

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1255 Session of
2001

INTRODUCED BY COSTA, McCALL, FRANKEL, GRUCELA, MANN, SOLOBAY,
CALTAGIRONE, CAPPABIANCA, CRUZ, DeLUCA, FAIRCHILD, GEORGE,
HALUSKA, HARHAI, HENNESSEY, HORSEY, KELLER, LAUGHLIN,
LEDERER, MARKOSEK, R. MILLER, READSHAW, SHANER, STABACK,
THOMAS, TIGUE, TRELLO, WALKO, WOJNAROSKI AND YOUNGBLOOD,
APRIL 3, 2001

REFERRED TO COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT,
APRIL 3, 2001

AN ACT

1 Reenacting and amending the act of December 21, 1988 (P.L.1860,
2 No.178), entitled "An act providing for the disposal of
3 unclaimed garments," providing for the disposal of unclaimed
4 footwear and other items left with shoe repairers.

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

7 Section 1. The title and sections 1, 2, 3, 4, 5, 6, 7 and 8
8 of the act of December 21, 1988 (P.L.1860, No.178), entitled "An
9 act providing for the disposal of unclaimed garments" are
10 reenacted and amended to read:

11 AN ACT

12 Providing for the disposal of unclaimed garments, footwear and
13 other items left with certain retail establishments.

14 Section 1. Unclaimed garments and footwear.

15 A garment or other item left with a retail dry cleaner or
16 retail launderer for dry cleaning or laundering and footwear or

1 other item left with a shoe repairer may be disposed of by the
2 dry cleaner [or], launderer or shoe repairer without liability
3 or responsibility for the [garment] item or for proceeds
4 realized from its disposal, provided the requirements of this
5 act are complied with.

6 Section 2. Receipt for garments and footwear.

7 At the time a dry cleaner or launderer receives garments or
8 other items from a customer for cleaning or laundering and at
9 the time a shoe repairer receives footwear or other items from a
10 customer for repair, the dry cleaner [or], launderer or shoe
11 repairer shall provide to the customer a deposit receipt
12 containing the name and mailing address of the customer, a basic
13 description of the [garments] items along with a statement of
14 the quantity of [each garment] items left, an itemization of the
15 charges for the work to be done and the projected date when the
16 [garments] items shall be ready for pickup by the customer.

17 Section 3. Notice.

18 If [a garment] an item is not retrieved and paid for by a
19 customer within 90 days of the ready date specified on the
20 customer's receipt, the cleaner [or], launderer or shoe repairer
21 may provide a written notice to the customer by certified mail,
22 return receipt requested, mailed to the customer at the address
23 given on the deposit receipt. Such notice shall specify the
24 amount owing to the cleaner [or], launderer or shoe repairer and
25 state that the [garment] item shall be disposed of by the
26 cleaner [or], launderer or shoe repairer within 30 days from the
27 date of delivery of the notice unless the [garment] item is
28 claimed by the customer and all charges are paid in full.

29 Section 4. Refused or unclaimed notices.

30 If a notice mailed pursuant to section 3 is returned to the

1 cleaner [or], launderer or shoe repairer as being unclaimed or
2 delivery refused, the cleaner [or], launderer or shoe repairer
3 shall send a second notice to the customer by mail, first class
4 postage prepaid, with a certificate of mailing, indicating that
5 the [garment] item will be disposed of by the cleaner [or],
6 launderer or shoe repairer within 30 days of the date of mailing
7 of the letter unless the [garment] item is claimed by the
8 customer and all charges are paid in full.

9 Section 5. Disposal of unclaimed property.

10 If a customer does not claim [a garment] an item and pay all
11 charges due and owing, including the cost of mailing the notices
12 specified in sections 3 and 4, and any charge for storage,
13 within 30 days of the receipt of a notice mailed in accordance
14 with section 3 or within 30 days of the mailing of a notice in
15 accordance with section 4 or within 30 days of the date a notice
16 mailed in accordance with section 4 is returned to the sender
17 with a notation that the addressee has moved and left no
18 forwarding address, the cleaner [or], launderer or shoe repairer
19 may dispose of the [garment] item in any manner whatsoever. The
20 notice specified in section 3 shall be considered to be received
21 by the addressee if signed for by the addressee or by a person
22 signing on behalf of the addressee.

23 Section 6. Charitable donation.

24 Without regard to the provisions of sections 2, 3, 4 and 5,
25 any [garment] item which remains unclaimed for a period of one
26 year from the ready date indicated on the [garment] item receipt
27 may be donated by the cleaner [or], launderer or shoe repairer
28 to any charitable, religious or educational organization of a
29 cleaner's [or], launderer's or shoe repairer's choice, provided
30 the organization falls within the definition of tax-exempt

1 organization as specified in section 501(c)(3) of the Internal
2 Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)). The
3 donation shall be made only if the cleaner [or], launderer or
4 shoe repairer first sends to the customer, at the address listed
5 on the [garment] item receipt, by mail, postage prepaid,
6 including a certificate of mailing, a notice that the [garment]
7 item will be so disposed of subsequent to 30 days from the
8 mailing date of the notice if the [garment] item is not claimed
9 and all outstanding charges paid.

10 Section 7. Public notice of disposal procedures.

11 A cleaner [or], launderer or shoe repairer shall prominently
12 display at each location where garments, footwear and other
13 items are received from the public a sign indicating that
14 [garments] items not claimed within 90 days of the ready date
15 may be disposed of by the cleaner [or], launderer or shoe
16 repairer, after notice to the customer as provided by law.

17 Section 8. Other remedies.

18 The provisions of the act of May 7, 1925 (P.L.557, No.300),
19 entitled, "An act to provide for the sale of property against
20 which a common law lien may exist for repairs and material; and
21 the method of procedure thereon," shall continue to be available
22 to cleaner [and], launderer and shoe repairer bailees of
23 personal property as heretofore, as shall any other remedies
24 provided by the common law or statutory law of this
25 Commonwealth, to the extent that they are not inconsistent with
26 the provisions of this act.

27 Section 2. This act shall take effect in 60 days.