

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2628 Session of  
2002

INTRODUCED BY VEON, THOMAS, CALTAGIRONE, LESCOVITZ, CASORIO,  
BELARDI, ROONEY, GEORGE, CAWLEY, JAMES, DeWEESE, DeLUCA,  
STABACK, SANTONI, MARKOSEK, HORSEY, GRUCELA, COSTA, SOLOBAY,  
WOJNAROSKI, CRUZ, HARHAI, SHANER, KELLER, J. EVANS, MELIO,  
McCALL, BELFANTI, JOSEPHS, J. TAYLOR, LAUGHLIN, TRELLO,  
LEVDANSKY, PALLONE, HERSHEY, YOUNGBLOOD, FRANKEL, TIGUE,  
DALEY, DERMODY, BEBKO-JONES, STEELMAN, CORRIGAN, SCRIMENTI,  
FREEMAN AND HESS, MAY 6, 2002

REFERRED TO COMMITTEE ON LABOR RELATIONS, MAY 6, 2002

AN ACT

1 Amending the act of May 18, 1937 (P.L.654, No.174), entitled, as  
2 amended, "An act to provide for the safety and to protect the  
3 health and morals of persons while employed; prescribing  
4 certain regulations and restrictions concerning places where  
5 persons are employed, and the equipment, apparatus,  
6 materials, devices and machinery used therein; prescribing  
7 certain powers and duties of the Department of Labor and  
8 Industry relative to the enforcement of this act; and fixing  
9 penalties," providing for minimum indoor air quality and  
10 ventilation regulations and for inspections; and further  
11 providing for penalties and their disposition.

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

14 Section 1. Section 3 of the act of May 18, 1937 (P.L.654,  
15 No.174), entitled, as amended, "An act to provide for the safety  
16 and to protect the health and morals of persons while employed;  
17 prescribing certain regulations and restrictions concerning  
18 places where persons are employed, and the equipment, apparatus,  
19 materials, devices and machinery used therein; prescribing

1 certain powers and duties of the Department of Labor and  
2 Industry relative to the enforcement of this act; and fixing  
3 penalties," repealed in part October 4, 1978 (P.L.909, No.173),  
4 is amended to read:

5 Section 3. Lighting, Heating, Ventilation, and Sanitary  
6 Facilities.--[All establishments shall be adequately lighted,  
7 heated, and ventilated. Proper sanitary facilities shall be  
8 provided in sufficient number for the persons employed, and  
9 shall include toilet facilities, washing facilities, dressing  
10 rooms, and wholesome drinking water of approved quality.] (a)  
11 All establishments shall be adequately lighted and heated.

12 (b) All establishments shall be adequately ventilated in  
13 accordance with minimum indoor air quality and ventilation  
14 regulations promulgated by the department, which regulations  
15 shall include, but not be limited to, provisions for regular,  
16 periodic inspections to monitor the operation, maintenance, and  
17 sanitation of ventilation systems and to monitor air quality,  
18 air flow, temperature, and humidity.

19 (c) Proper sanitary facilities shall be provided in  
20 sufficient number for the persons employed, and shall include  
21 toilet facilities, washing facilities, dressing rooms, and  
22 wholesome drinking water of approved quality.

23 Section 2. Sections 13 and 15 of the act are amended to  
24 read:

25 Section 13. Enforcement; Right of Entry.--The provisions of  
26 this act shall be enforced by the Department of Labor and  
27 Industry. For the purpose of enforcing the provisions of this  
28 act, the Secretary of Labor and Industry, or his duly authorized  
29 representative, shall have the power to enter any room,  
30 building, or place where labor is employed[, ] to conduct

1 inspections and to issue the necessary instructions to the  
2 superintendent, manager, or responsible agent of the employer[,]  
3 to correct violations of this act or regulations based on this  
4 act.

5 Section 15. Penalties.--Any person who shall violate any of  
6 the provisions of this act or the rules and regulations of the  
7 department as herein provided for, or who shall hinder or delay  
8 or interfere with any person charged with the enforcement of  
9 this act in the performance of his duty, shall, upon conviction  
10 in a summary proceeding, be sentenced for a first offense to pay  
11 a fine of not less than [twenty-five] fifty dollars and not more  
12 than one hundred dollars, and in default of the payment of such  
13 fine and costs, shall be imprisoned for a term of not more than  
14 thirty days, and, upon conviction for a second offense, shall be  
15 sentenced to pay a fine of not less than [fifty or] one hundred  
16 dollars and not more than [two] three hundred dollars, and in  
17 default of the payment of such fine and costs, shall be  
18 imprisoned for a term not exceeding sixty days. Any person  
19 guilty of a third offense, under the provisions of this act,  
20 shall be guilty of a misdemeanor, and, upon conviction, shall be  
21 sentenced to pay a fine of not more than [five hundred] one  
22 thousand dollars, or to undergo imprisonment not exceeding [six  
23 months] one year, or both, at the discretion of the court. Each  
24 violation shall be deemed to constitute a separate offense.

25 All fines collected under this act shall be forwarded to the  
26 Department of Labor and Industry [who shall transmit the same to  
27 the State Treasury, through the Department of Revenue] and shall  
28 be used by the department for the enforcement of this act.

29 Section 3. This act shall take effect in one year.