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## **TITLE 1 GENERAL PROVISIONS**

### **Part**

- I. The Pennsylvania Consolidated Statutes
- II. (Reserved)
- III. Adoption and Publication of Constitutional and Statutory Provisions
- IV. (Reserved)
- V. Statutory Construction
- VI. Implementation of Constitutional Provisions
- VII. Miscellaneous Provisions

**Enactment.** Unless otherwise noted, the provisions of Title 1 were added November 25, 1970, P.L.707, No.230, effective immediately.

**PART I**  
THE PENNSYLVANIA CONSOLIDATED STATUTES

**Chapter**

1. Short Title, Form of Citation and Effective Date
2. (Reserved)
3. Format of the Consolidated Statutes
4. (Reserved)
5. Official Publication of the Consolidated Statutes

**Enactment.** Part I was added November 25, 1970, P.L.707, No.230, effective immediately.

**CHAPTER 1**  
SHORT TITLE, FORM OF CITATION AND  
EFFECTIVE DATE

**Sec.**

101. Short title.
102. Citation of Pennsylvania Consolidated Statutes.
103. Effective date.

**Enactment.** Chapter 1 was added November 25, 1970, P.L.707, No.230, effective immediately.

**§ 101. Short title.**

This act shall be known and may be cited as the "Pennsylvania Consolidated Statutes."  
(Dec. 10, 1974, P.L.816, No.271, eff. imd.)

**1974 Amendment.** Act 271 changed the short title from "Consolidated Pennsylvania Statutes."

**Conforming Editorial Changes in Citations.** For authority of the Director of the Legislative Reference Bureau to editorially change the form of citations in statutes to conform to the 1974 amendment to section 101, see section 6 of act 271 of 1974 in the appendix to this title.

**§ 102. Citation of Pennsylvania Consolidated Statutes.**

The Pennsylvania Consolidated Statutes may be cited by title and section number. Without prejudice to any other form of citation, a citation to any section of this act in the following form shall, except as provided in section 303 of this title (relating to cross references between provisions of the Consolidated Statutes), be adequate for all purposes: "1 Pa.C.S. § 102."  
(Dec. 10, 1974, P.L.816, No.271, eff. imd.)

**1974 Amendment.** Act 271 changed the short form of citation from "Pa.S."

**Conforming Editorial Changes in Citations.** For authority of the Director of the Legislative Reference Bureau to editorially change the form of citations in statutes to conform to the 1974 amendment to section 102, see section 6 of Act 271 of 1974 in the appendix to this title.

**Cross References.** Section 102 is referred to in sections 303, 502 of this title.

**§ 103. Effective date.**

This act shall take effect immediately.

## **CHAPTER 2**

(Reserved)

**Enactment.** Chapter 2 (Reserved) was added November 25, 1970, P.L.707, No.230, effective immediately.

## **CHAPTER 3**

### **FORMAT OF THE CONSOLIDATED STATUTES**

#### **Sec.**

- 301. Arrangement.
- 302. Section headings.
- 303. Cross references between provisions of the Consolidated Statutes.
- 304. References to other statutes.
- 305. Re-use of section numbers.
- 306. Bills to amend the Consolidated Statutes.

**Enactment.** Chapter 3 was added November 25, 1970, P.L.707, No.230, effective immediately.

**Cross References.** Chapter 3 is referred to in section 1105 of this title.

#### **§ 301. Arrangement.**

(a) **Titles and major subdivisions.--**This act consists of titles subdivided into parts, articles, chapters and such other major subdivisions as may be required for clarity of expression and uniformity of style.

(b) **Chapters.--**The principal subdivisions of a part, or of a title that is not divided into parts, of this act are chapters, comprising the sections relating to the part or title, as the case may be, embraced in the heading of the chapter. Chapters of this act are identified by Arabic numerals beginning with each title.

(c) **Sections and minor subdivisions.--**Sections of this act are identified by Arabic numerals beginning with each title. Chapters shall consist of no more than 99 sections. The last two digits in the section numbers shall indicate the sequence of sections within a chapter, and the digit or digits preceding such digits shall indicate the number of the chapter. A section of this act is subdivided into subsections, paragraphs, subparagraphs and such other minor subdivisions as may be required for clarity of expression and uniformity of style.

#### **§ 302. Section headings.**

Each section of this act shall be given a brief descriptive heading immediately preceding the body of the section. The headings of sections may be referred to as catchlines. In printing this act and its amendments the Director of the Legislative Reference Bureau shall substitute a symbol for the word "Section" preceding the digits of a section number in each catchline. Subsections may also have headings for convenience. Subsection headings shall not be set out on separate lines.

#### **§ 303. Cross references between provisions of the Consolidated Statutes.**

When reference is made in this act to a provision contained in any other section or sections of the same title such provision shall be identified without specifying the number of the title in which it appears. When reference is made in this act to a provision contained in any section or sections of this

act appearing in a different title the short form of citation specified in section 102 of this title (relating to citation of Pennsylvania Consolidated Statutes) shall be used. A cross reference description based on the section heading or headings of the provisions cited shall be inserted immediately following the first occurrence of the citation in the section and following any reoccurrence of the citation which is preceded in the same section or relevant part thereof by a citation to a different section of this act. Where required for clarity in the case of cross references to subsections or other parts of a section, the cross reference description shall be based on the subject matter of the subsection or other part thereof referred to.

**Cross References.** Section 303 is referred to in sections 102, 502 of this title.

**§ 304. References to other statutes.**

**(a) Method and scope of reference.--**Acts of the General Assembly shall be referred to generically in this act as statutes and, unless the context clearly indicates otherwise, such term when used in this act shall be deemed to be also a general reference to the provisions of this act.

**(b) Form of citation.--**Without prejudice to any other form of citation, any statute, except a provision of this act, shall be cited in this act by reference to its date of enactment, the special session number, if any, the page and act number, if any, assigned in the Laws of Pennsylvania and its statutory short title, or popular name, if any, otherwise a brief summary of its title.

(Dec. 10, 1974, P.L.816, No.271, eff. imd.)

**1974 Amendment.** Act 271 amended subsec. (b).

**§ 305. Re-use of section numbers.**

A section number shall not be re-used for a different subject, except in a bill to revise a part, article, chapter or other major subdivision of this act.

**§ 306. Bills to amend the Consolidated Statutes.**

**(a) Conformity with requirements of chapter.--**Bills to amend this act shall be drafted to conform with the structure of the Pennsylvania Consolidated Statutes, as provided in this chapter.

**(b) Bureau to insure conformity of bills.--**The Legislative Reference Bureau shall insure that all bills to amend this act conform with the requirement of subsection (a) of this section and other requirements established by the bureau pursuant to this section. Agencies and persons submitting requests for bills to amend this act shall allow the bureau sufficient time to make the necessary review and revision prior to final drafting of the bill by the bureau and shall, upon request or pursuant to requirements established by the bureau, submit copies or information for preparation of tables of contents, source notes and parallel tables for the use or information of the bureau, the General Assembly, governmental agencies and the public.

**(c) Bureau to determine form of bill and title changes.--**In drafting bills requested by members of the General Assembly or other duly authorized agencies and persons, the bureau shall determine whether the bill shall be drafted in the form of an amendment to this act or in the form of an original enactment or amendment to another statute and shall draft the bill according to such determination. The bureau shall also determine whether the number or name of a title established under this act shall be changed and whether titles shall be added or deleted. This subsection shall not authorize the bureau to

refuse to draft a bill in a manner expressly insisted upon by a member of the General Assembly nor shall it be construed as prohibiting the enactment of a law the form of which is contrary to the determination or advice of the bureau.

**(d) Bureau may adopt regulations and initiate amendments.**--The Director of the Legislative Reference Bureau may adopt and enforce rules, regulations, instructions and forms to carry out the powers and duties of the bureau under this act or other statute and the bureau may, from time to time, upon its own initiative, draft amendments to this act for consideration by the General Assembly.

**(e) Validity of law unaffected by nonconformity.**--No law or any part thereof shall be invalid because it is not enacted in conformity with this title or requirements established pursuant to this section.

(May 10, 1974, P.L.290, No.89, eff. imd.)

**1974 Amendment.** Act 89 lettered existing provisions as subsec. (a) and added subsecs. (b) to (e).

#### **CHAPTER 4**

(Reserved)

**Enactment.** Chapter 4 (Reserved) was added November 25, 1970, P.L.707, No.230, effective immediately.

#### **CHAPTER 5**

##### **OFFICIAL PUBLICATION OF THE CONSOLIDATED STATUTES**

##### **Sec.**

501. Publication and distribution.

502. Preparation and contents.

503. Official status of publication.

**Enactment.** Present Chapter 5 was added June 17, 1974, P.L.330, No.107, effective immediately.

**Prior Provisions.** Former Chapter 5, which related to publication of laws, was added November 25, 1970, P.L.707, No.230, and repealed December 6, 1972, P.L.1339, No.290, effective immediately. The subject matter is now contained in section 1104 of this title.

**Cross References.** Chapter 5 is referred to in section 1105 of this title.

##### **§ 501. Publication and distribution.**

**(a) General rule.**--The Legislative Reference Bureau may compile, edit, publish, print, supplement and revise or contract directly or through the Legislative Printing Clerk for the compilation, editing, publishing, printing, supplementation or revision of an official publication of the Pennsylvania Consolidated Statutes and amendments thereto. It shall be the duty of the Department of Property and Supplies, upon request of the bureau, to arrange for the prompt distribution of the official publication and the supplements thereto and revisions thereof in accordance with the provisions of this chapter. This publication shall be in addition to the publication of advance copies of statutes and the Laws of Pennsylvania except that the bureau, when authorized by concurrent resolution of the General Assembly, may reduce the number of such statutes and laws

published and printed and provide for the manner of their distribution and a fee to be charged for certain distributions.

**(b) Sale and distribution.**--The prices to be charged for individual copies of and subscriptions to the official publication, the supplements thereto and revisions thereof, for reprints and bound volumes thereof, which prices may be fixed without reference to the restrictions placed upon and fixed for the sale of other publications of the Commonwealth, and the number of copies which shall be distributed free for official use shall be established by the bureau. Without limiting the generality of the foregoing, the bureau may provide for the free reciprocal exchange of publications between this Commonwealth and other states and foreign jurisdictions and for the free distribution of at least one copy of every publication printed under authority of this chapter to each:

- (1) County for the use of its law library.
- (2) Member of the General Assembly at the post office address specified by him.
- (3) Law school library which pursuant to rules of court receives copies of printed briefs and records filed in the Supreme Court of Pennsylvania.

**(c) Payments and disposition of moneys.**--Payments for documents published by authority of this chapter shall be made to the Department of Property and Supplies which shall pay the same into the State Treasury to the credit of the General Fund. Such moneys are hereby appropriated from the General Fund to the Legislative Reference Bureau to carry out the provisions of this chapter.

**Prior Provisions.** Former section 501, which related to publication of amendments to the Consolidated Statutes, was added November 25, 1970, P.L.707, No.230, and repealed December 6, 1972, P.L.1339, No.290, effective immediately. The subject matter is now contained in section 1104 of this title.

**References in Text.** The Department of Property and Supplies, referred to in section 501, is now the Department of General Services.

**Suspension of Inconsistent Laws.** See section 5 of Act 107 of 1974 in the appendix to this title for provisions relating to suspension of laws inconsistent with a concurrent resolution adopted pursuant to section 501.

**Cross References.** Section 501 is referred to in section 502 of this title.

## **§ 502. Preparation and contents.**

**(a) General rule.**--In compiling and editing the Pennsylvania Consolidated Statutes and amendments thereto for publication, the bureau may:

- (1) Omit provisions of the amendatory acts which do not become a part of the structure of this act or which do not constitute part of the law as provided in section 1101(b) of this title (relating to enacting clause and unofficial provisions).
- (2) Include the provisions or a summary of the provisions referred to in paragraph (1) of this subsection in a footnote, appendix, table or other form at such a place and in such a manner as it deems appropriate but any unofficial provisions so included shall not constitute part of the law.
- (3) Include tables of contents, summary analyses, source notes, parallel tables, indexes, cross references to statutes and regulations, and such other provisions, whether or not contained in this act or in any amendment or amendments to



this act, as the bureau deems appropriate but any unofficial provisions so included shall not constitute part of the law.

(4) Include the Constitution of Pennsylvania and proposed amendments thereto as well as selected general and permanent laws and amendments thereto.

(5) Establish a form of citation of such publication or any part thereof which may be used for the purpose of drafting amendments to this act and for other purposes not inconsistent with the provisions of section 102 of this title (relating to citation of Pennsylvania Consolidated Statutes) and section 303 of this title (relating to cross references between provisions of the Consolidated Statutes).

**(b) Approvals by legislative officers.**--The President pro tempore of the Senate and the Speaker of the House of Representatives shall approve:

(1) The form and contents of the publication prepared by the bureau.

(2) All contracts entered into by the bureau or the Legislative Printing Clerk pursuant to section 501(a) of this title (relating to publication and distribution).

(3) All regulations and decisions of the bureau relating to the distribution of the publication and the prices to be charged for such publications pursuant to section 501(b) of this title (relating to publication and distribution).

**Cross References.** Section 502 is referred to in sections 503, 1105 of this title.

#### **§ 503. Official status of publication.**

The publication prepared by the bureau pursuant to this chapter shall constitute an official publication of the Pennsylvania Consolidated Statutes and shall be legal evidence of the laws contained therein including the Constitution and laws incorporated therein pursuant to section 502(a)(4) of this title (relating to preparation and contents).

## **PART II**

(Reserved)

**Enactment.** Part II (Reserved) was added December 6, 1972, P.L.1339, No.290, effective immediately.

## **PART III**

ADOPTION AND PUBLICATION OF CONSTITUTIONAL  
AND STATUTORY PROVISIONS

### **Chapter**

- 9. Constitutional Provisions
- 11. Statutory Provisions

**Enactment.** Part III was added December 6, 1972, P.L.1339, No.290, effective immediately.

## **CHAPTER 9**

CONSTITUTIONAL PROVISIONS

### **Sec.**

- 901. Legislation to show changes.
- 902. Conduct of election.
- 903. Governor to proclaim result of election.

904. Governor to proclaim corrected numbering.  
905. Section headings.  
906. Short titles of Constitutions of 1874 and 1968.

**Enactment.** Chapter 9 was added December 6, 1972, P.L.1339, No.290, effective immediately.

**§ 901. Legislation to show changes.**

Bills or joint resolutions introduced in the General Assembly proposing amendments to the Constitution of Pennsylvania shall be printed in such a manner as to indicate the words to be added to or deleted from the Constitution.

**§ 902. Conduct of election.**

The manner in which proposed amendments to the Constitution of Pennsylvania shall be submitted to the qualified electors of the Commonwealth and the manner and effect of the certification of the returns of the election thereon shall, unless the General Assembly shall prescribe otherwise with respect to any particular proposed amendment, be as provided in the Pennsylvania Election Code.

**§ 903. Governor to proclaim result of election.**

The officer of this Commonwealth to whom election returns are required by law to be certified shall, whenever a proposed amendment to the Constitution of Pennsylvania has been on the ballot at any election, certify the result of the election thereon to the Governor immediately upon receiving the official returns from all counties of the Commonwealth, and the Governor shall thereupon issue his proclamation indicating whether or not the proposed amendment has been adopted by a majority of the electors voting thereon. The proclamation shall be published in the next available volume of the Laws of Pennsylvania.

**§ 904. Governor to proclaim corrected numbering.**

Whenever an amendment of an article or of a section of the Constitution of Pennsylvania is adopted without specifying an article or section number, or whenever any amendment is adopted bearing a number which conflicts with the number of another article or section of the Constitution, the Governor may by proclamation specify a number for the article or section having no number, or change the number of any article or section which bears a number which conflicts with the number of another article or section of the Constitution, or renumber the articles of the Constitution or the sections of an article. The proclamation shall be published in the next available volume of the Laws of Pennsylvania.

**§ 905. Section headings.**

The Director of the Legislative Reference Bureau, with the approval of the Department of Justice, shall prepare and promulgate an appropriate heading for any section of the Constitution of Pennsylvania which was heretofore or may hereafter be adopted without a section heading. Any section heading promulgated pursuant to this section shall be published in the next available volume of the Laws of Pennsylvania.

**§ 906. Short titles of Constitutions of 1874 and 1968.**

**(a) Constitution of 1874.--**The Constitution of Pennsylvania, as adopted by referendum of December 16, 1873, shall be known and may be cited as the "Constitution of 1874."

**(b) Constitution of 1968.--**The Constitution of Pennsylvania, as amended by referenda of May 17, 1966, November 8, 1966, May 16, 1967 and April 23, 1968 and as numbered by proclamation of the Governor of this Commonwealth of July 7, 1967 pursuant to the act of August 17, 1965 (P.L.345, No.180), shall be known and may be cited as the "Constitution of 1968."

**CHAPTER 11**  
**STATUTORY PROVISIONS**

**Sec.**

- 1101. Enacting clause and unofficial provisions.
- 1102. Publication of notice of application for local or special legislation.
- 1103. Preparation of statutes for printing.
- 1104. Printing of amendatory statutes.
- 1105. Editing statutes for printing.
- 1106. Prothonotaries to keep files of advance copies of statutes.

**Enactment.** Chapter 11 was added December 6, 1972, P.L.1339, No.290, effective immediately.

**§ 1101. Enacting clause and unofficial provisions.**

**(a) Style and position of enacting clause.--**All statutes shall begin in the following style: "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:". Such enacting clause shall be placed immediately after the preamble or the table of contents of the statute, or if there be neither preamble nor table of contents, then immediately after the title.

**(b) Enumeration and use of unofficial provisions.--**Preambles, tables of contents, summary analyses, major subdivision headings, section and minor subdivision headings, cross reference descriptions, source notes and parallel tables shall not constitute part of the law and the Legislative Reference Bureau may, in its discretion, either include or omit such provisions in bills drafted by the bureau including bills prepared initially by agencies or persons other than the bureau.

**(c) Amendment of unofficial provisions.--**Notwithstanding any provision of this act or other statute to the contrary, in amending a bill or a statute it shall not be necessary to amend or delete any provision which does not constitute part of the law contained in the bill or statute which may be affected by such an amendment nor shall it be necessary to add any such provision to conform to such an amendment.

(June 17, 1974, P.L.330, No.107, eff. imd.; Dec. 10, 1974, P.L.816, No.271, eff. imd.)

**1974 Amendments.** Act 107 amended the entire section and Act 271 amended subsec. (b).

**Cross References.** Section 1101 is referred to in sections 502, 1105 of this title.

**§ 1102. Publication of notice of application for local or special legislation.**

**(a) General rule.--**No local or special bill to enact a local or special statute shall be passed by the General Assembly, unless notice of the intention to apply therefor shall be published, once a week for four successive weeks, in not less than two newspapers of general circulation, and also in the legal journal, if any, published in the county or in each of the several counties where the matter or thing affected may be. Where the matter or thing affected is in a municipality, publication shall be made in two newspapers of general circulation published in such municipality, if any, and, if none, then in two newspapers published in the county, and, in either event, also in the legal journal, if any, published in the county. Where only one newspaper of general circulation is

published in a county or in a municipality, publication in such one newspaper and in the legal journal, if any, shall be deemed sufficient.

**(b) Time of first publication.**--The first publication shall be at least 30 days prior to, and within three months immediately preceding, the introduction of the bill into the General Assembly.

**(c) Content and signing of notice.**--The notice shall set forth the full title and the purposes of the bill, and shall be signed by one of the parties applying therefor.

**(d) Filing proof of publication.**--Proof of publication in each newspaper and legal journal, verified by affidavit, shall be filed with the bill when it is introduced.

**(e) Exception from notice requirement.**--Notice shall not be required to be given under this section of a proposal to repeal a local or special statute by any of the following:

(1) A general bill which codifies, compiles or revises the law or any part thereof.

(2) A bill which:

(i) only eliminates obsolete statutory provisions; and

(ii) makes specific reference in its title to that elimination.

(Oct. 30, 2001, P.L.815, No.79, eff. imd.)

**2001 Amendment.** Act 79 amended subsecs. (a) and (e).

**§ 1103. Preparation of statutes for printing.**

The Director of the Legislative Reference Bureau shall, as soon as any bill becomes a law, prepare the same for printing, cause the same to be printed immediately, and collate with and correct the proof sheets by the original rolls. He shall also have the statutes printed and indexed in book form as the Laws of Pennsylvania as early as possible succeeding each regular session of the General Assembly, for distribution in accordance with law.

**Cross References.** Section 1103 is referred to in section 702 of Title 44 (Law and Justice).

**§ 1104. Printing of amendatory statutes.**

**(a) General rule.**--The Director of the Legislative Reference Bureau shall, in printing amendatory statutes, cause to be printed the section or part of the statute only as reenacted. Except as provided in subsection (b) of this section, in the section or part of the law reenacted, the Director shall cause to be printed between brackets, the words, phrases, or provisions of the existing statute, if any, which have been stricken out or eliminated by the adoption of the amendment, and he shall cause to be printed in italics or with underscoring all new words, phrases or provisions, if any, which have been inserted into or added to the statute by the passage of such amendment.

**(b) Pennsylvania Consolidated Statutes.**--In printing as much of any statute as adds an entire title, part, article, chapter, subchapter or other major subdivision to the Pennsylvania Consolidated Statutes, the Director shall cause such addition to be printed in Roman type without underscoring, and in printing as much of any statute as deletes or repeals an entire title, part, article, chapter, subchapter or other major subdivision of the Pennsylvania Consolidated Statutes, the Director shall not cause to be printed the provisions which have been deleted or repealed unless the deletion or repeal was effected by the use of brackets.

**1974 Amendment.** Act 107 amended subsec. (b).

**§ 1105. Editing statutes for printing.**

**(a) Correction of errors.--**Where any statute shall have been finally enacted and it shall be ascertained that such statute is technically defective in form, or contains misspelled words or typographical errors, or the plural or singular number, or the past, present or future tense appears where another should be used, or where a word clearly intended to be inserted has been omitted, or where a word clearly should have been omitted, or where a word is correctly spelled but it clearly appears that another word was intended, the Director of the Legislative Reference Bureau, in editing such statute, shall have authority, with the approval of the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Department of Justice, to correct the original copy of such statute, as filed in the Department of State, if such correction will not in any manner affect or change the meaning, intent or substance of such statute.

**(b) Notation of correction.--**Whenever any such correction on any statute is made, a notation thereof shall be made on the original copy or on a sheet attached to the original copy by the Director of the Legislative Reference Bureau, together with his signature, followed by the approval and signatures of the President pro tempore of the Senate, the Speaker of the House of Representatives and the Attorney General or his deputy. A notation of such corrections shall also be printed in the Laws of Pennsylvania as footnotes to the statutes on which the corrections were made.

**(c) Unofficial provisions of statutes.--**The Director of the Legislative Reference Bureau, in editing and preparing statutes for printing, shall have authority to add to the statute provisions which do not constitute part of the law as provided in section 1101 of this title (relating to enacting clause and unofficial provisions) and to correct or omit such provisions contained in the statute. In making such changes it shall not be necessary to obtain the approvals or to make the notations required under subsections (a) and (b) of this section.

**(d) Changes in form and style.--**The Director of the Legislative Reference Bureau, in editing and preparing statutes for printing in the Laws of Pennsylvania or pursuant to Chapter 5 of this title (relating to official publication of the Consolidated Statutes), may, in a manner that will not affect or change the meaning, intent or substance of such statute and, unless otherwise provided in this subsection, without obtaining the approvals or making the notations required under subsections (a) and (b) of this section:

(1) Renumber major subdivisions, sections and minor subdivisions to eliminate duplicate numbers.

(2) With approvals required under subsection (a) of this section, rearrange or transfer major subdivisions, sections and minor subdivisions to conform to requirements established pursuant to Chapter 3 of this title (relating to format of the Consolidated Statutes).

(3) Insert or change instructions and references in sections of amendatory statutes to conform to the provisions amended or affected.

(4) Insert or change reference numbers and the form of citations or references to Federal or State constitutions, statutes or regulations to conform to renumbered or revised

provisions or to requirements established pursuant to Chapter 3 of this title.

(5) Substitute the proper major subdivision, section or minor subdivision number and related references for the terms "this act," "the preceding section," and the like.

(6) Strike out or insert figures and symbols where they are merely a repetition of or have the same meaning as written words and vice-versa.

(7) Change capitalization for the purpose of uniformity or style.

(8) Insert a symbol for the word "section" and vice-versa.

**(e) Constitutional provisions.**--The Director of the Legislative Reference Bureau, in editing and preparing the Constitution of Pennsylvania and its amendments for printing in the Laws of Pennsylvania or pursuant to Chapter 5 of this title (relating to official publication of the Consolidated Statutes), may make corrections and changes under this section and section 502(a) of this title (relating to preparation and contents) in the same manner and subject to the same requirements applicable to statutes.

(June 17, 1974, P.L.330, No.107, eff. imd.; Dec. 10, 1974, P.L.816, No.271, eff. imd.)

**1974 Amendments.** Act 107 amended subsecs. (a) and (b) and added subsec. (c) and Act 271 amended the section heading and subsecs. (a) and (b) and added subsecs. (d) and (e).

**Conforming Editorial Changes in Citations.** For authority of the Director of the Legislative Reference Bureau to editorially change the form of citations in statutes to conform to the 1974 amendment to section 1105, see section 6 of Act 271 of 1974 in the appendix to this title. See also section 6 of Act 107 of 1974 in the appendix to this title for special provisions relating to editing statutes for printing.

**Cross References.** Section 1105 is referred to in section 702 of Title 44 (Law and Justice).

#### **§ 1106. Prothonotaries to keep files of advance copies of statutes.**

The prothonotaries of the several counties shall file and keep in their offices, in such manner that they shall be accessible to the public during the office hours of the prothonotaries, advance copies of the statutes enacted at each session of the General Assembly, as such advance copies are furnished to them in accordance with law, until the statutes of such session as printed in the Laws of Pennsylvania are generally available.

### **PART IV** (Reserved)

**Enactment.** Part IV (Reserved) was added December 6, 1972, P.L.1339, No.290, effective immediately.

### **PART V** STATUTORY CONSTRUCTION

#### **Chapter**

- 15. General Provisions
- 17. Effective Date of Statutes
- 19. Rules of Construction

**Enactment.** Part V was added December 6, 1972, P.L.1339, No.290, effective immediately.

## **CHAPTER 15**

### **GENERAL PROVISIONS**

**Sec.**

- 1501. Short title of part.
- 1502. Application of part.
- 1503. Applicability of colonial law.
- 1504. Statutory remedy preferred over common law.

**Enactment.** Chapter 15 was added December 6, 1972, P.L.1339, No.290, effective immediately.

**§ 1501. Short title of part.**

This part shall be known and may be cited as the "Statutory Construction Act of 1972."

**§ 1502. Application of part.**

**(a) Direct application.--**

(1) Except as otherwise provided in this part, the provisions of this part shall apply to the following unless the General Assembly or the agency adopting the document shall provide otherwise:

(i) Every statute finally enacted on or after September 1, 1937.

(ii) Every document codified in the Pennsylvania Code except legislative, judicial and home rule charter documents.

(2) The provisions of this chapter and of Chapter 17 of this title (relating to effective date of statutes) shall apply to every statute enacted by the General Assembly, whether under the authority of the Commonwealth or of the late Proprietaries of the Province of Pennsylvania.

**(b) Other applications.--**The provisions of this part shall apply to any public document to the extent such document refers to and incorporates therein the provisions of this part. The provisions of this part other than this chapter and Chapter 17 of this title (relating to effective date of statutes) shall apply to statutes finally enacted before September 1, 1937 to the extent that this part substantially reenacts or restates rules of construction enacted or in force prior to such date.

**§ 1503. Applicability of colonial law.**

**(a) English law.--**The common law and such of the statutes of England as were in force in the Province of Pennsylvania on May 14, 1776 and which were properly adapted to the circumstances of the inhabitants of this Commonwealth shall be deemed to have been in force in this Commonwealth from and after February 10, 1777.

**(b) Provincial statutes.--**The statutes enacted on or before May 14, 1776 under the authority of the late Proprietaries of the Province of Pennsylvania have the same validity and effect as statutes enacted under the authority of this Commonwealth.

**(c) Exceptions.--**The rules specified in subsections (a) and (b) of this section shall not be applicable to any statute or law which:

(1) has been heretofore or is hereafter amended or repealed or which has expired by its own limitation;

(2) orders the taking or subscribing any oath, affirmation or declaration of allegiance or fidelity to the British crown;

(3) acknowledges any authority in the heirs or devisees of William Penn, Esq., deceased, the former Governor of the Province of Pennsylvania, or any other person whomsoever as Governor of the Province of Pennsylvania; or

(4) is repugnant to the Constitution of this Commonwealth or of the United States.

**§ 1504. Statutory remedy preferred over common law.**

In all cases where a remedy is provided or a duty is enjoined or anything is directed to be done by any statute, the directions of the statute shall be strictly pursued, and no penalty shall be inflicted, or anything done agreeably to the common law, in such cases, further than shall be necessary for carrying such statute into effect.

**Cross References.** Section 1504 is referred to in sections 708, 7541 of Title 42 (Judiciary and Judicial Procedure).

**CHAPTER 17**  
**EFFECTIVE DATE OF STATUTES**

**Sec.**

1701. Statutes generally.

1702. Statutes making appropriations.

1703. Statutes affecting the budget of any political subdivision.

1704. Statutes enacted at a special session.

**Enactment.** Chapter 17 was added December 6, 1972, P.L.1339, No.290, effective immediately.

**Cross References.** Chapter 17 is referred to in section 1502 of this title.

**§ 1701. Statutes generally.**

(a) **General rule.**--Except as otherwise provided in this chapter all statutes enacted finally at any regular session of the General Assembly not containing a specified effective date shall be effective on the date specified by that one of the following rules of construction in effect on the date of final enactment of the statute:

(1) **Final enactment before May 18, 1929.**--immediately upon final enactment.

(2) **Final enactment on or after May 18, 1929 and before August 25, 1951.**--on the first day of September next following their final enactment.

(3) **Final enactment on or after August 25, 1951 and before January 10, 1960.**--on the first day of September next following their final enactment, or if finally enacted after the first day of September of the year of the regular session, immediately upon final enactment.

(4) **Final enactment on or after January 10, 1960 and before June 6, 1969.**--on the first day of September next following their final enactment, or if finally enacted after the first day of July of the year of the regular session, 60 days after final enactment.

(5) **Final enactment on or after June 6, 1969.**--60 days after final enactment.

(b) **Statutes enacted after effective date therein specified.**--Except as otherwise provided in this chapter all statutes enacted finally at any regular session of the General Assembly after the effective date therein specified shall be effective on the date specified by that one of the following



rules of construction in effect on the date of final enactment of the statute:

(1) **Final enactment before January 10, 1960.--**  
immediately upon final enactment.

(2) **Final enactment on or after January 10, 1960.--**60  
days after final enactment.

**§ 1702. Statutes making appropriations.**

Appropriation statutes, or statutes having appropriation items enacted finally at any regular session of the General Assembly, shall be effective on the date specified by that one of the following rules of construction in effect on the date of final enactment of the statute:

(1) **Final enactment before May 18, 1929.--**immediately upon final enactment unless a different date is specified in the statute itself.

(2) **Final enactment on or after May 18, 1929 and before June 2, 1967.--**on the first day of June next following their final enactment, unless a different date is specified in the statute itself, or unless any such statute is enacted finally after the first day of June in any year, in which case it shall be effective immediately upon final enactment.

(3) **Final enactment on or after June 2, 1967 and before June 6, 1969.--**on the first day of July next following their final enactment, unless a different date is specified in the statute itself, or unless any such statute is enacted finally after the first day of July in any year, in which case it shall be effective immediately upon final enactment.

(4) **Final enactment on or after June 6, 1969.--**on the first day of July next following their final enactment, unless a different date is specified in the statute itself, or unless any such statute is enacted finally after the first day of July in any year, or after the date specified in the statute, in which case it shall be effective immediately upon final enactment.

**§ 1703. Statutes affecting the budget of any political subdivision.**

Statutes affecting the budget of any political subdivision enacted finally at any regular session of the General Assembly shall be effective on the date specified by that one of the following rules of construction in effect on the date of final enactment of the statute:

(1) **Final enactment before May 18, 1929.--**immediately upon final enactment unless a different date is specified in the statute itself.

(2) **Final enactment on or after May 18, 1929 and before June 4, 1941.--**on the first day of September next following their final enactment unless a different date is specified in the statute itself.

(3) **Final enactment on or after June 4, 1941 and before August 25, 1951 or on or after May 28, 1953 and before June 6, 1969.--**at the beginning of the fiscal year of the political subdivision affected following the date of final enactment of the statute unless a different date is specified in the statute itself.

(4) **Final enactment on or after August 25, 1951 and before May 28, 1953.--**at the beginning of the fiscal year of the political subdivision affected following the date of final enactment of the statute unless a different date is specified in the statute itself, or if enacted finally after the beginning of such fiscal year, or after the date specified in the statute, immediately upon final enactment.

(5) **Final enactment on or after June 6, 1969.**--on the date specified in the statute, or if finally enacted thereafter, or if no date is specified, then at the beginning of the fiscal year of the political subdivision affected following the date of final enactment of the statute.

**§ 1704. Statutes enacted at a special session.**

(a) **General rule.**--Statutes enacted finally at a special or extraordinary session of the General Assembly shall, except as otherwise provided in this section, be governed as to the time when they shall be effective by the rules of construction specified in this chapter for statutes enacted finally at regular sessions of the General Assembly.

(b) **Rules applicable between 1935 and 1969.**--Statutes enacted finally at special or extraordinary sessions of the General Assembly during the periods hereinafter specified shall be effective on the date specified by that one of the following rules of construction in effect on the date of final enactment of the statute:

(1) **Final enactment on or after June 11, 1935 and before January 10, 1960.**--immediately upon final enactment unless a different date is specified in the statute itself.

(2) **Final enactment on or after January 10, 1960 and before June 6, 1969.**--60 days after final enactment unless a different date is specified in the statute itself.

## **CHAPTER 19**

### **RULES OF CONSTRUCTION**

#### **Subchapter**

- A. Construction of Words and Phrases
- B. Construction of Statutes
- C. Amendatory Statutes
- D. Reenactments
- E. Repealing Statutes
- F. Definitions of Words and Phrases

**Enactment.** Chapter 19 was added December 6, 1972, P.L.1339, No.290, effective immediately.

## **SUBCHAPTER A**

### **CONSTRUCTION OF WORDS AND PHRASES**

#### **Sec.**

- 1901. Rules of interpretation.
- 1902. Number; gender; tense.
- 1903. Words and phrases.
- 1904. Numerals.
- 1905. Joint authority; quorum.
- 1906. Bonds.
- 1907. Uniform standard time.
- 1908. Computation of time.
- 1909. Time; publication for successive weeks.
- 1910. Time; computation of months.

**§ 1901. Rules of interpretation.**

In the construction of the statutes of this Commonwealth, the rules set forth in this chapter shall be observed, unless the application of such rules would result in a construction inconsistent with the manifest intent of the General Assembly.

**§ 1902. Number; gender; tense.**

The singular shall include the plural, and the plural, the singular. Words used in the masculine gender shall include the feminine and neuter. Words used in the past or present tense shall include the future.

**§ 1903. Words and phrases.**

(a) **General rule.**--Words and phrases shall be construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a peculiar and appropriate meaning or are defined in this part, shall be construed according to such peculiar and appropriate meaning or definition.

(b) **General restricted by particular words.**--General words shall be construed to take their meanings and be restricted by preceding particular words.

**§ 1904. Numerals.**

The Roman numerals and the Arabic numerals shall be deemed parts of the English language.

**§ 1905. Joint authority; quorum.**

(a) **Joint authority.**--Words in a statute conferring a joint authority upon three or more public officers or other persons shall be construed to confer authority upon a majority of such officers or persons.

(b) **Quorum.**--A majority of any board or commission shall constitute a quorum.

**§ 1906. Bonds.**

A statute requiring a bond or undertaking with sureties to be given by any person, shall be construed to permit in lieu thereof a bond of indemnity or surety bond for the amount of such bond or undertaking, given by any indemnity or surety company authorized to do business in this Commonwealth, and approved by the proper authority.

**§ 1907. Uniform standard time.**

Every mention of, or reference to any hour or time in any statute, shall be construed with reference to and in accordance with the mean solar time of the 75th meridian of longitude west of Greenwich, commonly called eastern standard time, unless a different standard is therein expressly provided for, or unless the standard time shall be advanced for any portion of the year, by any act of Congress.

**§ 1908. Computation of time.**

When any period of time is referred to in any statute, such period in all cases, except as otherwise provided in section 1909 of this title (relating to publication for successive weeks) and section 1910 of this title (relating to computation of months) shall be so computed as to exclude the first and include the last day of such period. Whenever the last day of any such period shall fall on Saturday or Sunday, or on any day made a legal holiday by the laws of this Commonwealth or of the United States, such day shall be omitted from the computation.

**Cross References.** Section 1908 is referred to in section 3508 of Title 25 (Elections).

**§ 1909. Time; publication for successive weeks.**

Whenever in any statute providing for the publishing of notices, the phrase "successive weeks" is used, weeks shall be construed as calendar weeks. The publication upon any day of such weeks shall be sufficient publication for that week, but at least five days shall elapse between each publication. At least the number of weeks specified in "successive weeks" shall elapse between the first publication and the day for the happening of the event for which publication shall be made.

**Cross References.** Section 1909 is referred to in section 1908 of this title; section 3133 of Title 15 (Corporations and Unincorporated Associations).

**§ 1910. Time; computation of months.**

Whenever in any statute the lapse of a number of months after or before a certain day is required, such number of months shall be computed by counting the months from such day, excluding the calendar month in which such day occurs, and shall include the day of the month in the last month so counted having the same numerical order as the day of the month from which the computation is made, unless there be not so many days in the last month so counted, in which case the period computed shall expire with the last day of such month.

**Cross References.** Section 1910 is referred to in section 1908 of this title.

**SUBCHAPTER B**  
**CONSTRUCTION OF STATUTES**

**Sec.**

- 1921. Legislative intent controls.
- 1922. Presumptions in ascertaining legislative intent.
- 1923. Grammar and punctuation of statutes.
- 1924. Construction of titles, preambles, provisos, exceptions and headings.
- 1925. Constitutional construction of statutes.
- 1926. Presumption against retroactive effect.
- 1927. Construction of uniform laws.
- 1928. Rule of strict and liberal construction.
- 1929. Penalties no bar to civil remedies.
- 1930. Penalties for each offense.
- 1931. Intent to defraud.
- 1932. Statutes in pari materia.
- 1933. Particular controls general.
- 1934. Irreconcilable clauses in the same statute.
- 1935. Irreconcilable statutes passed by same General Assembly.
- 1936. Irreconcilable statutes passed by different General Assemblies.
- 1937. References to statutes and regulations.
- 1938. References to public bodies and public officers.
- 1939. Use of comments and reports.

**§ 1921. Legislative intent controls.**

**(a) Object and scope of construction of statutes.--**The object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly. Every statute shall be construed, if possible, to give effect to all its provisions.

**(b) Unambiguous words control construction.--**When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.

**(c) Matters considered in ascertaining intent.--**When the words of a statute are not explicit, the intention of the General Assembly may be ascertained by considering, among other matters:

- (1) The occasion and necessity for the statute.
- (2) The circumstances under which it was enacted.
- (3) The mischief to be remedied.
- (4) The object to be attained.

- (5) The former law, if any, including other statutes upon the same or similar subjects.
- (6) The consequences of a particular interpretation.
- (7) The contemporaneous legislative history.
- (8) Legislative and administrative interpretations of such statute.

**§ 1922. Presumptions in ascertaining legislative intent.**

In ascertaining the intention of the General Assembly in the enactment of a statute the following presumptions, among others, may be used:

- (1) That the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable.
- (2) That the General Assembly intends the entire statute to be effective and certain.
- (3) That the General Assembly does not intend to violate the Constitution of the United States or of this Commonwealth.
- (4) That when a court of last resort has construed the language used in a statute, the General Assembly in subsequent statutes on the same subject matter intends the same construction to be placed upon such language.
- (5) That the General Assembly intends to favor the public interest as against any private interest.

**§ 1923. Grammar and punctuation of statutes.**

**(a) Grammatical errors and transposition of words.--**Grammatical errors shall not vitiate a statute. A transposition of words and clauses may be resorted to where a sentence is without meaning as it stands.

**(b) Use of punctuation in construction.--**In no case shall the punctuation of a statute control or affect the intention of the General Assembly in the enactment thereof but punctuation may be used to aid in the construction thereof if the statute was finally enacted after December 31, 1964.

**(c) Adding words for proper construction.--**Words and phrases which may be necessary to the proper interpretation of a statute and which do not conflict with its obvious purpose and intent, nor in any way affect its scope and operation, may be added in the construction thereof.

(Dec. 10, 1974, P.L.816, No.271, eff. imd.)

**1974 Amendment.** Act 271 amended subsec. (b).

**§ 1924. Construction of titles, preambles, provisos, exceptions and headings.**

The title and preamble of a statute may be considered in the construction thereof. Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer. Exceptions expressed in a statute shall be construed to exclude all others. The headings prefixed to titles, parts, articles, chapters, sections and other divisions of a statute shall not be considered to control but may be used to aid in the construction thereof.

**Cross References.** Section 1924 is referred to in section 1107 of Title 13 (Commercial Code).

**§ 1925. Constitutional construction of statutes.**

The provisions of every statute shall be severable. If any provision of any statute or the application thereof to any person or circumstance is held invalid, the remainder of the statute, and the application of such provision to other persons or circumstances, shall not be affected thereby, unless the court finds that the valid provisions of the statute are so essentially and inseparably connected with, and so depend upon,

the void provision or application, that it cannot be presumed the General Assembly would have enacted the remaining valid provisions without the void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**§ 1926. Presumption against retroactive effect.**

No statute shall be construed to be retroactive unless clearly and manifestly so intended by the General Assembly.

**§ 1927. Construction of uniform laws.**

Statutes uniform with those of other states shall be interpreted and construed to effect their general purpose to make uniform the laws of those states which enact them.

**§ 1928. Rule of strict and liberal construction.**

(a) **Statutes in derogation of common law.**--The rule that statutes in derogation of the common law are to be strictly construed, shall have no application to the statutes of this Commonwealth enacted finally after September 1, 1937.

(b) **Provisions subject to strict construction.**--All provisions of a statute of the classes hereafter enumerated shall be strictly construed:

- (1) Penal provisions.
- (2) Retroactive provisions.
- (3) Provisions imposing taxes.
- (4) Provisions conferring the power of eminent domain.
- (5) Provisions exempting persons and property from taxation.
- (6) Provisions exempting property from the power of eminent domain.
- (7) Provisions decreasing the jurisdiction of a court of record.
- (8) Provisions enacted finally prior to September 1, 1937 which are in derogation of the common law.

(c) **Provisions subject to liberal construction.**--All other provisions of a statute shall be liberally construed to effect their objects and to promote justice.

**§ 1929. Penalties no bar to civil remedies.**

The provision in any statute for a penalty or forfeiture for its violation shall not be construed to deprive an injured person of the right to recover from the offender damages sustained by reason of the violation of such statute.

**§ 1930. Penalties for each offense.**

Whenever a penalty or forfeiture is provided for the violation of a statute, such penalty or forfeiture shall be construed to be for each such violation.

**§ 1931. Intent to defraud.**

Whenever an intent to defraud is required in any statute in order to constitute an offense, the statute shall be construed to require only an intent to defraud any person or body politic.

**§ 1932. Statutes in pari materia.**

(a) **Meaning.**--Statutes or parts of statutes are in pari materia when they relate to the same persons or things or to the same class of persons or things.

(b) **Construction.**--Statutes in pari materia shall be construed together, if possible, as one statute.

**§ 1933. Particular controls general.**

Whenever a general provision in a statute shall be in conflict with a special provision in the same or another statute, the two shall be construed, if possible, so that effect may be given to both. If the conflict between the two provisions is irreconcilable, the special provisions shall prevail and shall be construed as an exception to the general provision,

unless the general provision shall be enacted later and it shall be the manifest intention of the General Assembly that such general provision shall prevail.

**Cross References.** Section 1933 is referred to in section 1934 of this title; section 9303 of Title 42 (Judiciary and Judicial Procedure).

**§ 1934. Irreconcilable clauses in the same statute.**

Except as provided in section 1933 of this title (relating to particular controls general), whenever, in the same statute, several clauses are irreconcilable, the clause last in order of date or position shall prevail.

**§ 1935. Irreconcilable statutes passed by same General Assembly.**

Whenever the provisions of two or more statutes enacted finally during the same General Assembly are irreconcilable, the statute latest in date of final enactment, and where two or more irreconcilable statutes are enacted finally on the same date, the statute bearing the highest number, in either case irrespective of its effective date, shall prevail from the time it becomes effective except as otherwise provided in section 1952 of this title (relating to effect of separate amendments on code provisions enacted by same General Assembly) and section 1974 of this title (relating to effect of separate repeals on code provisions by same General Assembly).

**Cross References.** Section 1935 is referred to in section 1955 of this title.

**§ 1936. Irreconcilable statutes passed by different General Assemblies.**

Whenever the provisions of two or more statutes enacted finally by different General Assemblies are irreconcilable, the statute latest in date of final enactment shall prevail.

**Cross References.** Section 1936 is referred to in section 1955 of this title.

**§ 1937. References to statutes and regulations.**

(a) **General rule.**--A reference in a statute to a statute or to a regulation issued by a public body or public officer includes the statute or regulation with all amendments and supplements thereto and any new statute or regulation substituted for such statute or regulation, as in force at the time of application of the provision of the statute in which such reference is made, unless the specific language or the context of the reference in the provision clearly includes only the statute or regulation as in force on the effective date of the statute in which such reference is made.

(b) **Applicability of section.**--The provisions of subsection (a) of this section shall apply to every statute finally enacted on or after July 1, 1971.

**§ 1938. References to public bodies and public officers.**

A reference in a statute to a governmental agency, department, board, commission or other public body or to a public officer includes an entity or officer which succeeds to substantially the same functions as those performed by such public body or officer on the effective date of the statute, unless the specific language or the context of the reference in the statute clearly includes only the public body or officer on the effective date of the statute.

**§ 1939. Use of comments and reports.**

The comments or report of the commission, committee, association or other entity which drafted a statute may be

consulted in the construction or application of the original provisions of the statute if such comments or report were published or otherwise generally available prior to the consideration of the statute by the General Assembly, but the text of the statute shall control in the event of conflict between its text and such comments or report.

## **SUBCHAPTER C**

### **AMENDATORY STATUTES**

#### **Sec.**

- 1951. Interpretation of amendatory statutes.
- 1952. Effect of separate amendments on code provisions enacted by same General Assembly.
- 1953. Construction of amendatory statutes.
- 1954. Merger of subsequent amendments.
- 1955. Two or more amendments to same provision, one overlooking the other.
- 1956. Repeal of amendatory statutes and original statutes subsequently amended.
- 1957. Ineffective provisions not revived by reenactment in amendatory statutes.

#### **§ 1951. Interpretation of amendatory statutes.**

In ascertaining the correct reading, status and interpretation of an amendatory statute, the matter inserted within brackets shall be omitted, and the matter in italics or underscored shall be read and interpreted as part of the statute.

#### **§ 1952. Effect of separate amendments on code provisions enacted by same General Assembly.**

Whenever any existing statute, incorporated into and repealed by a code, is also amended by other legislation enacted by the same General Assembly, such separate amendment shall be construed to be in force, notwithstanding the repeal by the code of the statute such other legislation amends, and such amendment shall be construed to prevail over the corresponding provisions of the code.

**Applicability.** Section 1952 was made inapplicable, in whole or in part, by various statutes amending the Pennsylvania Consolidated Statutes and amending or repealing corresponding former provisions of law. In such cases, the appendix following the particular title affected contains the provision of the statute which rendered section 1952 inapplicable.

**Cross References.** Section 1952 is referred to in sections 1935, 1956 of this title.

#### **§ 1953. Construction of amendatory statutes.**

Whenever a section or part of a statute is amended, the amendment shall be construed as merging into the original statute, become a part thereof, and replace the part amended, and the remainder of the original statute and the amendment shall be read together and viewed as one statute passed at one time; but the portions of the statute which were not altered by the amendment shall be construed as effective from the time of their original enactment, and the new provisions shall be construed as effective only from the date when the amendment became effective.

#### **§ 1954. Merger of subsequent amendments.**

Whenever a statute has been more than once amended, the latest amendment shall be read into the original statute as previously amended and not into such statute as originally



enacted. This rule applies whether or not the previous amendment is referred to and whether or not its language is incorporated in the latest amendment. If the insertions in and the deletions from the statute made by the previous amendment are not incorporated in the later, they shall nevertheless be read into the later amendment as though they had in fact been incorporated therein.

**§ 1955. Two or more amendments to same provision, one overlooking the other.**

Whenever two or more amendments to the same provision of a statute are enacted at the same or different sessions, one amendment overlooking and making no reference to the other or others, the changes in the statute made by each shall be given effect and all the amendments shall be read into each other. If the changes made in the statute are to any extent in direct conflict with each other, the rules specified in section 1935 of this title (relating to irreconcilable statutes passed by same General Assembly) and section 1936 of this title (relating to irreconcilable statutes passed by different General Assemblies) shall govern. The fact that a later amendment (1) restates language of the original statute which was deleted by an earlier amendment, or (2) fails to restate language inserted by an earlier amendment, does not of itself create a conflict between the two amendments. Amendments are in conflict with each other only if the changes in the statute made by each without considering the inserts and strike-outs of the other cannot be put into operation simultaneously.

**§ 1956. Repeal of amendatory statutes and original statutes subsequently amended.**

The repeal of an amendatory statute does not revive the corresponding provision or section of the original statute or of any prior amendment. Except as otherwise provided in section 1952 of this title (relating to effect of separate amendments on code provisions enacted by same General Assembly), the repeal of an original statute, or section or provision of an original statute, repeals all subsequent amendments to the original statute, or to the original section or provision, as the case may be.

**§ 1957. Ineffective provisions not revived by reenactment in amendatory statutes.**

Provisions of a statute no longer effective because of having been deleted by an earlier amendment or otherwise shall not be construed as being revived by reenactment in an amendatory statute, unless it shall clearly appear by notice thereof in the title of the amendatory statute that the General Assembly intended to revive such provisions.

**SUBCHAPTER D  
REENACTMENTS**

**Sec.**

1961. Effect of reenactment on original statute.

1962. Repeal and reenactment.

1963. Effect of reenactment on intervening statutes.

**§ 1961. Effect of reenactment on original statute.**

Whenever a statute reenacts a former statute, the provisions common to both statutes shall date from their first adoption. Such provisions only of the former statute as are omitted from the reenactment shall be deemed abrogated, and only the new or changed provisions shall be deemed to be the law from the effective date of the reenactment.

**§ 1962. Repeal and reenactment.**

Whenever a statute is repealed and its provisions are at the same time reenacted in the same or substantially the same terms by the repealing statute, the earlier statute shall be construed as continued in active operation. All rights and liabilities incurred under such earlier statute are preserved and may be enforced.

**§ 1963. Effect of reenactment on intervening statutes.**

A statute which reenacts the provisions of an earlier statute shall not be construed to repeal an intermediate statute which modified but did not effect an amendment to such earlier statute. Such intermediate statute shall be construed to remain in force and to modify the reenactment in the same manner as it modified the earlier statute.

**SUBCHAPTER E**  
**REPEALING STATUTES**

**Sec.**

- 1971. Implied repeal by later statute.
- 1972. Nonexistence of reason for statute does not effect repeal.
- 1973. No implied repeal by nonuser.
- 1974. Effect of separate repeals on code provisions by same General Assembly.
- 1975. Effect of repeal on limitations.
- 1976. Effect of repeal on rights, et cetera.
- 1977. Repeal does not revive repealed statute.
- 1978. Repeal as obsolete does not affect substantive rights.

**§ 1971. Implied repeal by later statute.**

**(a) Revision or exclusive system covering entire subject.--**Whenever a statute purports to be a revision of all statutes upon a particular subject, or sets up a general or exclusive system covering the entire subject matter of a former statute and is intended as a substitute for such former statute, such statute shall be construed to supply and therefore to repeal all former statutes upon the same subject.

**(b) Uniform mandatory system covering class of subjects.--**Whenever a general statute purports to establish a uniform and mandatory system covering a class of subjects, such statute shall be construed to supply and therefore to repeal pre-existing local or special statutes on the same class of subjects.

**(c) Other cases.--**In all other cases, a later statute shall not be construed to supply or repeal an earlier statute unless the two statutes are irreconcilable.

**§ 1972. Nonexistence of reason for statute does not effect repeal.**

A statute shall not be deemed repealed because the reason for its passage no longer exists.

**§ 1973. No implied repeal by nonuser.**

A statute shall not be deemed repealed by failure to use such statute.

**§ 1974. Effect of separate repeals on code provisions by same General Assembly.**

Whenever a statute repeals any provision of another statute incorporated into a code adopted by the same General Assembly, the statute repealing the provision so incorporated into the code shall be construed to effect a repeal of the corresponding provision of the code.

**Applicability.** Section 1974 was made inapplicable, in whole or in part, by various statutes amending the Pennsylvania Consolidated Statutes and amending or repealing corresponding former provisions of law. In such cases, the appendix following the particular title affected contains the provision of the statute which rendered section 1974 inapplicable.

**Cross References.** Section 1974 is referred to in section 1935 of this title.

**§ 1975. Effect of repeal on limitations.**

Whenever a limitation or period of time, prescribed in any statute for acquiring a right or barring a remedy, or for any other purpose, has begun to run before a statute repealing such statute takes effect, and the same or any other limitation is prescribed in any other statute passed by the same General Assembly, the time which has already run shall be deemed part of the time prescribed as such limitation in such statute passed by the same General Assembly.

**§ 1976. Effect of repeal on rights, et cetera.**

(a) **Existing rights and pending actions.--**The repeal of any civil provisions of a statute shall not affect or impair any act done, or right existing or accrued, or affect any civil action pending to enforce any right under the authority of the statute repealed. Such action may be proceeded with and concluded under the statutes in existence when such action was instituted, notwithstanding the repeal of such statutes, or such action may be proceeded with and concluded under the provisions of the new statute, if any, enacted.

(b) **Existence of private corporation.--**The repeal of any statute shall not affect the corporate existence of any private corporation created by or incorporated under such statute.

**§ 1977. Repeal does not revive repealed statute.**

The repeal of a repealing statute shall not be construed to revive the statute originally repealed.

**§ 1978. Repeal as obsolete does not affect substantive rights.**

Whenever a statute which created a personal or property right in derogation of the common law is repealed as obsolete or by a code which does not contain an express provision with respect to such personal or property right, the repeal shall not be construed to revive the prior inconsistent common law rule, but such repeal shall be construed as a recognition by the General Assembly that such personal or property right has been received into and has become a part of the common law of this Commonwealth.

## **SUBCHAPTER F**

### **DEFINITIONS OF WORDS AND PHRASES**

**Sec.**

1991. Definitions.

**§ 1991. Definitions.**

The following words and phrases, when used in any statute finally enacted on or after September 1, 1937, unless the context clearly indicates otherwise, shall have the meanings given to them in this section:

**"Action."** Any suit or proceeding in any court of this Commonwealth.

**"Administrator."** A fiduciary appointed under authority of law by a register of wills or court to administer the estate of a decedent.

**"Adult."** An individual 21 years of age or over.

**"Aeronautics."** The art and science of transportation by aircraft including the facilities connected therewith.

**"Affidavit."** A statement in writing of a fact or facts signed by the party making it, sworn to or affirmed before an officer authorized by the laws of this Commonwealth to take acknowledgments of deeds, or authorized to administer oaths, or before the particular officer or individual designated by law as the one before whom it is to or may be taken, and officially certified to in the case of an officer under his seal of office.

**"Aircraft."** Any contrivance used or designated for navigation of, or flight in, or to ascent into, the air, except a parachute or other contrivance designed and used primarily as safety equipment.

**"Airman."** Any member of a crew of an aircraft.

**"Airport."** Any place, either water or land, which is designed and used for the taking off and landing of aircraft including the facilities connected therewith.

**"Almshouse."** The county home, poorhouse, home for the destitute, or any other building or place, by whatever title designated where poor persons are maintained at the public expense.

**"Apiary."** Any place where one or more colonies or nuclei of bees are kept.

**"As now provided by law."** A reference to the laws in force at the time when the statute containing the phrase was finally enacted.

**"As provided by law."** A reference to the laws in force at the particular time when the statute containing the phrase is applied.

**"Association."**

(1) When used in any statute finally enacted before December 7, 1994, any form of unincorporated enterprise owned by two or more persons other than a partnership or limited partnership.

(2) When used in any statute finally enacted on or after December 7, 1994, an association as defined in 15 Pa.C.S. § 102 (relating to definitions).

**"Attorney at law."** An individual admitted to practice law by a court of record of this Commonwealth.

**"Attorney of record."** An attorney at law who is entered on the docket or record of a court as appearing for or representing a party in a legal proceeding.

**"Bequeath."** Includes devise.

**"Bequest."** Includes devise and legacy.

**"Blighted property."** The term includes:

(1) A premises:

(i) ascertained to be a public nuisance due to physical condition or use and regarded as such at common law and deemed to be a danger to public health, safety and welfare or public nuisance as regulated by a locally adopted property maintenance code or, if no such code exists, any compatible code enacted by the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act; or

(ii) the condition of which contains an attractive nuisance created by physical condition, use or occupancy, including abandoned water wells, shafts, basements, excavations and unsafe fences or other structures, or which contains an unauthorized entry, unsafe equipment or other safety risk.

(2) A dwelling that has been condemned or otherwise deemed unfit for occupancy or use by the local authority having jurisdiction due to dilapidated, unsanitary, unsafe or vermin-infested condition or that is lacking in the facilities and equipment as required by the Pennsylvania Construction Code Act.

(3) A structure determined by the local authority having jurisdiction to be a fire hazard or otherwise that could easily catch fire or cause a fire and endanger public health, safety and welfare.

(4) A vacant or unimproved lot or parcel of ground located in a predominantly developed neighborhood that has become a place for the accumulation of trash and debris or a haven for rodents and other vermin by reason of neglect or lack of maintenance.

(5) A property that is vacant and has not been rehabilitated within one year from receipt of notice for corrective action as issued by the local authority having jurisdiction, except a property where a valid construction permit is in place.

(6) A vacant or unimproved lot or parcel of ground that is subject to a municipal lien for the cost of demolition of a structure previously located on the property and for which no payments on the lien have been made for a period of 12 months.

(7) A vacant or unimproved lot or parcel of ground on which the total municipal liens for delinquent real estate and property tax or any other type of municipal claim are greater than 150% of the fair market value of the property as established by the board of assessment appeals or other body with legal authority to determine the taxable value of the property.

(8) A property that has been declared abandoned in writing by the owner, including an estate that is in possession of the property.

**"Bond."**

(1) An unconditional written undertaking under seal for the payment of money, or

(2) a conditional written acknowledgment of being bound for the payment of money, to become void or effective on the performance of any act or the occurrence of any event therein expressed.

**"Bridge."** Includes the actual bridge and the approaches thereto, and the substructures and superstructures of both.

**"Bulletin."** When used in any statute finally enacted on or after July 31, 1968, the Pennsylvania Bulletin established by the Commonwealth Documents Law.

**"Certified public accountant."** An individual licensed under the laws of this Commonwealth to practice as a certified public accountant.

**"Child" or "children."** Includes children by birth or adoption.

**"Commission merchant."** One who receives consignments of personal property to be sold for a commission or other compensation.

**"Commonwealth."** The Commonwealth of Pennsylvania.

**"Convict."** An individual who has been finally convicted of an indictable offense and is serving sentence in a penal institution.

**"Creditor."** One to whom the performance of an obligation is owed.

**"Crime."** Any indictable offense.

**"Crosswalk."** That portion of a highway at an intersection, or any portion of a highway, clearly indicated for pedestrian crossing by lines or other markings on the surface.

**"Day."** The time from midnight to the next midnight.

**"Debtor."** One who owes to another the performance of an obligation.

**"Decedent."** Either a testator or person dying intestate.

**"Dental hygienist."** An individual licensed under the laws of this Commonwealth to practice as a dental hygienist.

**"Dentist."** An individual licensed under the laws of this Commonwealth to practice dentistry.

**"Devise."** Includes bequeath when used as a verb and bequest and legacy when used as a noun.

**"Devisee."** Includes legatee.

**"Doctor of medicine."** An individual licensed under the laws of this Commonwealth to engage in the practice of medicine and surgery in all its branches.

**"Domestic animal."** Any equine animal, bovine animal, sheep, goat and pig.

**"Effects."** Includes all personal property and any interest therein.

**"Executor."** A fiduciary named in a will to execute its provisions and administer the estate of the testator.

**"Factor."** One who receives consignments of personal property to be sold for a commission or other compensation.

**"Farm product."** Any agricultural, horticultural, vegetable, fruit, and floricultural product of the soil, livestock and meats, wool, hides, poultry, eggs, dairy products, nuts, mushrooms and honey.

**"Fiduciary."** An executor, administrator, guardian, committee, receiver, trustee, assignee for the benefit of creditors, and any other person acting in any similar capacity.

**"Final enactment" or "enacted finally."** The time when the procedure required by the Constitution of Pennsylvania for the enactment of a bill has been complied with.

**"Fiscal year."** The year by or for which accounts are reckoned.

**"Funeral director."** An individual licensed under the laws of this Commonwealth as a funeral director.

**"General election."** The election held biennially on the Tuesday next following the first Monday of November in each even-numbered year.

**"Grantee."** One to whom any estate or interest in real property other than a leasehold passes by conveyance.

**"Grantor."** One from or by whom any estate or interest in real property other than a leasehold passes by conveyance.

**"Guardian."** A fiduciary who legally has the care and management of the person, or the estate, or both, of another under legal disability.

**"Guardian ad litem."** A fiduciary who is appointed to represent in legal proceedings another under legal disability.

**"Healing art."** The science of diagnosis and treatment in any manner whatsoever of disease or any ailment of the human body.

**"Hereafter."** A reference to the time after the time when the statute containing such word takes effect.

**"Heretofore."** A reference to the time previous to the time when the statute containing such word takes effect.

**"Highway."** A way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular traffic.

**"Individual."** A natural person.

**"Insane person."** An individual of unsound mind.

**"Intersection."** The area embraced within the prolongation of the lateral boundary lines of two or more highways which join one another at an angle whether or not one such highway crosses the other.

**"Issue."** As applied to the descent of estates, means all lawful, lineal descendants of a common ancestor.

**"Judicial sale."** A sale conducted by an officer or person authorized for the purpose by some competent tribunal.

**"Legacy."** Includes devise and bequest.

**"Legatee."** Includes devisee.

**"Legislature."** The General Assembly of the Commonwealth of Pennsylvania.

**"Licensed practical nurse."** An individual licensed under the laws of this Commonwealth to practice practical nursing.

**"Local authority."** When used in any statute finally enacted on or after January 1, 1975, a municipal authority or any other body corporate and politic created by one or more political subdivisions pursuant to statute.

**"Lunatic."** An individual of unsound mind.

**"Majority."** When used in reference to age, means of the age of 21 years or over.

**"Medicine and surgery."** The art and science having for their object the cure of diseases of and the preservation of the health of man, including all practice of the healing art with or without drugs, except healing by spiritual means or prayer.

**"Midwife."** An individual licensed under the laws of this Commonwealth to practice midwifery.

**"Minor."** An individual under the age of 21 years.

**"Money."** Lawful money of the United States.

**"Month."** A calendar month.

**"Motor boat."** Any boat propelled by any type of internal combustion motor.

**"Motorcycle."** Any vehicle of the bicycle or tricycle type operated by any type of internal combustion motor.

**"Motor vehicle."** Any self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except tractors, power shovels, road machinery, agricultural machinery, and vehicles which move upon or are guided by a track or trolley.

**"Municipality authority" or "municipal authority."** A body corporate and politic created pursuant to the Municipality Authorities Act of 1935 or to the Municipality Authorities Act of 1945.

**"Municipal corporation."**

(1) When used in any statute finally enacted on or before December 31, 1974, a city, borough or incorporated town.

(2) When used in any statute finally enacted on or after January 1, 1975, a city, borough, incorporated town or township.

**"Municipal election."** The election held on the Tuesday next following the first Monday in November in each odd-numbered year.

**"Municipality."**

(1) When used in any statute finally enacted on or before December 31, 1974, a city, borough or incorporated town.

(2) When used in any statute finally enacted on or after January 1, 1975, a county, city, borough, incorporated town or township.

**"Nighttime."** The time from sunset to sunrise.

**"Non compos mentis."** Of unsound mind.

**"Notary."** A notary public.

**"Now."** In any provision of a statute referring to other laws in force, or to persons in office, or to any facts or circumstances as existing, relates to the laws in force, or to the persons in office, or to the facts or circumstances existing, respectively, on the effective date of such provision.

**"Oath."** Includes affirmation.

**"Optometrist."** An individual licensed under the laws of this Commonwealth to practice optometry.

**"Osteopath."** A physician licensed under the laws of this Commonwealth to practice osteopathy.

**"Osteopathic surgeon."** A physician licensed under the laws of this Commonwealth to practice osteopathy and osteopathic surgery.

**"Parking."** Suffering a vehicle to stand on any highway while not actually engaged in a traffic movement nor in taking up or setting down passengers or merchandise.

**"Pedestrian."** An individual afoot.

**"Person."** Includes a corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

**"Personal representative."** The executor or administrator of a decedent.

**"Pharmacist."** An individual licensed under the laws of this Commonwealth to practice as a pharmacist.

**"Physician."**

(1) When used in any statute finally enacted on or before April 6, 1951, an individual licensed under the laws of this Commonwealth to engage in the practice of medicine and surgery in any or all of its branches;

(2) when used in any statute finally enacted on or after April 7, 1951 and on or before June 14, 1957, an individual licensed under the laws of this Commonwealth to engage in the practice of medicine and surgery in any or in all of its branches within the scope of the act of June 3, 1911

(P.L.639, No.246) relating to medicine and surgery and its amendments, or in the practice of osteopathy or osteopathic surgery within the scope of the act of March 19, 1909

(P.L.46, No.29) and its amendments;

(3) when used in any statute finally enacted on or after June 15, 1957 and on or before July 19, 1974, an individual licensed under the laws of this Commonwealth to engage in the practice of medicine and surgery in all of its branches within the scope of the act of June 3, 1911 (P.L.639, No.246) relating to medicine and surgery and its amendments, or in the practice of osteopathy or osteopathic surgery within the scope of the act of March 19, 1909 (P.L.46, No.29) and its amendments;

(4) when used in any statute finally enacted on or after July 20, 1974 and on or before October 7, 1978, an individual licensed under the laws of this Commonwealth to engage in the practice of medicine and surgery in all its branches within the scope of the act of July 20, 1974 (P.L.551, No.190), known as the Medical Practice Act of 1974, and its amendments, or in the practice of osteopathy or osteopathic surgery within the scope of the prior provisions of the act



of March 19, 1909 (P.L.46, No.29), referred to as the Osteopathic Practice Law, and its amendments; and

(5) when used in any statute finally enacted on or after October 5, 1978, an individual licensed under the laws of this Commonwealth to engage in the practice of medicine and surgery in all its branches within the scope of the act of July 20, 1974 (P.L.551, No.190), known as the Medical Practice Act of 1974, and its amendments, or in the practice of osteopathic medicine and surgery within the scope of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, and its amendments. To the extent that any statute imposes duties upon or grants powers to the State Board of Medical Education and Licensure relating to an individual licensed under the laws of this Commonwealth to engage in the practice of osteopathic medicine and surgery, such statute shall be construed to impose such duties upon and grant such power to the State Board of Osteopathic Medical Examiners, which board shall exercise such duties or powers in accordance with the Osteopathic Medical Practice Act.

**"Political subdivision."** Any county, city, borough, incorporated town, township, school district, vocational school district and county institution district.

**"Poultry."** Includes all domestic fowl.

**"Primary election."** Any election at which the members of qualified political parties nominate their candidates for public office.

**"Professional engineer."** An individual licensed under the laws of this Commonwealth to practice as a professional engineer.

**"Property."** Includes both real and personal property.

**"Publish" or "published."** As applied to the publication of a newspaper of general circulation means the place where such newspaper is originally issued and circulated.

**"Real estate broker."** One licensed under the laws of this Commonwealth to act as a real estate broker.

**"Real estate salesman."** An individual licensed under the laws of this Commonwealth to act as a real estate salesman.

**"Registered architect."** An individual licensed under the laws of this Commonwealth to practice architecture.

**"Registered mail."** When used in any statute finally enacted before or after September 1, 1937, includes certified mail.

**"Registered nurse."** An individual licensed under the laws of this Commonwealth to practice professional nursing.

**"Safety zone."** The area or space officially set aside within a highway for the use of pedestrians.

**"Signature."** Includes mark when the individual cannot write, his name being written near it, and witnessed by another who writes his own name.

**"Special election."** Any election authorized by law, other than a general, municipal or primary election.

**"State."** When used in reference to the different parts of the United States, includes the District of Columbia and the several territories of the United States.

**"Statute."** An act of the General Assembly, whether under the authority of the Commonwealth or of the late Proprietaries of the Province of Pennsylvania.

**"Surveyor."** An individual licensed under the laws of this Commonwealth to practice land surveying.

**"Sworn."** Includes affirmed.

**"Trustee."** One in whom some estate, interest or power in or affecting property of any description is vested for the benefit of another.

**"Undertaker."** An individual licensed under the laws of this Commonwealth to practice as an undertaker, undertaker and embalmer, embalmer, funeral director or mortician.

**"Vehicle."** A conveyance in or on which persons or property may be carried.

**"Verified."** When used in reference to writings, means supported by oath or affirmation.

**"Veterinarian."** An individual licensed under the laws of this Commonwealth to practice veterinary medicine and surgery.

**"Will."** Includes codicil.

**"Written."** Every legible representation of letters or numerals upon a material substance, except when used in reference to the signature of an instrument.

**"Year."** A calendar year.  
(Dec. 10, 1974, P.L.816, No.271, eff. imd.; July 9, 1976, P.L.877, No.160, eff. 60 days; Dec. 18, 1984, P.L.1057, No.207, eff. imd.; Dec. 18, 1992, P.L.1333, No.169, eff. 60 days; Dec. 7, 1994, P.L.703, No.106, eff. 60 days; Nov. 7, 2019, P.L.611, No.79, eff. 60 days)

**2019 Amendment.** Act 79 added the def. of "blighted property."

**1994 Amendment.** Act 106 amended the defs. of "association" and "person."

**1992 Amendment.** Act 169 amended the intro. par. and the def. of "person."

**1984 Amendment.** Act 207 amended the def. of "physician," retroactive to June 11, 1982.

**1976 Amendment.** Act 160 added the def. of "registered mail."

**1974 Amendment.** Act 271 added the def. of "local authority" and amended the defs. of "municipal corporation" and "municipality."

**References in Text.** The act of June 3, 1911 (P.L.639, No.246), referred to in the definition of "physician," was repealed by the act of July 20, 1974 (P.L.551, No.190), known as the Medical Practice Act of 1974. The Medical Practice Act of 1974 was repealed by the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

The act of March 19, 1909 (P.L.46, No.29), referred to in the definition of "physician," was repealed by the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act.

The act of July 20, 1974 (P.L.551, No.190), known as the Medical Practice Act of 1974, referred to in the definition of "physician," was repealed by the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

**Cross References.** Section 1991 is referred to in section 1189 of Title 8 (Boroughs and Incorporated Towns); section 6109 of Title 18 (Crimes and Offenses); section 5902 of Title 20 (Decedents, Estates and Fiduciaries); section 102 of Title 34 (Game); section 8401 of Title 53 (Municipalities Generally).

## **PART VI**

### **IMPLEMENTATION OF CONSTITUTIONAL PROVISIONS**

#### **Chapter**

#### **23. Implementation of Constitutional Provisions**

**Enactment.** Part VI was added September 28, 1978, P.L.788, No.152, effective immediately.

## **CHAPTER 23**

### **IMPLEMENTATION OF CONSTITUTIONAL PROVISIONS**

**Sec.**

2301. Equality of rights based on sex.

2310. Sovereign immunity reaffirmed; specific waiver.

**Enactment.** Chapter 23 was added September 28, 1978, P.L.788, No.152, effective immediately.

**§ 2301. Equality of rights based on sex.**

**(a) General rule.--**In recognition of the adoption of section 28 of Article I of the Constitution of Pennsylvania, it is hereby declared to be the intent of the General Assembly that where in any statute heretofore enacted there is a designation restricted to a single sex, the designation shall be deemed to refer to both sexes unless the designation does not operate to deny or abridge equality of rights under the law of this Commonwealth because of the sex of the individual.

**(b) Public appointments.--**All references to sex in requirements for appointments to public agencies or public positions shall be construed to require appointment without reference to sex. However where the legislative intent is expressed that both men and women shall serve on a public agency or in public positions, the agency or positions shall not be composed of a membership wholly of one sex.

**(c) Employment benefits.--**Where employment benefits authorized by statute, including pensions, death or disability payments or other similar benefits, are to be paid upon the death or disability of the employee, any designation of beneficiary which is restricted to a single sex shall be deemed a reference to both sexes.

**(d) Other employment rights.--**All other statutes affecting employment which contain a designation restricted to one sex shall be deemed to refer to both sexes unless the designation does not operate to deny or abridge equality of rights.

(Oct. 4, 1978, P.L.909, No.173, eff. 60 days)

**1978 Amendment.** Act 173 added section 2301. See section 8 of Act 173 in the appendix to this title for special provisions relating to transition provisions on employment benefits.

**§ 2310. Sovereign immunity reaffirmed; specific waiver.**

Pursuant to section 11 of Article I of the Constitution of Pennsylvania, it is hereby declared to be the intent of the General Assembly that the Commonwealth, and its officials and employees acting within the scope of their duties, shall continue to enjoy sovereign immunity and official immunity and remain immune from suit except as the General Assembly shall specifically waive the immunity. When the General Assembly specifically waives sovereign immunity, a claim against the Commonwealth and its officials and employees shall be brought only in such manner and in such courts and in such cases as directed by the provisions of Title 42 (relating to judiciary and judicial procedure) or 62 (relating to procurement) unless otherwise specifically authorized by statute.

(May 15, 1998, P.L.358, No.57, eff. 180 days)

**Cross References.** Section 2310 is referred to in section 9158.5 of Title 18 (Crimes and Offenses); section 8521 of Title 42 (Judiciary and Judicial Procedure); section 1702 of Title 62 (Procurement); section 6018 of Title 64 (Public Authorities and Quasi-Public Corporations); section 1711 of Title 74 (Transportation).

## **PART VII**

### **MISCELLANEOUS PROVISIONS**

#### **Chapter**

31. Board of Commissioners on Uniform State Laws

**Enactment.** Part VII was added October 30, 2001, P.L.815, No.79, effective immediately.

### **CHAPTER 31**

#### **BOARD OF COMMISSIONERS ON UNIFORM STATE LAWS**

#### **Sec.**

3101. Definitions.  
3102. Board established.  
3103. Powers and duties.

**Enactment.** Chapter 31 was added October 30, 2001, P.L.815, No.79, effective immediately.

**Continuation of Commissioners.** Section 3 of Act 79 of 2001 provided that members of the Board of Commissioners on Uniform State Laws on the effective date of Act 79 shall continue as commissioners for the balance of their terms.

#### **§ 3101. Definitions.**

The following words and phrases when used in this chapter shall have the meanings given to them in this section:

**"Board."** The Board of Commissioners on Uniform State Laws.

#### **§ 3102. Board established.**

**(a) Establishment.--**The Board of Commissioners on Uniform State Laws is reestablished within the Office of General Counsel.

**(b) Composition.--**The board shall be composed of nine commissioners learned in the law:

- (1) The Governor shall appoint three commissioners.
- (2) The President pro tempore of the Senate shall appoint one commissioner.
- (3) The Speaker of the House of Representatives shall appoint one commissioner.
- (4) The Minority Leader of the Senate shall appoint one commissioner.
- (5) The Minority Leader of the House of Representatives shall appoint one commissioner.
- (6) The Attorney General shall serve as an ex officio commissioner.
- (7) The General Counsel shall serve as an ex officio commissioner.

#### **(c) Terms.--**

- (1) A commissioner under subsection (b)(1) shall serve a term of four years, calculated from the date of appointment.
- (2) A commissioner under subsection (b)(2), (3), (4) or (5) shall serve at the pleasure of the appointing authority.

**(d) Officers.--**The General Counsel shall serve as chairman of the board.

(e) **Quorum.**--Five commissioners constitute a quorum.  
§ 3103. **Powers and duties.**

The board has the following powers and duties:

- (1) To examine subjects it deems necessary.
- (2) To ascertain the best means to effect an assimilation and uniformity of state legislation throughout the United States on the subjects examined under paragraph (1).
- (3) To meet with the National Conference of Commissioners on Uniform State Laws, at annual and other sessions, to:
  - (i) promote uniformity of state legislation in the United States; and
  - (ii) join the conference in measures deemed most expedient to advance the objective of paragraphs (1) and (2).

## APPENDIX TO TITLE 1 GENERAL PROVISIONS

### ----- **Supplementary Provisions of Amendatory Statutes** -----

1970, NOVEMBER 25, P.L.707, NO.230

**Title, enacting clause, etc.**

AN ACT

Codifying and compiling a part of the law of the Commonwealth.

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

In order to facilitate the codification and compiling of the law of this Commonwealth, as authorized by section 3 of Article III of the Constitution of Pennsylvania, the following structure, which shall be implemented from time to time hereafter by appropriate amendments to this act, is hereby established:

## TITLE 1 GENERAL PROVISIONS \* \* \*

1974, June 17, P.L.330, NO.107

§ 5. **Repeal and suspension of inconsistent laws.**

All acts and parts of acts are repealed in so far as they are inconsistent with the provisions of this act and shall be suspended to the extent and for the period of time they are inconsistent with any concurrent resolution adopted thereunder.

**References in Text.** Section 501 of Title 1, added by Act 107, provides for a concurrent resolution of the General Assembly relating to the publication and distribution of laws.

§ 6. **Editing statutes for printing.**

The provisions of section 3 of this act shall apply to bills enacted into law but not finally prepared for printing prior to the effective date of this act and shall apply to an official publication of the Pennsylvania Consolidated States pursuant to section 2 of this act issued after the effective date of this act.

**References in Text.** Section 3 of Act 107 amended sections 1101, 1104 and 1105 of Title 1 and section 2 of Act 107 added Chapter 5 of Title 1.

**1974, DECEMBER 10, P.L.816, No.271**

**§ 6. Editorial change in form of citing statutes.**

The Director of the Legislative Reference Bureau, in preparing statutes for printing, may change the form of citation in bills enacted into law prior or subsequent to the effective date of this act, and in reenacting provisions of existing statutes for purposes of amendment and in preparing an official publication of the Consolidated Statutes, may change the form of citation in such statutes without the use of brackets and underscoring, to conform to the amendments to sections 101 and 102 of Title 1 contained in section 1 of this act. In such cases, the approvals and notations required by 1 Pa.C.S. § 1105 (relating to editing statutes for printing) shall not be required.

**1978, October 4, P.L.909, NO.173**

**§ 8. Transition provisions on employment benefits.**

**(a) General rule.**--The provisions of 1 Pa.C.S. § 2301(c) (relating to employment benefits) shall not apply to a benefit plan or program in existence on the effective date of this act if the employer:

(1) determines after an actuarial review that the application of such provisions to the plan or program will render the plan or program actuarially unsound;

(2) files a written statement of such determination, together with the relevant data or a summary thereof, within six months after the effective date of this act with the Department of State; and

(3) gives appropriate notice to affected employees. An employer who effects a filing pursuant to this section shall within one year after the effective date of this act amend the plan or program so as to conform to 1 Pa.C.S. § 2301(c) without affecting the actuarial soundness of the plan or program.

**(b) Expiration of section.**--This section shall expire one year after the effective date of this act.