

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1935 Session of 1991

INTRODUCED BY SAURMAN, SEMMEL, COLAIZZO, NAILOR, KASUNIC, GEIST,  
TIGUE, TRELLO, STURLA, CLARK, NOYE, CIVERA, BELARDI AND LEH,  
JULY 24, 1991

REFERRED TO COMMITTEE ON LABOR RELATIONS, JULY 24, 1991

AN ACT

1 Amending the act of April 9, 1872 (P.L.47, No.40), entitled "An  
2 act for the better protection of the wages of mechanics,  
3 miners, laborers and others," further providing for liens for  
4 wages; and providing for judicial administration for liens  
5 for wages.

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

8 Section 1. Section 1 of the act of April 9, 1872 (P.L.47,  
9 No.40), entitled "An act for the better protection of the wages  
10 of mechanics, miners, laborers and others," amended May 12, 1891  
11 (P.L.54, No.46), is amended to read:

12 Section 1. Be it enacted by the Senate and House of  
13 Representatives of the Commonwealth of Pennsylvania in General  
14 Assembly met, and it is hereby enacted by the authority of the  
15 same, That all [moneys] wages that may be due or hereafter  
16 become due for labor and services rendered by any miner or  
17 mechanic, servant girl at hotels, boarding houses, restaurants,  
18 or in private families, or any other servant and helper in and  
19 about said houses of entertainment and private families, porter,

1 hostler or any other person employed in and about livery stables  
2 or hotels, laundryman or washer woman, seamster or seamstress  
3 employed by merchant tailors or by any other person, milliner,  
4 dressmaker, clothier, shirtmaker or clerk employed in stores or  
5 elsewhere, hand laborer, including farm laborer or any other  
6 kind of laborer, printer, apprentice, and all other tradesmen  
7 hired for wages or salary from any person or persons, chartered  
8 company, joint-stock company, limited partnership or other  
9 partnership, either as owner, lessee, contractor or underowner  
10 whether at so much per diem or otherwise, for any period not  
11 exceeding six months preceding the sale or transfer of the real  
12 or personal property, works, mines, manufactories or business or  
13 other property connected therewith in carrying on the sale of  
14 said person or persons, chartered company, joint-stock company,  
15 limited partnership or other partnership, by execution or  
16 otherwise, on account of the death or insolvency of such  
17 employer or employers, shall be a lien upon said real or  
18 personal property, mine, manufactory, business or other property  
19 in and about, or used in carrying on said business or in  
20 connection therewith, to the extent of the interest of such  
21 employer or employers in said property, and shall be preferred  
22 and first paid out of the proceeds of the sale of such real and  
23 personal property, mine, manufactory, business or other property  
24 as aforesaid: Provided however, [That the claim thus preferred  
25 shall not exceed two hundred dollars: And provided further,]  
26 That this act shall not be so construed as to impair contracts  
27 existing, or liens of record vested prior to its passage: and  
28 Provided further, That no such claim shall be a lien upon any  
29 real estate, unless the same be filed in the prothonotary's  
30 office of the county in which such real estate is situated,

1 within three months after the same becomes due and owing, in the  
2 same manner as mechanics' liens are now filed. In all cases now  
3 pending or which may hereafter be brought before any court in  
4 this Commonwealth for the recovery of the wages pursuant to this  
5 section, it shall be the duty of the prothonotary preparing the  
6 list of civil cases to place all claims for the wages of labor  
7 first on the list, and the court shall proceed to try all such  
8 cases as they occur on the list: Provided, That a statement of  
9 the plaintiff's claim be filed in such cases, showing that the  
10 claims respectively are for labor. As used in this section, the  
11 term "wages" includes all earnings, regardless of whether  
12 determined on time, piece, commission or other method of  
13 calculation, and all fringe benefits and wage supplements,  
14 whether payable from the employer's funds or from moneys  
15 withheld from the employe by the employer.

16 Section 2. The Supreme Court or an agency or unit of the  
17 unified judicial system exercising a power or performing a duty  
18 under 42 Pa.C.S. § 1721 (relating to delegation of powers), as  
19 appropriate, shall prescribe or modify court rules to carry out  
20 the provisions of this act.

21 Section 3. This act shall take effect in 60 days.