
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1080 Session of
1975

INTRODUCED BY HASAY AND O'CONNELL, APRIL 21, 1975

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,
APRIL 22, 1975

AN ACT

1 Amending the act of May 31, 1947 (P.L.368, No.168), entitled "An
2 act to protect consumers in the purchase for fuel purposes of
3 the hard coal known as anthracite; providing for and
4 regulating the sale, offering for sale, resale, delivery and
5 shipment of anthracite according to a standard provided for
6 in this act; requiring procedures and dealers and persons
7 engaged in the sale and resale of anthracite, from storage
8 yards or otherwise to consumers, to keep certain records;
9 conferring powers on the Anthracite Committee and its agents,
10 and providing penalties," increasing penalties and providing
11 for consumer information and remedies.

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

14 Section 1. Section 8, act of May 31, 1947 (P.L.368, No.168),
15 known as the "Anthracite Standards Law," amended September 26,
16 1951 (P.L.1465, No.362), is amended to read:

17 Section 8. Penalty.--(a) Any producer, retail dealer,
18 wholesale dealer, municipal weighmaster, or other person who
19 shall fail, neglect or refuse to issue a statement when required
20 to do so by section three or section four of this act, or who
21 shall issue any written or printed statement attesting that
22 anthracite sold, resold, shipped, delivered or marketed by him

1 is standard anthracite, when in fact such anthracite is wholly
2 or partly substandard anthracite, or who shall sell, resell,
3 ship, deliver or market anthracite as grade A, or premium
4 anthracite, or use any other similar designation leading or
5 tending to lead the public to believe that the anthracite being
6 sold, resold, shipped, delivered or marketed is standard
7 anthracite, when in fact such anthracite is wholly or partly
8 substandard anthracite, or who shall use any label, marking or
9 design copyrighted or controlled by the Anthracite Committee or
10 the Commonwealth, indicating that anthracite being sold, resold,
11 shipped, delivered or marketed conforms to the requirements of
12 this act or is standard anthracite, without having first secured
13 permission in writing from the Commonwealth or the Anthracite
14 Committee, or who shall refuse the duly accredited agents of the
15 Commonwealth or the Anthracite Committee access to records which
16 they are required by this act to keep on their premises, as
17 permitted by this act, or who shall refuse to permit the duly
18 accredited agents of the Commonwealth or the Anthracite
19 Committee to take samples of anthracite, as authorized by this
20 act, or any operator of any motor vehicle transporting
21 anthracite on the public highways who sell refuse to permit the
22 duly accredited agents of the Commonwealth or the Anthracite
23 Committee to take a sample of the shipment being transported in
24 the vehicle which they are operating, as permitted by this act,
25 or who shall refuse to exhibit the weighmaster's certificate
26 upon demand by the duly accredited agents of the Commonwealth or
27 the Anthracite Committee, or any producer, retail dealer,
28 municipal weighmaster, operator of a motor vehicle, or other
29 person who shall otherwise violate any of the provisions of this
30 act, shall be guilty of a misdemeanor of the third degree and,

1 upon conviction thereof [in a summary proceeding], be sentenced
2 for a first offense to pay a fine of [\$300 and costs of
3 prosecution, and in default of the payment of such fine and
4 costs of prosecution shall be imprisoned for 30 days] not less
5 than \$5,000 nor more than \$10,000 or suffer imprisonment for 60
6 days, or both, in the discretion of the court.

7 (b) Any producer, retail dealer, wholesale dealer, municipal
8 weighmaster, or operator of a motor vehicle, or other person
9 committing a second or subsequent violation of this act shall be
10 guilty of a misdemeanor of the third degree and upon conviction
11 thereof the producer, retail dealer, wholesale dealer, municipal
12 weighmaster, or other person, or the member or members or
13 officer or officers of any association, partnership or
14 corporation responsible for such violation shall be sentenced to
15 pay a fine of not [more than \$1000] less than \$10,000 nor more
16 than \$15,000 or suffer imprisonment for 6 months, or both, in
17 the discretion of the court.

18 (c) All fines imposed pursuant to the provisions of this
19 section shall be payable to the Commonwealth and shall be paid
20 into the General Fund in the State Treasury through the
21 Department of Revenue.

22 Section 2. The act is amended by adding a section to read:

23 Section 10. Consumer Information Remedies.--(a) The
24 Anthracite Committee shall, within 30 days of the effective date
25 of this section:

26 (1) Establish a list of firms qualified to conduct testing
27 to determine if anthracite meets the standards established by
28 this act.

29 (2) Prepare guidelines to help the consumer determine
30 whether anthracite meets the standards set forth in this act.

1 (b) In the event any purchaser of standard anthracite for
2 residential use has reason to believe that its quality does not
3 meet the requirements of this act, he may file a complaint with
4 any justice of the peace.

5 (c) Upon the receipt of a proper complaint, the justice of
6 the peace shall order a test of the anthracite in question and
7 shall appoint a firm from the list established by the Anthracite
8 Committee to conduct such test.

9 (1) If the test shows the anthracite meets the required
10 standards the plaintiff shall pay all costs involved in the
11 commencement of the action and the testing.

12 (2) If the test shows the anthracite does not meet the
13 requirements of this act:

14 (i) all costs of the commencement of the action and testing
15 shall be borne by the defendant producer or retail dealer; and

16 (ii) the producer or retail dealer shall reimburse the
17 purchaser for the difference between the total purchase price of
18 the substandard shipment and the fair market value of such
19 shipment at the time of sale with interest at (9%) per annum
20 from the date of sale; or

21 (iii) at the option of the aggrieved purchaser, the producer
22 or retail dealer shall replace such substandard anthracite with
23 test certified standard anthracite in the quantity of the
24 original sale and shall bear all costs of such replacement and
25 any costs of necessary heating system repairs directly related
26 to the use of the substandard anthracite.

27 (d) In all cases where the test shows that substandard
28 anthracite was sold as standard anthracite the justice of the
29 peace shall transmit the test results and all other pertinent
30 information to the Attorney General.

1 Section 3. This act shall take effect immediately.