

RESTRAINING UNLICENSED PRACTITIONERS OF LICENSED ACTIVITIES

Act of Apr. 18, 1949, P.L. 492, No. 106

Cl. 63

AN ACT

Enabling and authorizing the Department of Public Instruction or any of its departmental administrative boards, commissions, or officers to proceed by injunction or any other process in the court of common pleas in any county where the alleged unauthorized practice was committed, to prohibit and restrain any unlicensed person, association, copartnership, or corporation from engaging in an activity for which a license is required to be issued by the Department of Public Instruction, and to set out the method and procedure therefor.

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

Section 1. The Department of Public Instruction, or any of its departmental administrative boards, commissions, or officers, upon the advice of the Attorney General, may maintain, as hereinafter provided, an action, in the name of the Commonwealth, for an injunction or other process against any person to restrain or prevent his practicing any profession in a public or private capacity, or engaging in any trade or occupation; or against any person, copartnership, association, or corporation establishing, conducting, or operating a private school or class without a license, whenever a license to engage in such activity is required by law and such licenses are issued by the Department of Public Instruction.

Compiler's Note: Section 504 of Act 164 of 1980 provided that section 1 is repealed insofar as it is inconsistent with Act 164.

Section 2. Any such action shall be instituted in the court of common pleas in any county where the alleged unauthorized practice was committed. Such court may issue a temporary restraining order or injunction under this act, but shall determine any such action on its merits as soon as convenient, whether in term time or in vacation.

(2 repealed in part June 3, 1971, P.L.118, No.6)

Section 3. No bond shall be required of, and no costs shall be taxed against, the Department of Public Instruction or any of its departmental administrative boards, commissions, or offices, or the officers thereof, on account of any such action.

Section 4. The provisions of this act shall be construed as supplementary to all other acts dealing with the same subject matter. No action brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action otherwise provided by law for violation or any licensing act or departmental rule or regulation promulgated thereunder.