contributor entitled to retire for disability may, in lieu of such retirement, if he has eight or more years of total service, elect to retire not voluntarily under the provisions of this act.

(f) Should a disability annuitant die before the total disability retirement allowance received shall be at least equal to the amount of his accumulated deductions plus the balance in the member's excess investment account at the time of disability retirement, then the board shall pay to the named beneficiary, if living, or if the named beneficiary predeceased the annuitant, or no beneficiary was named, then to the annuitant's estate, an amount equal to the difference between such total retirement allowance received and the annuitant's accumulated deductions, and if such difference is less than one hundred dollars (\$100) and no letters have been taken out on the estate within six months after death, then such difference may be paid to the undertaker or to any person or municipality who or which shall have paid the claim of the undertaker.

#### Section 411. Disability Retirement.--

(a) After a member has had the required number of years of total service as stated in the contract, he may, upon application or on the application of one acting in his behalf, or upon application of a head of the department of the municipality by which he is employed, be retired by the board on a disability allowance if he is

under superannuation retirement age, and on a superannuation retirement allowance if he has attained or passed such age, if the physician designated by the board, after medical examination of the member made at the place of residence of the member or at a place mutually agreed upon, shall certify to the board that the member is unable to engage in any gainful employment and that said member ought to be retired. Where the disability of a member is determined to be service-connected, as defined in this act, no minimum period of service shall be required for eligibility. Requirements for filing applications shall be identical to those outlined in clause (1) of section 407.

(b) On retirement for disability a member shall receive a retirement allowance which shall consist of an amount computed in accordance with the formula specified in the contract.

(c) Once every year the board may require any disability annuitant, while still under superannuation retirement age, to undergo medical examination by a physician designated by the board. Such examination shall be made at the place of residence of the beneficiary or other place mutually agreed upon. Should the physician report and certify to the board that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty and is able to engage in a gainful occupation, then his disability retirement allowance shall be discontinued, and in lieu thereof an early involuntary retirement allowance shall at that time be granted as if such person had been retired not voluntarily, if such provision is included in the contract and if such person shall have had the required number of years of total service as stated in the contract.

(d) Should a disability annuitant, while under superannuation retirement age, refuse to submit to at least one medical examination in any year by a physician designated by the board, his disability retirement allowance should be discontinued until the withdrawal of such refusal, and should such refusal continue for one year, then all his right in and to any disability retirement allowance or for early involuntary retirement allowance provided for by this act, shall be forfeited.

(e) Any contributor entitled to retire for disability may, in lieu of such retirement, if he has a required number of years of total service, elect to retire not voluntarily under the provisions of this act if such provisions are included in the contract.

(f) Should a disability annuitant die before the total disability retirement allowance received shall be at least equal to the amount of the credit in his member's account plus the balance in the member's excess investment account at the time of disability retirement, then the board shall pay to the named beneficiary, if living, or if the beneficiary predeceased the annuitant, or no beneficiary was named, then to the annuitant's estate, an amount equal to the difference between such total retirement allowance received and the annuitant's accumulated deductions plus excess interest, and if such difference is less than one hundred dollars

(\$100) and no letters have been taken out on the estate within six months after death, then such difference may be paid to the undertaker or to any person or municipality who or which shall have paid the claim of the undertaker. If the contract between the municipality and the board provides that upon the death of a disability annuitant payments in a specific amount shall be continued to certain beneficiaries, then the provisions of subsection (f) shall not apply and payments shall be made in accordance with the terms of the contract.

EDUCATION  
Title 24, Pa.C.S.

§ 5907. Rights and duties of State employees and members.

\* \* \*

(k) Disability annuities.--If service of a member who is under superannuation age is terminated due to his physical or mental incapacity for the performance of duty, an application for a disability annuity with or without a supplement for a service connected disability may be executed by him or by a person legally authorized to act on his behalf.

§ 8505. Duties of board regarding applications and elections of members.

\* \* \*

(c) Disability annuities.--In every case where the board has received an application for a disability annuity based upon physical or mental incapacity for the performance of the job for which the member is employed, the board shall:

(1) Through the medical examiner, have the application and any supporting medical records and other documentation submitted with the application reviewed and, on the basis of said review and the subsequent recommendation by the medical examiner regarding the applicant's medical qualification for a disability annuity along with such other recommendations which he may make with respect to the permanency of disability or the need for subsequent reviews, make a finding of disability or nondisability and, in the case of disability, establish an effective date of disability and the terms and conditions regarding subsequent reviews.

(2) Upon the recommendation of the medical examiner on the basis of a review of subsequent medical reports submitted with an application for continuance of disability, make a finding of disability or nondisability and, in the case of a finding of nondisability, establish the date of termination of disability and at that time discontinue any annuity payments in excess of any annuity to which he may be otherwise entitled under section 8342 (relating to maximum single life annuity).

(3) Upon receipt of a written statement from a disability

annuitant of his earned income of the previous year, adjust the payments of the disability annuity for the following year in accordance with the provisions for a reduction of disability payments of section 8344 (relating to disability annuities).

\* \* \*

(k) Disability annuities.--If service of a member who is under superannuation age is terminated due to his physical or mental incapacity for the performance of duty, an application for a disability annuity may be executed by him or by a person legally authorized to act on his behalf.

§ 8507. Rights and duties of school employees and members.

\* \* \*

(c) Disability annuities.--In every case where the board has received an application for a disability annuity based upon physical or mental incapacity for the performance of the job for which the member is employed, taking into account relevant decisions by the Pennsylvania Workmen's Compensation Board, the board shall:

(1) through the medical examiner, have the application and any supporting medical records and other documentation submitted with the application reviewed and on the basis of said review, and the subsequent recommendation by the medical examiner regarding the applicant's medical qualification for a disability annuity along with such other recommendations which he may make with respect to the permanency of disability or the need for subsequent reviews, make a finding of disability and whether or not the disability is service connected or nondisability and in the case of disability establish an effective date of disability and the terms and conditions regarding subsequent reviews;

(2) Upon the recommendation of the medical examiner on the basis of a review of subsequent medical reports submitted with an application for continuance of disability, make a finding of continued disability and whether or not the disability continues to be service connected, or a finding of nondisability; and in the case of a finding that the disability is no longer service connected, discontinue any supplemental payments on account of such service connected disability as of the date of the finding; and in the case of a finding of nondisability establish the date of termination of disability and at that time discontinue any annuity payments in excess of an annuity calculated in accordance with section 5702 (relating to maximum single life annuity); and

(3) upon receipt of a written statement from a disability annuitant of his earned income of the previous quarter, adjust the payments of the disability annuity for the following quarter in accordance with the provisions of section 5704(c) (relating to disability annuities).



SECOND CLASS COUNTY CODE  
Act of July 28, 1953 (P.L.723, No.230)  
16 P.S. §§ 4711, 4715

Section 1711. Exceptions in favor of employes totally and permanently disabled.--

(a) Any present or future county employe, except persons who are employed in accordance with the provisions of subsection (c) of this section and persons who are reemployed in accordance with the provisions of subsection (b) of section 1715, who has been in employ for a period of not less than twelve years, upon application to the board, may receive a retirement allowance plus a service increment, if any, in accordance with the provisions of section 1712, if he or she becomes mentally incapacitated or totally and permanently disabled physically, even though such county employe has not reached the age of sixty years, provided that proof of such mental incapacity or total and permanent physical disability shall be by the unanimous opinion and sworn statements of three practicing physicians of the county designated by the board. Application in behalf of a mentally incapacitated county employe for a retirement allowance plus a service increment, if any, shall be made by a duly appointed guardian who shall be entitled to receive such retirement allowance plus a service increment, if any, to which the mentally incapacitated county employe may be eligible to receive.

(b) Once each year, the board may require any former county employe, who is receiving a retirement allowance plus a service increment if any by reason of such mental incapacity or total and permanent physical disability, to undergo a medical examination by a physician or physicians designated by the board. Should such physician or physicians thereupon report and certify to the board that such former county employe is no longer mentally incapacitated or totally and permanently physically disabled, or that such former county employe is able to engage in a gainful occupation, and should the board concur in such report, then the amount of the retirement allowance plus a service increment if any, shall be reduced or discontinued, as the board may determine.

(c) No person entering the employe of the county or county institution district as a county employe after the first day of August, one thousand nine hundred fifty-three, who has attained the age of fifty-five or more years at the time of such employment, shall be eligible to receive a retirement allowance by reason of total and permanent physical disability as herein provided.

Section 1715. Reinstatement and Requirements for Credit for Previous Service.--

\* \* \*

(b) Any person who has heretofore or who hereafter ceases to be a county employe and whose contributions as paid into the retirement fund, have heretofore or shall hereafter be refunded by the board,

if such person is reemployed by the county or county institution district and desires to be given credit for previous service as a county employe, except as hereinafter provided, he or she shall within two years from the date of such reemployment make payment in full of the amount refunded, with interest at the legal rate, the said interest to be computed from the date of the refund to the date of repayment. Both principal and interest shall be paid into the retirement fund at one time and in one amount, or, upon approval of the board, both principal and interest shall be consolidated into one amount and paid in twenty-four or less equal monthly installments, plus interest payment on monthly balances. Full payment thereof shall be a condition precedent to the county employe being eligible to receive the benefits of the retirement allowance plus a service increment, if any. Such county employe shall make monthly payments into the retirement fund in accordance with the provisions of section 1708. No person reemployed as a county employe in accordance with the provisions of this subsection shall be eligible to receive a retirement allowance by reason of total and permanent physical disability, in accordance with the provisions of section 1711, unless he or she shall be in employ for a period of not less than twenty years, which said period of employment shall include credit given for previous service, as herein provided. No person who is ineligible to become a member of the retirement system shall be eligible to receive credit for previous service as a county employe, as hereinbefore provided.

THE THIRD CLASS CITY CODE  
Act of June 23, 1931 (P.L.932, No.317)  
53 P.S. § 39303

Section 4303. Allowances and Service Increments.

\* \* \*

(d) Any police officer who has less than ten years of service and who dies or is totally disabled due to injuries or mental incapacities not in line of duty and is unable to perform the duties of a police officer, may be entitled to a pension of twenty-five per centum of his annual compensation. For death or injuries received after ten years of service the compensation may be fifty per centum of his annual compensation.

The disability pension may be payable to the police officer during his lifetime and if he shall die, the pension payment that he was receiving may be continued to be paid to his spouse if such person survives or if such person subsequently dies or remarries, then the child or children under the age of eighteen years of the police officer.

## Chapter 12: Voting Rights

---

This chapter contains those provisions of Pennsylvania's registration and election laws that enable disabled persons to exercise their voting rights, with assistance, if necessary.

### CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA

#### ARTICLE VII

##### § 14. Absentee voting.

The Legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors who may, on the occurrence of any election, be absent from the State or county of their residence, because their duties, occupation or business require them to be elsewhere or who, on the occurrence of any election, are unable to attend at their proper polling places because of illness or physical disability, may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

PERMANENT REGISTRATION ACT FOR CITIES, BOROUGHES, TOWNS & TOWNSHIPS  
Act of April 29, 1937 (P.L.487, No.115)  
25 P.S. §§ 951-18, 951-18.1, 951-18.2, 951-28 and 951-28.1

##### Section 18. Manner of Registration.--

(a) Every person claiming the right to be registered as an

elector must appear in person before the commission, a commissioner, a registrar, or a clerk, at the office of the commission, or at such other place as the commission shall have designated, and answer the questions required to be asked in accordance with this act.

Every person claiming the right to be registered as an elector who is physically disabled so that he cannot appear in person to be registered may request, in writing, that the registration commission send a registrar to the residence of such person for the purpose of registering such person in the same manner as required by law of other persons appearing for registration. The letter requesting such registration shall be accompanied by a statement of the physician attending such person, stating that such person is physically disabled to the extent that such person is unable to appear at any of the established places for registration. Upon receipt by the registration commission of such a letter duly accompanied by the required physician's statement, the registration commission shall direct one of its registrars to go to the residence of such disabled person and register him or her, as the case may be.

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make, and informed that any wilful false statement will constitute perjury and will be punishable as such. He then shall be asked to state the facts required herein, and his answers, together with other information herein required, shall be recorded in his presence by the registrar, commissioner, or clerk in permanent writing or typewriting, in duplicate in the proper spaces on the registration card as follows:

(c)

\* \* \*

(14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth, without assistance, and, if so, his declaration of the fact and his statement of the exact nature of such disability;

\* \* \*

(e) If the applicant shall allege inability to sign his name, the registrar or clerk shall require him to present the affidavits, subscribed in person before a registrar, commissioner, or clerk of two electors who are personally acquainted with the applicant and who know his qualifications as an elector. Each of said two electors shall state in his affidavit the applicant's residence, his own residence, his knowledge of the statements made by the applicant under oath or affirmation in applying for registration, and his belief that they are true. Upon the filing thereof, the applicant shall be permitted to subscribe to his oath or affirmation by making his mark, except that if the applicant's inability to sign his name is not due to some apparent physical infirmity, he shall first also be required to make and file with the registrar or clerk an

affidavit of his inability to sign his name. Every affidavit required because of an applicants' inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects, and shall be returned therewith to the office of the registration commission.

\* \* \*

Section 18.1. Manner of Mail Registration by Persons in Military Service, Persons in the Merchant Marine, Persons in Religious and Welfare Groups Officially Attached To and Serving with the Armed Forces and Civilian Federal Personnel Overseas and Their Spouses and Dependents.--In addition to any other method herein provided, the following persons may also be registered by mail in the manner hereinafter set forth under this section: (1) any person in military service, his spouse and dependents; or (2) any person in the Merchant Marine, his spouse and dependents; or (3) any person in religious and welfare groups officially attached to and serving with the armed forces, his spouse and dependents; or (4) any person who is a civilian employee of the United States outside the territorial limits of the several States of the United States and the District of Columbia, whether or not such person is subject to the civil-service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress, his spouse and dependents.

\* \* \*

(b) The official registration application card shall require the statement of the applicant, the signature of the applicant, and shall provide sufficient space for the following information:

\* \* \*

(14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance, and, if so, his declaration of that fact and his statement of the exact nature of such disability,

\* \* \*

(d) Any person registering by mail under this section who is unable to sign his official registration application card shall make his mark and acknowledge same before an officer qualified to take acknowledgments of deeds.

\* \* \*

Section 18.2. Manner of Mail Registration by Electors Other Than Those Enumerated in Section 18.1 of This Act.--Any elector may, in addition to any other method herein provided, also be registered by mail in the manner set forth in this section:

\* \* \*

(b) The official registration application card shall require the statement of, and shall provide sufficient space for the

following information:

\* \* \*

(14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and, if so, his declaration of that fact and his statement of the exact nature of such disability,

\* \* \*

(d) Any person registering by mail under this section who is unable to sign his official registration application card shall make his mark and acknowledge same before an officer qualified to take acknowledgements of deeds.

\* \* \*

Section 28. Change of Enrollment of Political Party; Cancellation of Party Enrollment; Persons Suffering Disability After Registration to Have Fact Recorded; Cancellation.--

\* \* \*

(c) Any elector who has, since the time of registration, suffered a physical disability which renders him unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth, without assistance shall, at least ten days prior to the next succeeding primary or election personally make application, under oath, to the commission or a registrar or a clerk thereof to have such fact entered on his registration card, together with the exact nature of his physical disability, which entry shall be made accordingly.

(d) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate, or no longer suffers from the physical disability stated by him, or has voted without assistance, it shall forthwith cancel on his registration card the entry relating to illiteracy or physical disability which authorized him to have assistance, and shall forthwith notify such elector by mail of its action.

Section 28.1. Duties of Common Pleas Courts on Days of Primaries and Elections.--The court of common pleas of each county or a judge or judges thereof of any county of the Commonwealth maintaining a reinstatement system of registration shall be in continuous session at the courthouse of said county on the day of each primary and election during the period the polls are open. During such period said court shall hear and determine . . . (2) the petition of any qualified registered elector who has suffered a physical disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting machine compartment or voting booth without assistance and, due to circumstances beyond his control, was unable to make application

personally at the office of the registration commission within the time prescribed by law in order to have such fact entered on his registration card, . . .

THE FIRST CLASS CITY PERMANENT REGISTRATION ACT  
Act of March 30, 1937 (P.L.115, No.40)

Section 20. (25 P.S. § 623-20) Manner of Registration.--

\* \* \*

(e) If the applicant shall allege inability to sign his name, the registrar or clerk shall require him to present the affidavits, subscribed in person before a registrar, commissioner, or clerk, of two electors who are personally acquainted with the applicant and who know his qualifications as an elector. Each of said two electors shall state in his affidavit the applicant's residence, his own residence, his knowledge of the statements made by the applicant under oath or affirmation in applying for registration, and his belief that they are true. Upon the filing thereof, the applicant shall be permitted to subscribe to his oath or affirmation by making his mark, except that if the applicant's inability to sign his name is not due to some apparent physical infirmity, he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name. Every affidavit required because of an applicant's inability to sign his name shall be filed with a copy of the registration affidavit of the person whose registration it affects, and shall be returned therewith to the office of the registration commission.

\* \* \*

Section 20.1. (25 P.S. § 623-20.2) Manner of Registration by Persons in Military Service, Persons in the Merchant Marine, Persons in Religious and Welfare Groups Officially Attached to and Serving with the Armed Forces and Civilian Federal Personnel Overseas and their Spouses and Dependents.--In addition to any other method herein provided, the following persons may also be registered in the manner hereinafter set forth under this section: (1) any person in military service, his spouse and dependents; or (2) any person in the Merchant Marine, his spouse and dependents; or (3) any person in religious and welfare groups officially attached to and serving with the Armed Forces, his spouse and dependents or (4) any person who is a civilian employe of the United States outside the territorial limits of the several states of the United States and the District of Columbia, whether or not such person is subject to the civil service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress, his spouse and dependents.

\* \* \*

(b) The official registration application card shall require

the statement of, and shall provide sufficient space for the following information:

\* \* \*

(14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and, if so, his declaration of that fact and his statement of the exact nature of such disability,

\* \* \*

(d) Any person registering to vote under this section who is unable to sign his official registration application card shall make his mark and acknowledge same before an officer qualified to take acknowledgments of deeds.

\* \* \*

Section 20.2. (25 P.S. § 623-20.3) Manner of Registration by Certain Electors.--Any elector may, in addition to any other method herein provided, also be registered in the manner set forth in this section:

\* \* \*

(b) The official registration application card shall require the statement of, and shall provide sufficient space for the following information:

\* \* \*

(14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and, if so, his declaration of that fact and his statement of the exact nature of such disability,

\* \* \*

(d) Any person registering under this section who is unable to sign his official registration application card shall make his mark and acknowledge before an official who is qualified to take acknowledgment of deeds.

\* \* \*

Section 30. Change of Party Enrollment; Notice Change of Enrollment of Political Party; Cancellation of Party Enrollment; Persons Suffering Disability After Registration to Have Fact Recorded; Cancellation.

\* \* \*

(c) Any elector who is unable to write his name shall, in addition, establish his identity, and shall affix his mark, in lieu of his signature, in the presence of a registrar, clerk or commissioner, who shall affix his own signature thereto as a witness to the information required in the change of party enrollment notice.

\* \* \*

(e) Any elector who has, since the time of registration,



suffered a physical disability which renders him unable to see or mark the ballot or prepare the voting machine, or to enter the voting compartment or voting machine booth, without assistance shall, at least seven days prior to the next succeeding primary or election, personally make application, under oath, to the commission or registrars to have such fact entered on his registration affidavit, together with the exact nature of his physical disability, which entry shall be made accordingly.

(f) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate, or no longer suffers from the disability stated by him, it shall cancel on his registration affidavit the entry relating to illiteracy or physical disability which authorized him to have assistance, and shall forthwith notify such elector by mail of this action.

PENNSYLVANIA ELECTION CODE  
Act of June 3, 1937 (P.L.1333, No.320)

Section 102. (25 P.S. § 2602) Definitions.--The following words, when used in this act, shall have the following meanings, unless otherwise clearly apparent from the context:

\* \* \*

(w) The words "qualified absentee elector" shall mean:

\* \* \*

(9) Any qualified war veteran elector who is bedridden or hospitalized due to illness or physical disability if he is absent from the Commonwealth or county of his residence and unable to attend his polling place because of such illness or physical disability regardless of whether he is registered and enrolled; or

\* \* \*

(11) Any qualified, registered and enrolled elector who is unable to attend his polling place because of illness or physical disability; or

\* \* \*

Section 1218. (25 P.S. § 3058) Assistance in Voting.--

(a) No voter shall be permitted to receive any assistance in voting at any primary or election, unless there is recorded upon his registration card his declaration that, because of illiteracy, he is unable to read the names on the ballot or on the voting machine labels, or that he has a physical disability which renders him unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth without assistance, the exact nature of such disability being recorded on such registration card, and unless the election officers are satisfied that he still suffers from the same disability. Before he shall be permitted to receive assistance, such voter shall state distinctly and audibly under oath or affirmation, which shall be

administered to him by the judge of election, the reason why he requires assistance.

(b) Any elector who is entitled to receive assistance in voting under the provisions of this section shall be permitted by the judge of election to select a registered elector of the election district to enter the voting compartment or voting machine booth with him to assist him in voting, such assistance to be rendered inside the voting compartment or voting machine booth.

(c) In every case of assistance under the provisions of this section, the judge of election shall forthwith enter in writing in a book to be furnished by the county board of elections, to be known as the record of assisted voters--(1) the voter's name; (2) a statement of the facts which entitle him to receive assistance; and (3) the name of the person furnishing the assistance. The record of assisted voters shall be returned by the judge of election to the county board of elections with the other papers, as hereinafter provided, and said county board shall permit the same to be examined only upon the written order of a judge of the court of common pleas: Provided, however, That such record shall be subject to subpoena to the same extent to which other election records may be subpoenaed: And provided further, That the county election board shall permit any registration commission to examine any records of assisted voters without a court order, in order that the registration commission may ascertain whether electors, who have declared, at the time of registration, their need for assistance, actually did receive assistance when voting at any election.

Section 1301. (25 P.S. § 3146.1) Qualified Absentee Electors.--The following persons shall be entitled to vote by an official absentee ballot in any primary or election held in this Commonwealth in the manner hereinafter provided:

\* \* \*

(i) Any qualified war veteran elector who is bedridden or hospitalized due to illness or physical disability if he is absent from the Commonwealth or county of his residence and unable to attend his polling place because of such illness or physical disability regardless of whether he is registered and enrolled; or

\* \* \*

(k) Any qualified registered and enrolled elector who because of illness or physical disability is unable to attend his polling place or operate a voting machine and secure assistance by distinct and audible statement as required in section 1218 of this act;

\* \* \*

Section 1302. (25 P.S. § 3146.2) Applications for Official Absentee Ballots.--

(a) Any qualified elector defined in preceding section 1301, subsections (a) to (h), inclusive, may apply at any time before any primary or election for any official absentee ballot in person, on

any form supplied by the Federal Government, or on any official county board of election form addressed to the Secretary of the Commonwealth of Pennsylvania or the county board of election of the county in which his voting residence is located.

\* \* \*

(e) Any qualified bedridden or hospitalized veteran absent from the State or county of his residence and unable to attend his polling place because of such illness or physical disability, regardless of whether he is registered or enrolled, may apply at any time before any primary or election for an official absentee ballot on any official county board of election form addressed to the Secretary of the Commonwealth of Pennsylvania or the county board of elections of the county in which his voting residence is located.

The application shall contain the following information:

Residence at the time of becoming bedridden or hospitalized, length of time a citizen, length of residence in Pennsylvania, date of birth, length of time a resident in voting district, voting district if known, party choice in case of primary, name and address of present residence or hospital at which hospitalized. When such application is received by the Secretary of the Commonwealth, it shall be forwarded to the proper county board of elections.

The application for an official absentee ballot for any primary or election shall be made on information supplied over the signature of the bedridden or hospitalized veteran as required in the preceding subsection. Any qualified registered elector, including a spouse or dependent referred to in subsection (1) of section 1301, who expects to be or is absent from the Commonwealth or county of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election and any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and any qualified registered bedridden or hospitalized veteran in the county of residence, or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday, may apply to the county board of elections of the county in which his voting residence is located for an Official Absentee Ballot. Such application shall be made upon an official application form supplied by the county board of elections. Such official application form shall be determined and prescribed by the Secretary of the Commonwealth of Pennsylvania.

\* \* \*

(2) The application of any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and the application of any qualified registered bedridden or hospitalized veteran in the county of residence shall be signed by the applicant and shall include surname and given name or

names of the applicant, his occupation, date of birth, residence at the time of becoming bedridden or hospitalized, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, and such other information as shall make clear to the county board of elections the applicant's right to an official ballot. In addition, the application of such electors shall include a declaration stating the nature of their disability or illness, and the name, office address and office telephone number of their attending physician: Provided, however, That in the event any elector entitled to an absentee ballot under this subsection be unable to sign his application because of illness or physical disability, he shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form: I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or have received assistance in making my mark in lieu of my signature.

..... (Mark)  
 (Date)

.....  
 (Complete Address of Witness) (Signature of Witness)

(e.1) Any qualified registered elector, including any qualified bedridden or hospitalized veteran, who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act may, with the certification by his attending physician that he is permanently disabled, and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, be placed on a permanently disabled absentee ballot list file. An absentee ballot application shall be mailed to every such person for each primary or election so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section but such person must submit a written statement asserting continuing disability every four years in order to maintain his eligibility to vote under the provisions of this subsection. Should any such person lose his disability he shall inform the county board of elections of the county of his residence.

Section 1302.1. (25 P.S. § 3146.2a) Date of Application for Absentee Ballot.--Applications for absentee ballots unless otherwise specified shall be received in the office of the county board of elections not earlier than fifty (50) days before the primary or

election and not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election: Provided, however, That in the event any elector otherwise qualified who is so physically disabled or ill on or before the first Tuesday prior to any primary or election that he is unable to file his application or who becomes physically disabled or ill after the first Tuesday prior to any primary or election and is unable to appear at his polling place or any elector otherwise qualified who because of the conduct of his business, duties or occupation will necessarily be absent from the State or county of his residence on the day of the primary or election, which fact was not and could not reasonably be known to said elector on or before the first Tuesday prior to any primary or election, shall be entitled to an absentee ballot at any time prior to five o'clock P.M. on the first Friday preceding any primary or election upon execution of an Emergency Application in such form prescribed by the Secretary of the Commonwealth.

In the case of an elector who is physically disabled or ill on or before the first Tuesday prior to a primary or election or becomes physically disabled or ill after the first Tuesday prior to a primary or election, such Emergency Application shall contain a supporting affidavit from his attending physician stating that due to physical disability or illness said elector was unable to apply for an absentee ballot on or before the first Tuesday prior to the primary or election or became physically disabled or ill after that period.

In the case of an elector who is necessarily absent because of the conduct of his business, duties or occupation under the unforeseen circumstances specified in this subsection, such Emergency Application shall contain a supporting affidavit from such elector stating that because of the conduct of his business, duties or occupation said elector will necessarily be absent from the State or county of his residence on the day of the primary or election which fact was not and could not reasonably be known to said elector on or before the first Tuesday prior to the primary or election.

Section 1306. (25 P.S. § 3146.6) Voting by Absentee Electors.--

(a) At any time after receiving an official absentee ballot, but on or before five o'clock P.M. on the Friday prior to the primary or election, the elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official Absentee Ballot." This envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector shall then fill out, date and sign the declaration printed on such envelope. Such envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of elections:

\* \* \*

Provided further, That any elector who has filed his application in accordance with section 1302 subsection (e)(2), and is unable to sign his declaration because of illness or physical disability, shall be excused from signing upon making a declaration which shall be witnessed by one adult person in substantially the following form: I hereby declare that I am unable to sign my declaration for voting by absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or received assistance in making my mark in lieu of my signature.

..... (Mark)

.....

(Date)

.....

(Signature of Witness)

(Complete Address of Witness)

(b) In the event that any such elector, excepting an elector in military service or any elector unable to go to his polling place because of illness or physical disability, entitled to vote an official absentee ballot shall be in the county of his residence on the day for holding the primary or election for which the ballot was issued, or in the event any such elector shall have recovered from his illness or physical disability sufficiently to permit him to present himself at the proper polling place for the purpose of casting his ballot, such absentee ballot cast by such elector shall, be declared void.

Any such elector referred to in this subsection, who is within the county of his residence must present himself at his polling place and, shall be permitted to vote upon presenting himself at his regular polling place in the same manner as he could have voted had he not received an absentee ballot: Provided, That such elector has first presented himself to the judge of elections in his local election district and shall have signed the affidavit on the absentee voter's temporary registration card, which affidavit shall be in substantially the following form:

I hereby swear that I am a qualified registered elector who has obtained an absentee ballot, however, I am present in the county of my residence and physically able to present myself at my polling place and therefore request that my absentee ballot be voided.

.....

(Signature of Elector)

(Date)

.....

Local Judge of Elections)

An elector who has received an absentee ballot under the emergency application provisions of section 1302.1, and for whom, therefore, no temporary absentee voter's registration card is in the district register, shall sign the aforementioned affidavit in any case, which the local judge of elections shall then cause to be

inserted in the district register with the elector's permanent registration card.

Section 1306.1. (25 P.S. § 3146.6a) Assistance in Voting by Certain Absentee Electors.--Any elector qualified to vote on official absentee ballot in accordance with the provisions of section 1301, subsection (k), may receive assistance in voting (1) if there is recorded on his registration card his declaration that he has a physical disability which renders him unable to see or mark the official absentee ballot, the exact nature of such disability being recorded on such registration card; (2) if such elector requiring assistance submits with his application for an official absentee ballot, a statement setting forth the precise nature of the disability which renders him unable to see or mark the official absentee ballot and that to the best of his knowledge and belief he will still suffer from the said physical disability at the time of voting his official absentee ballot. He shall acknowledge the same before an officer qualified to take acknowledgement of deeds. Such statement shall be in substantially the following form:

Statement of Absentee Elector Requiring Assistance

I, . . . . ., hereby state  
(Name of voter requiring assistance)  
that I require assistance in marking the official absentee ballot  
for the primary or election held . . . . .,  
(Date)19 . . . . ., that  
will be issued to me for the following reason: . . . . .

(Insert nature of disability)

(Signature or mark of elector)

(Date of signature or mark)

Commonwealth of Pennsylvania:

County of . . . . . : On this . . . . . day of  
. . . . ., 19 . . . . ., before me, . . . . ., the  
undersigned officer personally appeared . . . . .  
. . . . ., known to me (or satisfactorily proven) to be the person  
whose signature or mark appears on the within instrument and  
acknowledged the same for the purposes therein contained.

In witness whereof, I have hereunto set my hand and official seal  
. . . . .  
(Title of Officer)

Upon receipt of the official absentee ballot, such elector requiring assistance may select an adult person to assist him in voting such assistance to be rendered in secret. The adult person rendering the assistance in voting should be required to fill out, date and sign the declaration in such form approved by the Secretary of the Commonwealth, or substantially in the form as set forth below, as he has caused the elector's ballot to be marked in



accordance with such elector's desires and instruction. Such declaration form shall be returned to the county board of elections in the mailing envelope addressed to the county board of elections within which the small "official absentee ballot" is returned.

Declaration of Person Rendering Assistance

I, . . . . . , an adult person

(Name of Person rendering assistance) hereby declare that I have witnessed the aforesaid elector's signature or mark and that I have caused the aforesaid elector's ballot to be marked in accordance with the desires and instructions of the aforesaid elector.

. . . . .  
(Signature of Person Rendering Assistance)

. . . . .  
(Address)

Section 1308. (25 P.S. § 3146.8) Canvassing of Official Absentee Ballots.--

\* \* \*

(e) At such time the local election board shall then further examine the declaration on each envelope not so set aside and shall compare the information thereon with that contained in the "Registered Absentee Voters File," the absentee voters' list and the "Military Veterans and Emergency Civilians Absentee Voters File." If the local election board is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee Voters File," the absentee voters' list and the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the local election board shall announce the name of the elector and shall give any watcher present an opportunity to challenge any absentee elector upon the ground or grounds (1) that the absentee elector is not a qualified elector; or (2) that the absentee elector was within the county of his residence on the day of the primary or election during the period the polls were open, except where he was in military service or except in the case where his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability; or (3) that the absentee elector was able to appear personally at the polling place on the day of the primary or election during the period the polls were open in the case his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability. Upon challenge of any absentee elector, as set forth herein the local election board shall mark "challenged" on the envelope together with the reason or reasons therefor, and the same shall be set aside for return to the county board unopened pending decision by the county board and shall not be counted. . . .

Section 1830. (25 P.S. § 3530) Unlawful Assistance in Voting.--Any elector at any primary or election who shall allow his ballot or the face of the voting machine voted by him to be seen by



any person with the apparent intention of letting it be known how he is about to vote; or in districts in which ballots are used, shall cast or attempt to cast any other than the official ballot which has been given to him by the proper election officer; or who, without having made the declaration under oath or affirmation required by section 1218 of this act, or when the disability which he declared before any registration commission no longer exists, shall permit another to accompany him into the voting compartment or voting machine booth, or to mark his ballot or prepare the voting machine by him; or who shall mark his ballot or prepare the voting machine for voting while another is unlawfully present in the voting machine compartment or voting machine booth with him; or who shall state falsely to any election officer that because of illiteracy he is unable to read the names on the ballot or ballot labels or that by reason of physical disability he cannot see or mark the ballot or enter the voting compartment without assistance or that he cannot see or operate the voting machine or enter the voting machine booth without assistance; or who shall state, as his reason for requiring assistance, a disability from which he does not suffer; or any person who shall go into the voting compartment or voting machine booth with another while voting or be present therein while another is voting, or mark the ballot of another or prepare the voting machine for voting with another, except in strict accordance with the provisions of this act; or any person who shall interfere with any elector when inside the enclosed space or when marking his ballot, or preparing the voting machine for voting, or who shall endeavor to induce any elector before depositing his ballot to show how he marks or has marked his ballot; or any person giving assistance who shall attempt to influence the vote of the elector whom he is assisting or who shall mark a ballot or prepare a voting machine for voting in any other way than that requested by the voter whom he is assisting, or who shall disclose to anyone the contents of any ballot which has been marked or any voting machine which has been prepared for voting with his assistance, except when required to do so in any legal proceeding, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.



## Chapter 13: Miscellaneous Provisions

---

Various statutes providing exemptions and miscellaneous anti-discrimination provisions are included in this chapter.

### DOG LAW

Act of December 7, 1982 (P.L.784, No.225)

3 P.S. § 459-217

Section 217. Guide dogs, hearing dogs, aid dogs for the handicapped and dogs used by municipal or State Police departments. The provisions of this act relating to the payment of fees and other charges shall not apply to any blind person owning a guide dog or any deaf person owning a hearing dog or any handicapped person who uses a dog for aid or any municipal or State Police department or agency using a dog in the performance of the functions or duties of such department or agency. License tags for dog guides for the blind, hearing dogs for the deaf, aid dogs for the handicapped and dogs used by any municipal or State agency in the performance of the functions or duties of such department or agency shall be issued without charge.

### FISH

TITLE 30, Pa.C.S.

§ 2709. Exemptions from license requirements.

\* \* \*

(b) Blind and handicapped persons.--The provisions of this chapter do not apply to those persons who are totally blind or so severely handicapped that they are unable to cast or retrieve a line or bait hooks and remove fish if only one legal device is used and the blind or handicapped person is within ten feet of the device being used. The provisions of this chapter also do not apply to the attendant of the blind or handicapped person while assisting the blind or handicapped in using the device.

