

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS FEE ACT

Act of Jul. 1, 1978, P.L. 700, No. 124

Cl. 63

AN ACT

Enumerating certain fees and charges to be imposed for activities regulated by the Bureau of Professional and Occupational Affairs of the Department of State, providing for the appointment and term of Office of the Commissioner of Professional and Occupational Affairs, creating the Professional Licensure Augmentation Account and providing for its administration and making certain repeals.

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

CHAPTER 1
GENERAL PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the "Bureau of Professional and Occupational Affairs Fee Act."

Section 102. Construction of act.

This act contains an enumeration of certain fees charged by various boards and commissions within the Bureau of Professional and Occupational Affairs. Some of the fees contained herein represent increases or decreases from existing charges while others represent the current fees in effect on the effective date of this act. It is the intent of the General Assembly, and this act shall be so construed, that the fees herein set forth shall be those charged by the various agencies on the effective date of this act. Further, the fact that a particular fee currently in effect is not enumerated in this act shall not effect the validity of such fee.

CHAPTER 2
ENUMERATION OF FEES

Section 201. Fee schedules.

The fees for the following activities regulated by the boards and commissions within the Bureau of Professional and Occupational Affairs of the Department of State shall be as specified in this chapter until such time as they are changed by law or by the appropriate agency authorized to make such changes.

Section 202. State Board of Examiners of Architects.

Activity	Fee
(1) Examination or certificate of qualifications and registration fee - architect.....	\$ 50.00
(2) Examination fee to change from "registered by exemption" to "registered by examination" - Senior Certificate National Council of Architectural Registration Boards.....	10.00
(3) Biennial renewal license fee - architect..	25.00
(4) Renewal of architect license within one year of expiration.....	10.00
(5) Issuance of new certificate after six-month period following revocation of certificate of qualification to practice architecture..	10.00
	(plus costs of revocation expenses of board)

Section 203. State Board of Auctioneer Examiners.

Activity	Fee
(1) Examination fee for auctioneer's license..	\$ 25.00
(2) Issuance of certificate of biennial registration - auctioneer.....	50.00
(3) Examination for apprentice auctioneer's license.....	10.00
(4) Issuance of registration certificate - auctioneer.....	50.00
(5) Apprentice auctioneer's biennial certificate.....	30.00
(6) Biennial auctioneer reregistration.....	50.00
(7) Biennial apprentice auctioneer reregistration.....	30.00
(8) Special license for special auction.....	200.00
(9) Auctioneer license for last six months of two-year period.....	30.00
(10) Apprentice auctioneer for last six months of two-year period.....	30.00

Section 204. State Board of Barber Examiners.

Activity	Fee
(1) Examination fee - barber.....	\$ 25.00
(2) Examination fee - manager.....	30.00
(3) Examination fee - teacher.....	35.00
(4) Registration fee for teachers.....	25.00
(5) Biennial registration for teachers.....	25.00
(6) Student permit.....	5.00
(7) Biennial renewal of barber certificate....	5.00
(8) Registration of barber shop.....	10.00
(9) Biennial renewal - barber shop.....	10.00
(10) Registration fee - barber school.....	100.00
(11) Annual renewal - barber school.....	50.00
(12) Registration fee - managers.....	8.00
(13) Biennial renewal - managers.....	8.00

Section 205. State Board of Chiropractic Examiners.

Activity	Fee
(1) Standard examination fee.....	\$ 40.00
(2) Limited examination fee.....	10.00
(3) Biennial registration fee.....	20.00
(4) Examination upon application of holder of National Board Certificate.....	50.00
(5) Restoration fee.....	50.00
(6) Duplicate registration packet.....	5.00
(7) Certification of grades.....	10.00
(8) Reciprocity.....	50.00

Section 206. State Board of Cosmetology.

Activity	Fee
(1) License fee for beauty shop owner.....	\$ 25.00
(2) License fee for managers.....	25.00
(3) License fee for teachers.....	25.00
(4) License fee for operators.....	10.00

(5)	License fee for manicurists.....	10.00
(6)	License fee for students.....	5.00
(7)	License fee for apprentices.....	5.00
(8)	License fee for school of beauty culture..	50.00
(9)	Biennial renewal fee for shop owner.....	25.00
(10)	Biennial renewal fee for managers.....	25.00
(11)	Biennial renewal fee for teachers.....	25.00
(12)	Biennial renewal fee for operators.....	10.00
(13)	Biennial renewal fee for manicurists.....	10.00
(14)	Biennial renewal fee for schools of beauty culture.....	50.00
(15)	Student permit extension.....	1.00
(16)	Examination for managers.....	10.00
(17)	Examination for teachers.....	10.00
(18)	Examination for operators.....	4.00
(19)	Examination for manicurist.....	4.00
(20)	Reciprocal license for operators.....	25.00
(21)	Temporary permit.....	4.00

Section 207. State Dental Council and Examining Board.

	Activity	Fee
(1)	Biennial registration fee - dentists.....	\$ 25.00
(2)	Biennial registration fee - dental hygienists.....	10.00
(3)	Issuance of dental license.....	25.00
(4)	Dental license by criteria approval.....	50.00
(5)	Latte biennial registration penalty - dentists.....	5.00
(6)	Fee for certification of grades to other states - dentists.....	5.00
(7)	Issuance of dental hygiene license.....	25.00
(8)	Late biennial registration penalty - dental hygienists.....	2.00
(9)	Certification of grades to other states - dental hygienists.....	5.00

Section 208. State Board of Funeral Directors.

	Activity	Fee
(1)	Initial license - director, branch, corporation, estate, widow.....	\$ 25.00
(2)	Out of state.....	25.00
(3)	Biennial renewal - directors.....	20.00
(4)	Biennial renewal - corporation, branch....	20.00
(5)	Examination.....	25.00
(6)	Registration, supervisor.....	10.00
(7)	Annual renewal, supervisor.....	10.00
(8)	Annual renewal, widow, estate.....	25.00
(9)	Registration, student trainee.....	5.00
(10)	Registration, resident intern.....	5.00

Section 209. State Board of Landscape Architects.

	Activity	Fee
(1)	Initial examination and licensure fee for landscape architect.....	\$ 75.00
(2)	Biennial registration landscape architect license.....	75.00

Section 210. State Board of Medical Education and Licensure.

Activity	Fee
(1) Medical examination fee.....	\$125.00
(2) Application for graduate training certificate.....	10.00
(3) Licensure by endorsement - medical.....	100.00
(4) Biennial registration - medical doctor....	75.00
(5) Across the border license.....	50.00
(6) Across the border biennial registration...	50.00
(7) Examination fee - midwifery.....	50.00
(8) Biennial registration fee - midwifery....	20.00
(9) Limited license for visiting professor....	10.00
(10) Druggist therapist renewal.....	5.00
(11) Permanent limited license in the professional category.....	125.00
(12) Renewal for permanent limited license in the professional category.....	75.00

Section 211. State Board of Motor Vehicle Salesmen.

Activity	Fee
(1) Motor vehicle salesman license.....	\$ 15.00
(2) Biennial renewal of license - motor vehicle salesman.....	15.00
(3) Motor vehicle dealer's license.....	25.00
(4) Biennial renewal of motor vehicle dealer's license.....	25.00
(5) License of dealer's branch office.....	25.00
(6) Biennial renewal of license of dealer's branch office.....	25.00
(7) License for used car lot not adjacent to dealer lot supplemental license - biennial.	10.00
(8) Manufacturer's license.....	25.00
(9) Biennial renewal manufacturer's license...	25.00
(10) Distributor's license.....	25.00
(11) Biennial renewal distributor's license....	25.00
(12) Wholesaler's license.....	25.00
(13) Biennial renewal wholesaler's license....	25.00
(14) Factory representative license.....	15.00
(15) Biennial renewal factory representative's license.....	15.00
(16) Distributor branch representative license..	15.00
(17) Biennial renewal distributor branch representative's license.....	15.00
(18) Salesman's change of employer license fee..	5.00
(19) Motor vehicle manufacturer's branch office license.....	25.00
(20) Biennial renewal manufacturer's branch office license.....	15.00
(21) Motor vehicle wholesaler's branch office license.....	25.00
(22) Biennial renewal motor vehicle wholesaler's branch office license.....	15.00
(23) Biennial renewal used car lot.....	25.00

Section 212. State Board of Nurse Examiners.

Activity	Fee
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(1)	Registered nurse examination and initial licensure.....	\$ 24.00
(2)	Application for licensure as registered nurse by endorsement.....	24.00
(3)	Biennial renewal registration fee - registered nurse.....	10.00
(4)	Practical nurse examination and initial licensure.....	18.00
(5)	Application for licensure as licensed practical nurse by endorsement.....	18.00
(6)	Biennial renewal fee - practical nurse....	5.00

Section 213. State Board of Examiners of Nursing Home Administrators.

	Activity	Fee
(1)	Examination and initial registration.....	\$ 50.00
(2)	Biennial renewal registration.....	50.00
(3)	Late biennial registration penalty.....	5.00
(4)	License by endorsement.....	50.00
(5)	Temporary permit.....	50.00
(6)	Reissue permit.....	50.00
(7)	Reciprocity.....	2.00

Section 214. State Board of Optometrical Examiners.

	Activity	Fee
(1)	Initial examination fee.....	\$ 25.00
(2)	Biennial renewal registration fee.....	25.00
(3)	Late biennial registration penalty.....	5.00
(4)	Application for license by optometrists licensed in another state.....	25.00
(5)	Certification of grades to another state..	10.00
(6)	Initial fee for branch office license.....	20.00
(7)	Biennial renewal fee for branch office license.....	20.00
(8)	Application for examination de novo after having twice failed examination.....	25.00

Section 215. State Board of Osteopathic Examiners. (215 repealed Oct. 5, 1978, P.L.1109, No.261)

Section 216. State Board of Pharmacy.

	Activity	Fee
(1)	Application for registration as pharmacy intern.....	\$ 10.00
(2)	Application for license of pharmacist who has been licensed in another state.....	50.00
(3)	Registration and certificate for pharmacist who has been licensed in another state....	25.00
(4)	Application for examination given to pharmacy interns upon graduation from an accredited college of pharmacy.....	25.00
(5)	Certificate to practice pharmacy.....	25.00
(6)	Biennial renewal fee - pharmacist.....	25.00
(7)	Late registration fee - pharmacist: To be set by board, not to exceed.....	25.00
(8)	Registration for new pharmacy.....	50.00

(9)	Biennial renewal - pharmacy.....	50.00
(10)	Registration for change in ownership and/or change in location of an established pharmacy.....	50.00
(11)	Registration for change in name and/or change in managership (pharmacist) within an established pharmacy.....	10.00

Section 217. State Board of Physical Therapy Examiners.

	Activity	Fee
(1)	New application for physical therapist license.....	\$ 50.00
(2)	Application for physical therapist license by one already licensed as of effective date of new act.....	15.00
(3)	Application for licensure by physical therapist by endorsement.....	75.00
(4)	Temporary physical therapist license.....	25.00
(5)	Biennial renewal physical therapist license.....	25
(6)	Restoration fee within three years of failure to renew.....	5.00
(7)	Foreign trained physical therapists applying for supervised clinical experience.....	5.00
(8)	Certification of grades to another state..	25.00

Section 218. State Board of Podiatry Examiners.

	Activity	Fee
(1)	Examination fee.....	\$ 50.00
(2)	Biennial registration fee.....	30.00
(3)	License by reciprocity.....	100.00
(4)	Duplicate registration packet.....	2.00
(5)	Branch office certificate.....	10.00

Section 219. State Registration Board for Professional Engineers.

	Activity	Fee
(1)	Application for registration - professional engineer.....	\$ 50.00
(2)	Biennial registration - engineer.....	25.00
(3)	Biennial registration - surveyor.....	25.00
(4)	Application for registration as professional engineer by engineer-in-training.....	25.00
(5)	Application for registration as registered surveyor.....	50.00
(6)	Application for registration as engineer-in-training.....	25.00
(7)	Application for temporary permit to practice engineering.....	25.00
(8)	Application for temporary permit to practice surveying.....	25.00
(9)	Application for certificate of approval for fictitious name.....	25.00
(10)	Application for certificate of approval of corporate name.....	25.00

Section 220. State Board of Examiners of Public Accountants.

Activity	Fee
(1) Examination fee for the purpose of becoming certified.....	\$ 50.00
(2) Reexamination fee.....	50.00
Less \$5 for each passing credit earned in previous exams but in no event less than..	30.00
(3) Biennial permit fee - not to exceed.....	30.00
(4) Reciprocal application fee.....	50.00
(5) Corporate application fee.....	50.00
(6) Partnership and professional association application fee.....	50.00
(7) Amendment fee - corporations, partnerships and professional associations.....	10.00
(8) Public accountants application.....	50.00

Section 221. State Board of Psychologist Examiners.

Activity	Fee
(1) Application for license and examination...	\$ 50.00
(2) Biennial renewal of license.....	10.00
(3) Third examination fee and each subsequent examination - each examination.....	60.00

Section 222. State Real Estate Commission.

Activity	Fee
(1) Fee for examination and certification of registration - real estate broker/limited real estate broker.....	\$ 25.00
(2) Reexamination fee - real estate broker/limited real estate broker.....	25.00
((2) amended Dec. 12, 1980, P.L.1176, No.217)	
(3) Biennial license fee for each additional office - real estate broker/limited real estate broker.....	20.00
(4) Biennial registration fee - real estate broker/limited real estate broker.....	25.00
(5) All certification fees.....	5.00
(6) Application for corporation, partnership, association or additional licenses for brokers of record, partners or officers...	25.00
(7) All applications for licensure by reciprocity.....	25.00
(8) Examination and certification of registration - real estate salesperson/builderownersalesperson/rental referral agent.....	20.00
((8) amended Dec. 12, 1980, P.L.1176, No.217)	
(9) Reexamination - real estate salesperson/builderownersalesperson/rental referral agent.....	20.00
((9) amended Dec. 12, 1980, P.L.1176, No.217)	

(10)	Biennial registration fee - real estate salesperson/builderownersalesperson/rental referral agent.....	20.00
	((10) amended Dec. 12, 1980, P.L.1176, No.217)	
(11)	Limited real estate salesman license.....	5.00
(12)	Biennial registration as limited salesman..	5.00
(13)	Initial branch office license.....	10.00
(14)	Biennial renewal - corporation, partnership or association.....	25.00
(15)	Biennial renewal - broker of record, associate broker, officer or partner.....	25.00
(16)	Real estate schools other than colleges and universities - initial approval.....	50.00
(17)	Annual renewal for real estate schools other than colleges and universities.....	25.00

Section 223. State Board of Veterinary Medical Examiners.

	Activity	Fee
(1)	Temporary permit to practice veterinary medicine for applicant for admission to examination (one-half of fee to be applied to examination fee).....	\$ 50.00
(2)	Application for examination for licensure to practice veterinary medicine.....	50.00
(3)	Reinstatement of license within one year of expiration - reinstatement fee.....	10.00
		plus regular biennial fee
(4)	Biennial registration fee.....	10.00

Section 224. Collection.

(a) The Bureau of Professional and Occupational Affairs shall collect the fees for which this act provides. However, nothing in this act shall prevent the collection of fees by the bureau which are otherwise authorized and which are not inconsistent with the provisions of this act.

(b) Renewal and miscellaneous fees may be paid by personal check; and, the bureau shall not require payment only by certified check, cashier's check or money order. The appropriate professional or occupational board may suspend the license of any person who submits a personal check which is not honored until the fee is actually paid. The appropriate professional or occupational board shall make such rules and regulations as may be necessary to carry out the provisions of this subsection.

(c) ((c) repealed June 25, 1982, P.L.633, No.181)

(d) ((d) repealed June 25, 1982, P.L.633, No.181)

(224 amended July 10, 1979, P.L.91, No.39)

Section 225. Late renewal.

Where a license is renewed beyond the date specified for renewal by the bureau, a fee of \$5 for each month or part of a month beyond the renewal date shall be charged in addition to the prescribed fee.

Section 226. Duplicate license.

The fee for the issuance of a duplicate license shall be \$5 in all cases.

Section 227. Duplicate certificate.

The fee for the issuance of a duplicate certificate shall be \$10 in all cases.

CHAPTER 3
DISPOSITION OF FUNDS

Section 301. Professional Licensure Augmentation Account.

Beginning July 1, 1978 and thereafter, all moneys collected by the Bureau of Professional and Occupational Affairs shall be paid into the Professional Licensure Augmentation Account which is hereby created and which shall be a special restricted receipts account within the General Fund. Moneys in such account shall be used only for the support of the operation of the bureau and the various regulatory boards.

Section 302. Appropriations from account.

The General Assembly shall annually appropriate for payment of the costs of processing licenses and renewals, for the operation of the various regulatory boards, and for other general costs of bureau operations, moneys available from the Professional Licensure Augmentation Account.

Section 303. Budget preparation.

In preparing the proposed budget for bureau operations for each year, the Commissioner of Professional and Occupational Affairs shall consult with the boards and commissions under his jurisdiction to determine their budgetary requirements for the upcoming year. The commissioner shall submit for each board of the bureau, in addition to any information requested or prescribed by the Secretary of the Budget, Secretary of the Commonwealth, the Chairman of the House Appropriations Committee and the Chairman of the Senate Appropriations Committee, the following information, for the most recent fiscal year:

- (1) number of applications for licenses received;
- (2) number of new and renewal licenses issued;
- (3) number of applicants failing to qualify for licenses;
- (4) number of inspections completed;
- (5) number of violations cited;
- (6) number of violations corrected;
- (7) licensees prosecuted;
- (8) amount of expenditures incurred, classified in terms of administration, enforcement and investigation;
- (9) the amount of fee revenue by type of license issued;
- (10) personnel complement filled and vacant; and
- (11) number of applications not processed by June 30 of the previous fiscal year.

Section 304. Savings provision.

Nothing in this chapter shall be construed to affect section 30 of the act of September 29, 1961 (P.L.1745, No.708), known as "The Auctioneers' License Act," or section 907 of the act of October 15, 1975 (P.L.390, No.111), known as the "Health Care Services Malpractice Act" or to deny the State Board of Medical Education and Licensure the full use of all fees, charges, and fines it collects.

Section 305. Transitional provisions.

(a) For the remainder of fiscal year 1977-1978, such additional moneys as are attributable to the increased fees provided by this act are hereby appropriated to the Department of State for the operation of the department, but such moneys shall not be spent until such expenditures are approved by the Secretary of the Budget and the Chairmen of the House and Senate Appropriations Committees. If any of such moneys remain unapproved on July 1, 1978, such moneys shall be paid into the Professional Licensure Augmentation Account.

(b) For the purposes of the license period normally ending February 28, 1978 for those licensed pursuant to the act of May 1, 1929 (P.L.1216, No.427), known as the "Real Estate Brokers

License Act of one thousand nine hundred and twenty-nine," such licenses shall not expire on February 28, 1978, but shall remain in effect until April 15, 1978. The new license period shall begin at such time. The provisions of this subsection shall apply only to the license period beginning in 1978. Thereafter, the licenses shall expire February 28 as currently provided by law.

(c) The term of the incumbent Commissioner of Professional and Occupational Affairs shall expire 90 days after the effective date of this act. Thereafter the Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with the advice and consent of a majority of the members elected to the Senate, appoint the Commissioner of Professional and Occupational Affairs, who shall serve at the pleasure of the Governor.

CHAPTER 4 REPEALS

Section 401. Specific repeals.

(a) The following acts or parts of acts are hereby repealed insofar as they establish fixed fees inconsistent with those fees contained in this act. To the extent such acts or parts of acts authorize the fixing of fees by an agency for which a fee has been set forth in this act, such acts shall not be construed to be repealed or superseded by this act and those provisions authorizing the fixing of fees by any agency shall remain in effect:

Sections 8, 10 and 13, act of March 19, 1909 (P.L.46, No.29), referred to as the Osteopathic Practice Law.

Sections 7 and 10, act of March 30, 1917 (P.L.21, No.10), referred to as the Optometry Practice Law.

Sections 7(b) and (c), 10 and 11(b), act of July 12, 1919 (P.L.933, No.369), referred to as the Architects Registration Law.

Sections 7(b), 8 and 9, act of May 1, 1929 (P.L.1216, No.427), known as the "Real Estate Brokers License Act of one thousand nine hundred and twenty-nine."

Sections 3, 5, 8 and 12, act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law.

Section 4, act of May 1, 1933 (P.L.216, No.76), known as "The Dental Law."

Section 16, act of May 3, 1933 (P.L.242, No.86), referred to as the Beauty Culture Law.

Section 9, act of May 23, 1945 (P.L.913, No.367), known as the "Professional Engineers Registration Law."

Section 8.2, act of May 26, 1947 (P.L.318, No.140), known as "The C. P. A. Law."

Sections 6 and 10(a), act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law."

Section 9, act of August 10, 1951 (P.L.1182, No.264), known as the "Chiropractic Registration Act of 1951."

Sections 4, 9 and 10, act of March 2, 1956 (P.L.1206, No.375), known as the "Podiatry Act of 1956."

Sections 5 and 13, act of March 2, 1956 (P.L.1211, No.376), known as the "Practical Nurse Law."

Sections 3 and 4(f), act of September 27, 1961 (P.L.1700, No.699), known as the "Pharmacy Act."

Section 13, act of September 29, 1961 (P.L.1745, No.708), known as "The Auctioneers' License Act."

Sections 6 and 9, act of September 9, 1965 (P.L.499, No.254), known as the "Motor Vehicle Manufacturer's, Dealer's and Salesmen's License Act."

Section 5, act of January 24, 1966 (1965 P.L.1527, No.535), known as the "Landscape Architects' Registration Law."

Sections 6(a), 9(b) and 10, act of June 22, 1970 (P.L.378, No.122), known as the "Nursing Home Administrators License Act."

Sections 6(a)(4) and 15, act of March 23, 1972 (P.L.136, No.52), referred to as the Psychologists License Act.

Section 10, act of December 27, 1974 (P.L.995, No.326), known as the "Veterinary Medicine Practice Act."

Sections 5, 6(d) and (g), and 7, act of October 10, 1975 (P.L.383, No.110), known as the "Physical Therapy Practice Act."

(b) All acts or parts of acts inconsistent with the provisions of this act relating to the collection and payment of fees as herein provided are hereby repealed to the extent of the inconsistency.

Section 402. General repeal.

All other acts or parts of acts inconsistent herewith are hereby repealed to the extent of any inconsistency.

CHAPTER 5 MISCELLANEOUS PROVISIONS

Section 501. Savings clause.

The provisions of this act shall not affect any act done, liability incurred or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any act or part thereof repealed by this act.

Section 502. Effective date.

This act shall take effect immediately.