
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1111 Session of
1977

INTRODUCED BY A. K. HUTCHINSON AND PIEVSKY, MAY 2, 1977

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 2, 1977

AN ACT

1 Amending the act of April 28, 1937 (P.L.417, No.105), entitled,
2 as amended, "An act relating to milk and the products
3 thereof; creating a Milk Marketing Board; establishing its
4 jurisdiction, powers and duties; regulating the production,
5 transportation, manufacturing, processing, storage,
6 distribution, delivery and sale of milk and certain products
7 thereof; providing for the licensing of milk dealers and the
8 payment of fees therefor; requiring milk dealers to file
9 bonds to secure payment for milk to producers and certain
10 milk dealers; authorizing the holding of hearings and the
11 issuance of subpoenas by the board; conferring jurisdiction
12 upon courts to punish contempts and to prohibit violations of
13 this act and of rules, regulations and orders of the board;
14 authorizing the board to adopt rules, regulations and orders,
15 and to enter into interstate and Federal compacts; requiring
16 persons who weigh, measure, sample or test milk to procure
17 permits or certificates, to take examinations, to pay fees
18 therefor, to furnish certain notices, records and statements,
19 and to use certain methods of weighing, measuring, sampling
20 and testing; authorizing the board to examine the business,
21 papers and premises of milk dealers and producers, requiring
22 the keeping of records and the filing of reports by milk
23 dealers, and permitting, with limitations, the use of
24 information obtained thereby; authorizing the board to fix
25 prices for milk and certain milk products subject to the
26 approval of the Governor, and conferring certain powers upon
27 the Governor with respect thereto; providing for appeals to
28 the courts from decisions of the board, and for the burden of
29 proof upon such appeals; prescribing penalties, fines and
30 imprisonment for violations of this act and rules,
31 regulations and orders of the board; defining perjury;
32 defining remedies; repealing legislation supplied and
33 superseded by this act, and saving rights, duties and
34 proceedings thereunder; and making appropriations," further

1 providing for license fees and the computation of license
2 fees.

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

5 Section 1. Sections 408 and 410 of the act of April 28, 1937
6 (P.L.417, No.105), known as the "Milk Marketing Law," amended
7 July 31, 1968 (P.L.963, No.294), are amended to read:

8 Section 408. License Fees Generally.--The board shall charge
9 and collect license fees from milk dealers on a yearly basis, as
10 follows: Where a milk dealer received, produced or brought
11 within the Commonwealth, during the calendar year preceding the
12 period for which the license is issued, a daily average total
13 quantity of milk--

14 (1) Not exceeding five hundred (500) pounds, a license fee
15 of [ten dollars (\$10.00)] fifteen dollars (\$15.00);

16 (2) Exceeding five hundred (500) pounds, but not exceeding
17 one thousand (1,000) pounds, a license fee of [fifteen dollars
18 (\$15.00)] twenty-two dollars and fifty cents (\$22.50);

19 (3) Exceeding one thousand (1,000) pounds, but not exceeding
20 two thousand (2,000) pounds, a license fee of [thirty dollars
21 (\$30.00)] forty-five dollars (\$45.00);

22 (4) Exceeding two thousand (2,000) pounds, but not exceeding
23 three thousand (3,000) pounds, a license fee of [forty dollars
24 (\$40.00)] sixty dollars (\$60.00);

25 (5) Exceeding three thousand (3,000) pounds, but not
26 exceeding four thousand (4,000) pounds, a license fee of [fifty
27 dollars (\$50.00)] seventy-five dollars (\$75.00);

28 (6) Exceeding four thousand (4,000) pounds, but not
29 exceeding five thousand (5,000) pounds, a license fee of [sixty
30 dollars (\$60.00)] ninety dollars (\$90.00);

1 (7) Exceeding five thousand (5,000) pounds, but not
2 exceeding seven thousand five hundred (7,500) pounds, a license
3 fee of [seventy-five dollars (\$75.00)] one-hundred twelve
4 dollars and fifty cents (112.50);

5 (8) Exceeding seven thousand five hundred (7,500) pounds,
6 but not exceeding ten thousand (10,000) pounds, a license fee of
7 [one hundred dollars (\$100.00)] one hundred and fifty dollars
8 (\$150.00);

9 (9) Exceeding ten thousand (10,000) pounds, but not
10 exceeding fifteen thousand (15,000) pounds, a license fee of
11 [one hundred fifty dollars (\$150.00)] two hundred and twenty-
12 five dollars \$225.00);

13 (10) Exceeding fifteen thousand (15,000) pounds, but not
14 exceeding twenty-five thousand (25,000) pounds, a license fee of
15 [two hundred dollars (\$200.00)] three hundred dollars \$300.00);

16 (11) Exceeding twenty-five thousand (25,000) pounds, but not
17 exceeding fifty thousand (50,000) pounds, a license fee of
18 [three hundred dollars (\$300.00)] four hundred and fifty dollars
19 (\$450.00);

20 (12) Exceeding fifty thousand (50,000) pounds, but not
21 exceeding one hundred thousand (100,000) pounds, a license fee
22 of [five hundred dollars (\$500.00)] seven hundred and fifty
23 dollars (\$750.00);

24 (13) Exceeding one hundred thousand (100,000) pounds, but
25 not exceeding two hundred fifty thousand (250,000) pounds, a
26 license fee of [one thousand dollars (\$1,000.00)] one thousand
27 five hundred dollars \$1,500.00);

28 (14) Exceeding two hundred fifty thousand (250,000) pounds,
29 but not exceeding five hundred thousand (500,000) pounds, a
30 license fee of [one thousand five hundred dollars (\$1,500.00)]

1 two hundred two hundred and fifty dollars (\$2,250.00);

2 (15) Exceeding five hundred thousand (500,000) pounds, but
3 not exceeding seven hundred fifty thousand (750,000) pounds, a
4 license fee of [two thousand five hundred dollars (\$2,500.00)]
5 three thousand seven hundred and fifty dollars (\$3,750.00);

6 (16) Exceeding seven hundred fifty thousand (750,000)
7 pounds, but not exceeding one million (1,000,000) pounds, a
8 license fee of [three thousand five hundred dollars (\$3,500.00)]
9 five thousand two hundred and fifty dollars (\$5,250.00);

10 (17) Exceeding one million (1,000,000) pounds, a license fee
11 of [five thousand dollars (\$5,000.00)] seven thousand five
12 hundred dollars (\$7,500.00);

13 In addition to the foregoing specific annual fee and to be
14 added to the amount thereof, the board shall charge and collect
15 [one cent per hundredweight] one and one-half cents per
16 hundredweight, for each license year, on all milk, the prices of
17 which the board is required to fix by the mandatory provision of
18 section eight hundred two of this act, received, produced or
19 brought within the Commonwealth by the dealer during the
20 calendar year preceding the period for which the license is
21 issued. If the dealer was engaged in the milk business during a
22 part only of the preceding calendar year, the number of
23 hundredweight on which the additional license fee shall be
24 computed shall be determined by dividing the total number of
25 hundredweight of milk, as defined above, received, produced or
26 brought into the Commonwealth by the dealer during the preceding
27 license year, by the number of months during which the dealer
28 was licensed, and multiplying by twelve. The foregoing
29 provisions do not apply to sub-dealers, sub-handlers or stores.

30 The board shall charge and collect license fees from sub-

1 dealers on a yearly basis of [twenty-five dollars (\$25.00)]
2 thirty-seven dollars and fifty cents (\$37.50); for each route
3 owned or operated at the commencement of the license period.

4 Except as otherwise expressly provided by this act, the
5 license fee fixed by this section shall be paid before any
6 license, or any renewal thereof, is issued. Where a license is
7 applied for by a milk dealer, and the board declines to grant a
8 license to the applicant, the license fee shall be charged and
9 retained by the board only pro rata for so much of the license
10 year as expired prior to the issuance of the order refusing the
11 license.

12 Section 410. Computation of License Fees.--Milk sold and
13 distributed outside of this Commonwealth in any state which
14 charges milk dealers or handlers a license fee may be deducted
15 in the determination of the amount of the license fee required
16 by this act: Provided, That such quantity of milk is actually
17 computed in determining the amount of such license fee in such
18 other state. In computing the license fee to be charged by the
19 board the fluid milk equivalent of milk other than fluid milk,
20 shall be ascertained and fixed in such manner as the board shall
21 prescribe, except in the case of farm-separated sour cream used
22 exclusively in making butter to be marketed or ultimately sold
23 as such, in which case the daily average total quantity of such
24 milk shall be computed according to pounds of butterfat of sour
25 cream rather than the fluid milk equivalent thereof. Nothing
26 herein is to be construed as requiring, in the computation of
27 the license fee, the inclusion of milk which is received by the
28 applicant milk dealer or handler from another milk dealer or
29 handler, subject to license hereunder, which milk has been
30 included in the computation of such other dealer's fee; or milk

1 which is produced by the applicant dealer or handler and not
2 sold by him to stores or consumers. Applicant milk dealers or
3 handlers, other than subdealers or subhandlers, receiving their
4 entire supply from milk dealers or handlers who have paid a
5 license fee thereon to this board, shall pay the license fee of
6 [ten dollars (\$10.00)] twenty dollars (\$20.00).

7 Section 2. This act shall take effect July 1, 1977, but if
8 enacted subsequent to that date, the provisions contained herein
9 shall be retroactive to July 1, 1977.