

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 23

Session of
1975

INTRODUCED BY SHUMAN, LAUGHLIN, DAVIS, TAYLOR, BITTLE,
S. E. HAYES JR., DIETZ AND DeMEDIO, JANUARY 20, 1975

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 20, 1975

AN ACT

1 Amending the act of May 31, 1893 (P.L.188, No.138), entitled "An
2 act designating the days and half days to be observed as
3 legal holidays, and for the payment, acceptance and
4 protesting of bills, notes, drafts, checks and other
5 negotiable paper on such days," providing for observance of
6 Memorial Day and for transactions occurring on that day.

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

9 Section 1. Section 1, act of May 31, 1893 (P.L.188, No.138),
10 entitled "An act designating the days and half days to be
11 observed as legal holidays, and for the payment, acceptance and
12 protesting of bills, notes, drafts, checks and other negotiable
13 paper on such days," amended April 5, 1973 (No.4), is amended to
14 read:

15 Section 1. Be it enacted, &c., That the following days and
16 half days, namely: the first day of January, commonly called New
17 Year's Day, the twelfth day of February, known as Lincoln's
18 Birthday, the third Monday of February, known as Washington's
19 Birthday, Good Friday, the [last Monday in] thirtieth day of
20 May, known as Memorial Day, the fourteenth day of June, known as

1 Flag Day, the fourth of July, called Independence Day, the first
2 Monday of September, known as Labor Day, the second Monday in
3 October, known as Columbus Day, the first Tuesday after the
4 first Monday of November, Election Day, the eleventh day of
5 November, known as Veterans' Day, the fourth Thursday in
6 November, known as Thanksgiving Day, the twenty-fifth day of
7 December, known as Christmas Day; and every Saturday, after
8 twelve o'clock noon until twelve o'clock midnight, each of which
9 Saturdays is hereby designated a half holiday; and any day
10 appointed or recommended by the Governor of this State or the
11 President of the United States as a day of thanksgiving or
12 fastings and prayer, or other religious observance; and in the
13 event of a financial crisis in the State of Nation, any day or
14 days appointed by the Governor of this State or the President of
15 the United States as a bank holiday; and in the event of public
16 calamity in any part of the State through fire, flood, famine,
17 violence, riot, insurrection, or enemy action, any day or days
18 appointed by the Governor of this State as a bank holiday for
19 banking institutions affected by such public calamity shall, for
20 all purposes whatever as regards the presenting for payment or
21 acceptance, and as regards the protesting and giving notice of
22 the dishonor of bills of exchange, checks, drafts, and
23 promissory notes, made after the passage of this act, be treated
24 and considered as the first day of the week, commonly called
25 Sunday, and as public holidays and half holidays; and all such
26 bills, checks, drafts, and notes otherwise presentable for
27 acceptance or payment on any of the said days, shall be deemed
28 to be payable and be presentable for acceptance or payment on
29 the secular or business day next succeeding such holidays or
30 half holiday; except checks, drafts, bills of exchange, and

1 promissory notes, payable at sight or on demand, which would
2 otherwise be payable on any half holiday Saturday, shall be
3 deemed to be payable at or before twelve o'clock noon of such
4 half holiday; Provided, however, That for the purpose of
5 protesting or otherwise holding liable any party to any bill of
6 exchange, check, draft, or promissory note, and which shall not
7 have been paid before twelve o'clock noon of any Saturday
8 designated a half holiday as aforesaid, a demand for acceptance
9 or payment thereof shall not be made, and notice of protest or
10 dishonor thereof shall not be given, until the next succeeding
11 secular or business day: And provided further, That when any
12 person, firm, corporation or company shall, on any Saturday
13 designated a half holiday, receive for collection any check,
14 bill of exchange, draft, or promissory note, such person, firm,
15 corporation, or company shall not be deemed guilty of any
16 neglect or omission of duty, nor incur any liability, in not
17 presenting for payment or acceptance or collection such check,
18 bill of exchange, draft or promissory note, on that day: And
19 provided further, That, in construing this section, every
20 Saturday designated a half holiday shall, until twelve o'clock
21 noon, be deemed a secular or business day; and the days and half
22 days aforesaid, so designated as holidays and half holidays,
23 shall be considered as public holidays and half holidays for all
24 purposes whatsoever as regards the transaction of business,
25 except that any day or days appointed as a bank holiday shall be
26 regarded as secular or business days for all other purposes than
27 those mentioned in this act: And provided further, That nothing
28 herein contained shall be construed to prevent or invalidate the
29 entry, issuance, service, or execution of any writ, summons,
30 confession of judgment, or other legal process whatever, on any

1 of the holidays or half holidays herein designated as holidays;
2 nor to prevent any banking institution from keeping its doors
3 open or transacting its business, on any Saturday afternoon, if
4 by a vote of its directors it shall elect to do so, unless such
5 Saturday is appointed as a bank holiday under the provisions of
6 this act: And provided further, That any banking institution
7 may, by a vote of its directors, or in the case of a private
8 bank by action of a private banker or bankers, notice of which
9 shall have been posted in its banking house for not less than
10 fifteen days before the taking effect thereof, observe any
11 Saturday throughout the year as a full holiday with like effect
12 hereunder as though such day had been designated as a full
13 holiday by the provisions of this act, and may in the same
14 manner, observe as a full holiday any Monday next following the
15 first day of January, the fourth day of July or the twenty-fifth
16 day of December whenever any of such holidays shall occur on a
17 Saturday with like effect hereunder as though such day had been
18 designated as a full holiday by the provisions of this act.

19 Section 2. Section 2 of the act amended November 28, 1973
20 (No.122), is amended to read:

21 Section 2. (a) Whenever the first day of January, the
22 twelfth day of February, the fourteenth day of June, the
23 thirtieth day of May, the fourth day of July, the eleventh day
24 of November or the twenty-fifth day of December, shall any of
25 them occur on Sunday, the following day (Monday) shall be deemed
26 and declared a public holiday. All bills of exchange, checks,
27 drafts, or promissory notes, falling due on any of the Mondays
28 observed as holidays, shall be due and payable on the next
29 succeeding secular or business day; and all Mondays observed as
30 holidays shall, for all purposes whatever as regards the

1 presenting for payment or acceptance, and as regards the
2 protesting and giving notice of the dishonor of bills of
3 exchange, checks, drafts, and promissory notes, made after the
4 passage of this act, be treated and considered as if the first
5 day of the week, commonly called Sunday.

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

15 (c) Nothing in any law of this Commonwealth shall in any
16 manner whatsoever affect the validity of, or render void or
17 voidable the payment, certification, or acceptance of, any bill
18 of exchange, check, draft, promissory note, or other negotiable
19 instrument, or any other transaction by a banking institution in
20 this State, because done or performed or transacted on any of
21 the following legal holidays: the twelfth day of February, the
22 third Monday in February, Good Friday, the fourteenth day of
23 June, the thirtieth day of May, the second Monday in October, or
24 the first Tuesday after the first Monday of November, the
25 eleventh day of November or whenever any of said days shall
26 occur on Sunday, done or performed or transacted on the
27 following day (Monday): Provided, Such payment, certification,
28 acceptance, or other transaction would be valid if done or
29 performed on a secular or business day: Provided further,
30 however, That for the purpose of protesting or otherwise holding

1 liable any party to any bill of exchange, check, draft,
2 promissory note, or other negotiable instrument which shall not
3 have been paid on any of said holidays, a demand for acceptance
4 or payment thereof shall not be made, and notice of protest or
5 dishonor thereof shall not be given, until the next succeeding
6 secular or business day. Nothing herein shall be construed to
7 require any banking institution to keep open for the transaction
8 of business on any of said holidays, or to require any banking
9 institution which elects to be open for business on all or any
10 part of any of said holidays, to do or perform any act or
11 transaction on such holiday, but all acts and transactions done
12 or performed on any such holiday shall be at the option of such
13 banking institution.

14 Section 3. This act shall take effect immediately.