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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 65

Session of  
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INTRODUCED BY MESSRS. BERSON, MANDERINO, SCIRICA,  
W. D. HUTCHINSON, AND WOJDAK, JANUARY 27, 1975

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SENATOR HILL, JUDICIARY, IN SENATE, AS AMENDED, JULY 8, 1975

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AN ACT

1 Amending Titles 45 (Legal Notices) and 1 (General Provisions) of  
2 the Pennsylvania Consolidated Statutes, adding revised,  
3 codified and compiled provisions relating to legal notice and  
4 publication of documents.

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

13 Section 1. Title 45, act of November 25, 1970 (P.L.707,  
14 No.230), known as the Pennsylvania Consolidated Statutes, is  
15 amended by adding parts to read:

16 TITLE 45

17 LEGAL NOTICES

18 Part

19 I. Preliminary Provisions

20 II. Publication and Effectiveness of Commonwealth Documents

21 PART I

22 PRELIMINARY PROVISIONS

23 Chapter

24 1. General Provisions

25 3. Legal Advertising

26 CHAPTER 1

27 GENERAL PROVISIONS

28 Sec.

29 101. Definitions.

30 § 101. Definitions.

1 (a) Definitions applicable to printing or newspaper  
2 advertising laws.--Subject to additional definitions contained  
3 in subsequent provisions of this title which are applicable to  
4 provisions of this title, the following words and phrases when  
5 used in:

6 (1) this title; or

7 (2) any other law relating to printing or newspaper  
8 advertising;

9 shall have, unless the context clearly indicates otherwise, the  
10 meanings given to them in this subsection:

11 "Advertisement." A printed public notice, relating to any  
12 matter, authorized by any person, which is published for a  
13 valuable consideration in a publication, and which may be  
14 required by law, rule, order, or decree of court, or resolution  
15 of any corporation, or unincorporated association, or by action  
16 of any government unit.

17 "Advertiser." Any person who orders and directs a notice or  
18 advertisement to be printed or published in a publication.

19 "Advertising rule." The line between, or which separates,  
20 any two advertisements or notices.

21 "Agate." A type 5 1/2 type points in depth or height.

22 "Bourgeois." A type 9 type points in depth or height.

23 "Brevier." A type 8 type points in depth or height.

24 "Carrier." A person engaged for hire in the delivery of  
25 publications.

26 "Circulation." The number of copies printed, issued, sold,  
27 or subscribed for, by the day, week, month, or year, at a  
28 particular price for each copy, or for a series of issues over a  
29 definite period by any publication, but the term does not  
30 include copies exchanged for other publications or copies or

1 issues circulated gratuitously.

2 "Classified advertising." Intelligence or notices, published  
3 and printed in small or inconspicuous type, as advertising,  
4 classed with similar notices of advertising, and for which  
5 compensation is intended to be charged.

6 "Class magazine" or "class newspaper." A printed paper or  
7 publication containing class, professional, trade, commercial,  
8 technical, scientific, educational, religious, financial, legal  
9 or other matter and intelligence, intended to be disseminated  
10 exclusively among subscribers or readers concerned or interested  
11 in the subject matters published.

12 "Column." A single unit or upright section, of the total  
13 height of the type printed page, as separated from the remainder  
14 of the page by a line, rule, or space, and not less than 10 ems  
15 pica in width.

16 "Column rule." The printed line between, or which separates,  
17 the printed columns of any type page.

18 "Court." A court or tribunal of record, established for the  
19 public administration of justice under the provisions of the  
20 Constitution of Pennsylvania or any statute.

21 "Daily newspaper." A newspaper regularly published at least  
22 5 days in the week, either including or excluding Sundays and  
23 legal holidays.

24 "Decree." A decision, judgment, order or sentence of any  
25 court.

26 "Display advertising." Intelligence made conspicuous, and  
27 designated by either reading matter, printed from various sizes,  
28 kinds and styles of types or illustrations, and printed or  
29 published for a compensation, demanded or intended to be  
30 received from those interested in, affected or served by, the

1 subject matter published.

2 "Em." A square of a type, or a space equal to the square of  
3 the depth or height of a particular type, as measured by the  
4 number of points in height of the type.

5 "Journal." A newspaper, class newspaper, periodical, or  
6 magazine.

7 "Law." A statute, a home rule charter, or an enactment  
8 entitled an ordinance, resolution, rule or regulation of any  
9 government unit.

10 "Legal advertisement." A notice, advertisement, publication,  
11 statement, or abstract of a notice, advertisement, publication,  
12 or statement, required by resolution of a corporation,  
13 unincorporated association, or government unit, or ordinance of  
14 a government agency, or by law, or by rule, order, or decree of  
15 court, to be published, for a valuable consideration, in either  
16 a newspaper of general circulation, a legal newspaper or an  
17 official newspaper.

18 "Legal newspaper." A newspaper which is a "legal  
19 periodical," "official legal newspaper," or "official legal  
20 periodical," publishing legal intelligence, as designated by  
21 general rule or rule of court for the publication of legal  
22 advertisements and notices required by law, rule, order, or  
23 decree of court, to be published in a legal newspaper, legal  
24 periodical, official legal newspaper, or official legal  
25 periodical, so designated by general rule or rule of court.

26 "Legal notice." When required to be printed or published,  
27 either a legal advertisement, a legal notice, an official  
28 advertisement, or an official legal notice.

29 "Liners." Advertisements, published as reading notices,  
30 intelligence, or announcements for which compensation is

1 intended to be charged to those interested in the publication  
2 thereof.

3 "Long primer." A type 10 type points in depth or height.

4 "Magazine." Partakes of the nature of a periodical.

5 "Minion." A type 7 type points in depth or height.

6 "News." Narrative, or recent intelligence, disseminating  
7 current information as to local, general, or world-wide  
8 happenings, concerning any person or persons, matters of private  
9 or public interest, or concerning any matters affecting the  
10 public welfare.

11 "Newspaper."

12 (1) A printed paper or publication, bearing a title or  
13 name, and conveying reading or pictorial intelligence of  
14 passing events, local or general happenings, printing  
15 regularly or irregularly editorial comment, announcements,  
16 miscellaneous reading matter, commercial advertising,  
17 classified advertising, legal advertising, and other notices,  
18 and which has been issued in numbers of 4 or more pages at  
19 short intervals, either daily, twice or oftener each week, or  
20 weekly, continuously during a period of at least 6 months, or  
21 as the successor of such a printed paper or publication  
22 issued during an immediate prior period of at least 6 months,  
23 and which has been circulated and distributed from an  
24 established place of business to subscribers or readers  
25 without regard to number, for a definite price or  
26 consideration, either entered or entitled to be entered under  
27 the Postal Rules and Regulations as second class matter in  
28 the United States mails, and subscribed for by readers at a  
29 fixed price for each copy, or at a price fixed per annum. A  
30 newspaper may be either a daily newspaper, weekly newspaper,

1 newspaper of general circulation, official newspaper, or a  
2 legal newspaper, as defined in this section. Continuous  
3 publication within the meaning of this section shall not be  
4 deemed interrupted by any involuntary suspension of  
5 publication resulting from loss, destruction, failure or  
6 unavailability of operating facilities, equipment or  
7 personnel from whatever cause, and any newspaper so affected  
8 shall not be disqualified to publish official and legal  
9 advertising in the event that publication is resumed within 1  
10 week after it again becomes possible.

11 (2) A printed paper or publication, regardless of size,  
12 contents, or time of issue, or number of copies issued,  
13 distributed and circulated gratuitously, is not a newspaper.

14 (3) A printed paper or publication, not entitled to be  
15 entered, or which has been denied entry, as second class  
16 matter in the United States mails under the Postal Rules and  
17 Regulations of the United States is not a newspaper.

18 "Newspaper of general circulation." A newspaper issued  
19 daily, or not less than once a week, intended for general  
20 distribution and circulation, and sold at fixed prices per copy  
21 per week, per month, or per annum, to subscribers and readers  
22 without regard to business, trade, profession or class.

23 "Nonpareil." A type 6 type points in depth or height.

24 "Notice." A formal printed announcement, transmitting  
25 intelligence, information, or warning, to a particular person,  
26 or generally to all persons who may read such notice.

27 "Official advertisement." A notice, advertisement,  
28 publication, or statement, or an abstract of a notice,  
29 advertisement, publication, or statement, required to be made by  
30 law, rule, order, or decree of court, by any person, or in the



1 conduct of the business of a private or public corporation, or  
2 on the order of any government unit, or in the performance of  
3 any official duty imposed by law, rule, order, or decree of  
4 court, resolution or ordinance.

5 "Official advertising and legal advertising." Any  
6 advertisement, notice, statement, report, resolution, ordinance,  
7 or abstract of the same, required by law, rule, order or decree  
8 of court, by resolution of any board of directors, shareholders  
9 or officers of any corporation or unincorporated association, or  
10 any government unit to be printed and published for a valuable  
11 consideration in a newspaper.

12 "Official newspaper." A newspaper designated by a government  
13 unit for the publication of notices and statements required by  
14 rule, order, resolution, or ordinance of such unit.

15 "Ordinance." A municipal rule or regulation, adopted in the  
16 manner required by statute or home rule charter, by the lawfully  
17 constituted officers of any political subdivision or municipal  
18 or other local authority.

19 "Periodical." A printed paper or publication, issued in  
20 pamphlet or book form, regardless of page size or number of  
21 pages, at stated or regular intervals of more than 1 day between  
22 each issue, containing either general, class, trade, technical,  
23 scientific, serial articles, or other reading matter,  
24 advertising, et cetera, and entitled to be entered as second  
25 class matter in the United States mails under the Postal Rules  
26 and Regulations of the United States.

27 "Pica." A type 12 type points in depth or height.

28 "Point." A unit of measurement for determining the height of  
29 a type, letter, figure, or other character, or the width of a  
30 rule, as heretofore generally known and fixed by general

1 agreement of certain type founders and manufacturers, at 0.0138  
2 inch in length.

3 "Proof of publication." A printed or written statement,  
4 declaring the name of a newspaper of general circulation, a  
5 legal newspaper or an official newspaper, as defined in this  
6 section, its place of business, when the same was established,  
7 the date or dates, and issue or issues, in which a printed  
8 notice or publication appeared, and to which is securely  
9 attached, exactly as printed or published, a copy of the  
10 official advertisement, official notice, legal notice, or legal  
11 advertisement, verified with a statement of the owner,  
12 publisher, or the designated agent of the owner or publisher, of  
13 such publication in which the official or legal advertisement or  
14 notice was published, duly sworn to before a person authorized  
15 to administer oaths, and also declaring that the affiant is not  
16 interested in the subject matter of the notice or advertising,  
17 and that all of the allegations of the statement as to the time,  
18 place, and character of publication are true.

19 "Publication."

20 (1) The act of printing a notice, advertisement, or  
21 proclamation, for the purpose of disseminating information to  
22 the people at large.

23 (2) A journal, magazine, newspaper, class newspaper or  
24 periodical.

25 "Rate." The price or sum fixed for printing and publishing  
26 either official, legal, or commercial advertising, and may be  
27 either a price or sum fixed for a single reading line in a  
28 single column, or for a space of the depth of 1 inch in a single  
29 column, or it may mean the particular stated sums or prices  
30 fixed for printing and publishing official or legal advertising,

1 where the style and form does not vary except for the names and  
2 addresses of the interested parties, such as notices of  
3 applications for charters of incorporation, shareholders'  
4 meetings, executors, administrators or auditors' notices,  
5 register of wills' audit notices, obituary or death notices, et  
6 cetera.

7 "Reading matter." News or other printed matter, intended to  
8 be read, as distinguished from intelligence notices,  
9 announcements, display advertising, or advertising published for  
10 a compensation.

11 "Resolution." A formal agreement or consent to do or not to  
12 do a certain thing, which has been recorded upon the minutes or  
13 records of a government unit, or by either the shareholders,  
14 board of directors or other body of a corporation, or by the  
15 members, directors, managers, or trustees of an unincorporated  
16 association or society of individuals.

17 "Rule." Any formal order or direction made by a tribunal or  
18 other government unit.

19 "Sample copy." A copy of a publication distributed without  
20 charge or expense to prospective subscribers or advertisers, in  
21 numbers limited by the United States Postal Rules and  
22 Regulations governing second class mail matter.

23 "Small pica." A type 11 type points in depth or height.

24 "Space." The length and breadth of a printed type page, or  
25 any subdivision thereof, intended to be used for either news or  
26 advertising matter of any kind.

27 "Subscriber." A person who buys or orders verbally or by  
28 written subscription, or accepts upon delivery from the United  
29 States mails or a carrier, issues or copies of any publication.

30 "Type." A piece of metal or wood from which either a letter,

1 figure, or other character is impressed with ink upon paper, or  
2 an image of such a character.

3 "Weekly newspaper." A newspaper issued at least once a week.

4 (b) Other definitions.--Subject to additional definitions  
5 contained in subsequent provisions of this title which are  
6 applicable to specific provisions of this title, the following  
7 words and phrases when used in this title shall have, unless the  
8 context clearly indicates otherwise, the meanings given to them  
9 in this subsection:

10 "Commonwealth agency." Any executive agency or independent  
11 agency.

12 "Commonwealth government." The government of the  
13 Commonwealth, including the courts and other officers or  
14 agencies of the unified judicial system, the General Assembly  
15 and its officers and agencies, the Governor, and the  
16 departments, boards, commissions, authorities and officers and  
17 agencies of the Commonwealth, but the term does not include any  
18 political subdivision, municipal or other local authority, or  
19 any officer or agency of any such political subdivision or local  
20 authority.

21 "Executive agency." The Governor and the departments,  
22 boards, commissions, authorities and other officers and agencies  
23 of the Commonwealth government, but the term does not include  
24 any court or other officer or agency of the unified judicial  
25 system, the General Assembly and its officers and agencies, or  
26 any independent agency.

27 "General rule." A rule or order promulgated by or pursuant  
28 to the authority of the Supreme Court.

29 "Government agency." Any Commonwealth agency or any  
30 political subdivision or municipal or other local authority, or

1 any officer or agency of any such political subdivision or local  
2 authority.

3 "Government unit." The General Assembly and its officers and  
4 agencies, any government agency or any court or other officer or  
5 agency of the unified judicial system.

6 "Independent agency." Boards, commissions, authorities and  
7 other agencies and officers of the Commonwealth government which  
8 are not subject to the policy supervision and control of the  
9 Governor, but the term does not include any court or other  
10 officer or agency of the unified judicial system or the General  
11 Assembly and its officers and agencies.

12 "Rule of court." A rule promulgated by a court regulating  
13 the practice or procedure before the promulgating court.

#### 14 CHAPTER 3

#### 15 LEGAL ADVERTISING

16 Sec.

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18 302. Scope and interpretation of chapter.

19 303. Level of advertising rates.

20 304. Establishment and change of advertising rates.

21 305. Charges taxable as costs and administration expenses.

22 306. Use of trade publications.

23 307. Effect of failure to advertise when required.

24 308. Additional publication in legal journals.

25 309. Inclusion of common geographical names.

26 310. No unauthorized advertisements to be published.

27 § 301. Short title of chapter.

28 This chapter shall be known and may be cited as the  
29 "Newspaper Advertising Act."

30 § 302. Scope and interpretation of chapter.

1       The provisions of this chapter are intended to be a  
2 comprehensive statute:

3           (1) Creating uniformity in the publication of legal  
4 notices, official advertisements, and advertisements, or  
5 abstracts of any notice, statement, or advertisement required  
6 by law, rule, order or decree of court to be published in a  
7 newspaper.

8           (2) Defining the publications in which official and  
9 legal advertising shall be published.

10          (3) Prescribing methods for computing the charges  
11 therefor.

12          (4) Providing that the expenses for publishing legal  
13 advertising or notices shall be taxable and collectible as  
14 costs in all matters except as otherwise provided by general  
15 rules.

16          (5) Establishing a uniform method for determining the  
17 cost of legal advertising and legal notices, where rates,  
18 circulation of the particular publication, size of columns or  
19 pages, and kind or size of type used vary, in newspapers of  
20 different localities in this Commonwealth.

21 § 303. Level of advertising rates.

22       (a) General rule.--All official and legal advertising shall  
23 be charged for at an established or declared rate or price per  
24 single column, line of reading matter measured in depth by the  
25 point system, or at a rate or price per inch single column. When  
26 such official and legal advertising is not classified and is not  
27 published according to prescribed or recognized forms, and no  
28 rate has been established or declared, such rate for official  
29 and legal advertising shall not be in excess of the rates  
30 usually charged or received by the publication publishing such

1 official and legal advertising for commercial, general, or other  
2 advertising.

3 (b) Exception.--Where official and legal advertising is  
4 usually and ordinarily published according to recognized or  
5 prescribed forms, or particular matters are itemized and  
6 classified under general headings, subsection (a) shall not  
7 prohibit the fixing of definite prices or sums for publishing  
8 official and legal advertising, regardless of the number of  
9 single column lines or space required for each item, notice, or  
10 advertisement published in any separate matter or proceeding,  
11 and regardless of rates established, fixed, charged or received  
12 for commercial, general or other advertising. The purpose of  
13 this subsection is to enable newspapers to take into  
14 consideration, as elements, when fixing advertising rates or  
15 charges, location of the advertisement in the newspaper, the  
16 purpose to be served, the character of the advertising, and that  
17 a newspaper is entitled to compensation for its readiness at all  
18 times to render an advertising service.

19 § 304. Establishment and change of advertising rates.

20 All newspapers of general circulation, official newspapers  
21 and legal newspapers accepting and publishing official and legal  
22 advertising, are hereby required to fix and establish rates and  
23 charges for official, legal and all other kinds of advertising,  
24 offered or accepted for publication, and such publications shall  
25 furnish, on demand, to any person having use for the same,  
26 detailed schedules, stating the rates and charges which shall be  
27 deemed to be in force and effect until changed or altered, and,  
28 when changed or altered, such publication shall give the person  
29 authorized or required to publish advertising, before demanding  
30 or receiving compensation at any increased rate, notice that the

1 rates and charges of such publication for advertising have been  
2 changed or abrogated, and that increased advertising rates and  
3 charges have been established or fixed.

4 § 305. Charges taxable as costs and administration expenses.

5 Except as otherwise provided by general rule, all charges,  
6 costs, and expenses incurred, including the fees for affidavits  
7 to proofs of publication, for official and legal advertising in  
8 any matter by any person shall be taxable, collectible and  
9 payable as other court costs and expenses of administration are  
10 required by law to be taxed, collected, and paid, upon all  
11 decrees of court.

12 § 306. Use of trade publications.

13 (a) General rule.--Any government unit which is required by  
14 law to advertise for bids for public works, contracts, supplies  
15 or equipment, may, in its discretion, authorize the publication  
16 of such advertising, in addition to the newspapers authorized by  
17 the other provisions of this chapter, also in any publication or  
18 journal devoted to the dissemination of information about  
19 construction work published in this Commonwealth at least once a  
20 week and circulating among contractors, manufacturers and  
21 dealers doing business in the community in which such public  
22 works are to be constructed or supplies or equipment purchased.

23 (b) Exception.--No advertisement for bids for public works,  
24 contracts, supplies or equipment shall be inserted in any  
25 publication or journal devoted to the dissemination of  
26 information about construction work, unless such publication  
27 meets the following requirements:

28 (1) It has been established and regularly issued from a  
29 printing office and publication house in this Commonwealth  
30 for a period of at least 18 months.



1           (2) It has been entered, or entitled to be entered, for  
2 admission to the United States mails as second class matter.

3           (3) It has had a bona fide income from subscribers  
4 within this Commonwealth of not less than \$15,000 per annum,  
5 duly certified by a public accountant.

6           (4) The rates and charges for such advertising shall not  
7 be in excess of those of newspapers of general circulation of  
8 a like circulation published in the community in which the  
9 public works are to be constructed or the supplies or  
10 equipment purchased.

11 § 307. Effect of failure to advertise when required.

12 No legal proceeding, matter, or case in which notice is  
13 required to be given by official or legal advertising, shall be  
14 binding and effective upon any interested person unless such  
15 official and legal advertising is printed and published in the  
16 newspapers of general circulation, official newspapers, and  
17 legal newspapers defined by this title, in the manner and as  
18 required by statute, and by any rule, order, or decree of court,  
19 resolution of a corporation, or unincorporated association, or  
20 ordinance, rule, or regulation of any government unit, in the  
21 proper newspapers of general circulation, official newspapers,  
22 and legal newspapers, defined by this title, and a proof of  
23 publication is filed of record in such matter or proceeding.

24 § 308. Additional publication in legal journals.

25 (a) General rule.--Except as otherwise provided by statute,  
26 every notice or advertisement required by law or rule of court  
27 to be published in one or more newspapers of general  
28 circulation, unless dispensed with by special order of court,  
29 shall also be published in the legal newspaper, issued at least  
30 weekly, in the county, designated by rules of court for the

1 publication of court or other legal notices, if such newspaper  
2 exists. Publication in such legal newspaper shall be made as  
3 often as required to be made in such newspapers in general  
4 circulation, and shall be subject to the same stipulations and  
5 regulations as those imposed for the like services upon all  
6 newspapers.

7 (b) Exceptions.--

8 (1) Subsection (a) shall not require the publication in  
9 such legal newspapers of municipal ordinances, municipal or  
10 county auditors' or controllers' reports, school district  
11 auditors' or controllers' reports, or summaries or statements  
12 thereof, mercantile appraisers' notice, advertising for bids  
13 for contracts for public work, materials or supplies, or  
14 lists of delinquent taxpayers.

15 (2) Publication of election notices in legal newspapers  
16 shall be governed by the provisions of the act of June 3,  
17 1937 (P.L.1333, No.320), known as the "Pennsylvania Election  
18 Code."

19 § 309. Inclusion of common geographical names.

20 (a) General rule.--Whenever official advertising or legal  
21 advertising involves a road, street, highway, bridge,  
22 municipality, village or boundary, the advertisement shall, in  
23 order that it may readily be understood by inhabitants of the  
24 area involved, include the common, local or general usage  
25 designation of every such road, street, highway, bridge,  
26 municipality, village or boundary.

27 (b) Mistake.--The inclusion of a common local or general  
28 language designation for the purpose of complying with  
29 subsection (a), if mistaken or erroneous, shall not invalidate  
30 any matter or proceeding which in all other respects is properly

1 and lawfully executed.

2 § 310. No unauthorized advertisements to be published.

3 No advertisement shall be published by any court or other  
4 government unit, which is not duly authorized by law, nor in  
5 more papers than so authorized.

6 PART II

7 PUBLICATION AND EFFECTIVENESS OF COMMONWEALTH DOCUMENTS

8 Chapter

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12 CHAPTER 5

13 GENERAL PROVISIONS

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17 503. General administration of part.

18 504. Payment for documents.

19 505. Distribution of publication expenses.

20 506. Judicial notice.

21 507. Form of citation.

22 508. Effect of future legislation.

23 509. Format of documents.

24 § 501. Definitions.

25 Subject to additional definitions contained in subsequent  
26 provisions of this part which are applicable to specific  
27 provisions of this part, the following words and phrases, when  
28 used in this part shall have, unless the context clearly  
29 indicates otherwise, the meanings given to them in this section:

30 "Adjudication." Any order, decree, decision, determination

1 or ruling by an agency affecting personal or property rights,  
2 privileges, immunities, duties, liabilities or obligations of  
3 any or all of the parties to the proceeding in which the  
4 adjudication is made.

5 "Administrative regulation." Any regulation except a  
6 proclamation, executive order, executive directive or other  
7 similar document promulgated by the Governor, and the term  
8 includes a regulation which may be promulgated by an agency only  
9 with the approval of the Governor.

10 "Agency." A Commonwealth agency.

11 "Agency text." The text of a document as issued, prescribed  
12 or promulgated by the issuing, prescribing or promulgating  
13 agency.

14 "Bulletin." The Pennsylvania Bulletin published under this  
15 part.

16 "Bureau." The Legislative Reference Bureau. The powers  
17 conferred by this part upon the bureau shall be exercised by the  
18 Director of the Legislative Reference Bureau, or, in his  
19 absence, by the Assistant Director thereof.

20 "Code." The Pennsylvania Code published under this part.

21 "Department." The Department of Property and Supplies.

22 "Document." Any proclamation, executive order, executive  
23 directive or similar instrument promulgated by the Governor, and  
24 any other order, regulation, rule, statement of policy,  
25 adjudication, certificate, license, permit, notice or similar  
26 instrument issued, prescribed or promulgated by or under the  
27 authority of this Commonwealth. The term shall also include any  
28 home rule charter heretofore or hereafter adopted by the  
29 electors of any part of this Commonwealth or any optional plan  
30 of government.

1 "Joint committee." The Joint Committee on Documents existing  
2 under this part.

3 "Official text." The text of a document issued, prescribed  
4 or promulgated by an agency as published by authority of this  
5 part which has become in the manner provided by this part the  
6 only valid and enforceable text of such document.

7 "Regulation." Any rule or regulation, or order in the nature  
8 of a rule or regulation, promulgated by an agency under  
9 statutory authority in the administration of any statute  
10 administered by or relating to the agency, or prescribing the  
11 practice or procedure before such agency. The term includes a  
12 proclamation, executive order, executive directive or other  
13 similar document promulgated by the Governor.

14 "Statement of policy." Any document, except an adjudication  
15 or a regulation, promulgated by an agency which sets forth  
16 substantive or procedural personal or property rights,  
17 privileges, immunities, duties, liabilities or obligations of  
18 the public or any part thereof, and includes, without limiting  
19 the generality of the foregoing, any document interpreting or  
20 implementing any statute enforced or administered by such  
21 agency.

22 § 502. Joint Committee on Documents.

23 (a) Establishment.--The Joint Committee on Documents shall  
24 consist of six governmental members and two public members. The  
25 governmental members shall be the Attorney General, the Court  
26 Administrator of Pennsylvania, the Director of the Legislative  
27 Reference Bureau, the President pro tempore of the Senate, the  
28 Speaker of the House of Representatives and the Secretary of  
29 Property and Supplies, or persons severally designated in  
30 writing by them. The public members shall be appointed by the

1 Governor from among attorneys-at-law or other members of the  
2 public who represent the class who may be expected to refer to  
3 the documents published pursuant to this part. For the purposes  
4 of act of April 9, 1929 (P.L.177, No.175), known as "The  
5 Administrative Code of 1929" and its supplements the joint  
6 committee shall be an independent administrative board.

7 (b) Compensation.--The members of the joint committee shall  
8 serve without compensation other than reimbursement for travel  
9 and other actual expenses incurred in the performance of their  
10 duties.

11 (c) Quorum and organization.--Five members of the joint  
12 committee shall constitute a quorum, and the committee shall  
13 select from among its members a chairman and a vice-chairman,  
14 and shall elect a secretary who need not be a member of the  
15 committee.

16 (d) Powers and duties.--The joint committee shall exercise  
17 the powers and perform the duties vested in and imposed upon it  
18 by this part and any other powers and duties vested in and  
19 imposed upon the committee by law. No action by the joint  
20 committee hereafter under any of the following provisions of law  
21 shall be effective as to any executive agency unless such action  
22 is concurred in by the Attorney General or his designee:

23 2 Pa.C.S. § 102(b) (relating to uniform rules).

24 45 Pa.C.S. § 509 (relating to format of documents).

25 45 Pa.C.S. § 702 (relating to contents of Pennsylvania Code).

26 45 Pa.C.S. § 723(b) (relating to status of revised text).

27 45 Pa.C.S. § 724(c) (relating to official synopsis).

28 45 Pa.C.S. § 725 (relating to additional contents of  
29 Pennsylvania Bulletin).

30 45 Pa.C.S. § 727 (relating to matter not required to be

1 published).

2 45 Pa.C.S. § 907(b) (relating to additional notice if not  
3 prohibited).

4 § 503. General administration of part.

5 Subject to the provisions of section 732 (relating to  
6 required contractual arrangements), the manner in which the  
7 code, the permanent supplements thereto, and the bulletin, shall  
8 be printed, reprinted, compiled, indexed, bound and distributed,  
9 and all other matters with respect thereto not otherwise  
10 provided for in this part shall be prescribed by regulations  
11 promulgated or orders adopted by the joint committee. The joint  
12 committee shall administer this part and Subchapter A of Chapter  
13 3 of Title 2 (relating to regulations of Commonwealth agencies)  
14 with a view toward encouraging the widest possible dissemination  
15 of documents among the persons affected thereby which is  
16 consistent with the due administration of public affairs.

17 § 504. Payment for documents.

18 Payments for documents published by authority of this part  
19 shall be made to the Department of Property and Supplies, which  
20 shall pay the same into the State Treasury through the  
21 Department of Revenue to the credit of the appropriations of the  
22 bureau and the department in such proportions as the joint  
23 committee shall specify.

24 § 505. Distribution of publication expenses.

25 (a) General rule.--In order to reimburse the Legislative  
26 Reference Bureau for the expenses of the joint committee and for  
27 the cost of administering this part and in order to reimburse  
28 the Department of Property and Supplies for the costs incurred  
29 in printing and distributing the publications provided for in  
30 Subchapter B of Chapter 7 (relating to publication of documents)

1 which are neither recovered by the sale of such publications to  
2 an agency under section 729 (relating to publication of  
3 individual documents) and section 731 (relating to automatic  
4 subscriptions) or to the public under section 504 (relating to  
5 payment for documents) nor paid by appropriations made directly  
6 to the bureau or the department for the costs and expenses of  
7 such administration, printing and distribution, every government  
8 unit issuing, prescribing or promulgating documents published by  
9 authority of this part shall be billed at least quarterly by the  
10 bureau and the Department of Property and Supplies, upon a cost  
11 basis, at such amounts as the joint committee with the approval  
12 of the Executive Board shall determine, for such costs and  
13 expenses. Amounts payable under this section for reimbursing the  
14 bureau and the department for the costs of administration and  
15 printing and distribution shall be credited to the  
16 appropriations of the bureau and the department respectively,  
17 and shall be paid out of the moneys in the General Fund, special  
18 operating funds, or other funds of the State Treasury currently  
19 appropriated to each such issuing, prescribing or promulgating  
20 government unit.

21 (b) Direct appropriation.--Nothing in subsection (a) shall  
22 limit the right of the General Assembly to make annual  
23 appropriations to the bureau or the department, or both, for  
24 their total anticipated costs and expenses under this part.

25 § 506. Judicial notice.

26 The contents of the code, of the permanent supplements  
27 thereto, and of the bulletin, shall be judicially noticed.

28 § 507. Form of citation.

29 Without prejudice to any other mode of citation the code and  
30 permanent supplements thereto may be cited by title and section



1 number, and the bulletin may be cited by volume and page number.

2 § 508. Effect of future legislation.

3 No subsequent statute shall be held to supersede or modify  
4 the provisions of this part except to the extent that such  
5 statute shall do so expressly.

6 § 509. Format of documents.

7 The agency text of all documents required to be deposited  
8 with the Legislative Reference Bureau by this part shall be in  
9 such form and format as may be prescribed by regulations  
10 promulgated by the joint committee.

11 CHAPTER 7

12 CODIFICATION AND PUBLICATION OF DOCUMENTS

13 Subchapter

14 A. Codification of Regulations and Other Documents

15 B. Publication of Documents

16 SUBCHAPTER A

17 CODIFICATION OF REGULATIONS AND OTHER DOCUMENTS

18 Sec.

19 701. Official codification created.

20 702. Contents of Pennsylvania Code.

21 § 701. Official codification created.

22 It shall be the duty of the Legislative Reference Bureau,  
23 subject to the policy supervision and direction of the joint  
24 committee, to compile, edit and supplement or to contract  
25 through the department for the compilation, editing and  
26 supplementation of an official legal codification, to be divided  
27 into titles of convenient size and scope, and to be known as the  
28 "Pennsylvania Code."

29 § 702. Contents of Pennsylvania Code.

30 Except as otherwise provided by regulations promulgated by

1 the joint committee, the following documents shall be codified  
2 in the code:

3 (1) All proclamations and executive orders of the  
4 Governor which are general and permanent in nature.

5 (2) All administrative and other regulations.

6 (3) All statements of policy which are general and  
7 permanent in nature.

8 (4) All documents or classes of documents required to be  
9 codified in the code by statute.

10 (5) All general rules and rules of court.

11 (6) Any other judicial document or class of documents  
12 which the governing authority of the unified judicial system  
13 finds to be general and permanent in nature.

14 (7) All home rule charters and optional plans of  
15 government adopted by the electors of any part of this  
16 Commonwealth.

17 (8) Any other document or class of documents which the  
18 Governor, the joint committee or the Director of the  
19 Legislative Reference Bureau finds to be general and  
20 permanent in nature.

## 21 SUBCHAPTER B

### 22 PUBLICATION OF DOCUMENTS

23 Sec.

24 721. Publication of official codification.

25 722. Deposit of documents required.

26 723. Processing of deposited documents.

27 724. Preliminary publication in Pennsylvania Bulletin.

28 725. Additional contents of Pennsylvania Bulletin.

29 726. Permanent supplements to Pennsylvania Code.

30 727. Matter not required to be published.

1 728. Matter not permitted to be published.

2 729. Publication of individual documents.

3 730. Pricing and distribution of published documents.

4 731. Automatic subscriptions.

5 732. Required contractual arrangements.

6 § 721. Publication of official codification.

7 It shall be the duty of the Legislative Reference Bureau,  
8 subject to the policy supervision and direction of the joint  
9 committee, to arrange through the Department of Property and  
10 Supplies for the prompt printing and distribution of the code,  
11 the permanent supplements thereto and the bulletin, in the  
12 manner and at the times required in accordance with this  
13 subchapter and regulations promulgated hereunder.

14 § 722. Deposit of documents required.

15 (a) General rule.--Two duplicate original copies, certified  
16 by the executive officer, chairman or secretary of the agency,  
17 or by the Administrative Office of Pennsylvania Courts or the  
18 clerk or prothonotary of the Supreme Court, in the case of a  
19 judicial document, of any document required or authorized to be  
20 published under this subchapter, shall be deposited with the  
21 Legislative Reference Bureau. If the bureau finds that such  
22 document has been approved as to legality, if such approval is  
23 required by 2 Pa.C.S. § 305 (relating to approval as to  
24 legality), and is in the form and format required by any  
25 applicable regulations promulgated under 2 Pa.C.S. § 306  
26 (relating to format of regulations) or section 509 of this title  
27 (relating to format of documents), it shall file such document,  
28 assign thereto and indicate thereon a distinctive serial number,  
29 and indicate thereon the date and time of filing.

30 (b) Disposition of copies.--Upon such filing one copy shall

1 be immediately available for public inspection and copying under  
2 regulations promulgated by the joint committee, which copy shall  
3 be retained by the bureau for one year after the publication  
4 thereof, whereupon it shall be forwarded to the Pennsylvania  
5 Historical and Museum Commission for preservation in the  
6 Commonwealth archives. The other copy shall be transmitted  
7 immediately to the Department of Property and Supplies, or to a  
8 printer designated by it, for publication as provided in this  
9 subchapter.

10 (c) Effect of failure to file.--Every agency, the  
11 Administrative Office of Pennsylvania Courts and the clerk or  
12 prothonotary of the Supreme Court shall cause to be transmitted  
13 to the bureau for deposit as herein provided 2 certified  
14 duplicate original copies of all documents issued, prescribed or  
15 promulgated by the agency or the unified judicial system which  
16 are required by this subchapter to be deposited or published, or  
17 both; in default of which any such document, except a document  
18 subject to 2 Pa.C.S. § 308 (relating to unfiled administrative  
19 regulations invalid), shall be effective only to the extent  
20 provided in section 903 of this title (relating to effective  
21 date of documents). If an agency and the bureau disagree  
22 concerning the form or format of a document required or  
23 authorized to be deposited with the bureau, the agency may refer  
24 the matter to the joint committee, which shall resolve the  
25 conflict pursuant to the standards and procedures provided by  
26 section 723 of this title (relating to processing of deposited  
27 documents).

28 (d) Home rule charter documents and optional plans of  
29 government.--

30 (1) The clerk of the city council of any city of the

1 first class shall cause a certified copy of the full text of  
2 any home rule charter or amendment or repeal as approved by  
3 the electors to be filed in the Department of Community  
4 Affairs (and in the office of the secretary of the board of  
5 public education, in the case of a charter provision  
6 affecting the school district of the city) immediately  
7 following the final certification of the return of the votes  
8 cast on the question of the adoption, amendment or repeal of  
9 a home rule charter.

10 (2) The clerk or secretary of any other political  
11 subdivision authorized to adopt a home rule charter or  
12 optional plan of government shall file the documents relating  
13 thereto in the Department of Community Affairs and in other  
14 public offices as provided by the Home Rule Charter and  
15 Optional Plans Law.

16 (3) The Department of Community Affairs shall, within 10  
17 days after receipt of any home rule charter or amendment or  
18 repeal or any optional plan of government as approved by the  
19 electors of any part of this Commonwealth, certify 2  
20 duplicate original copies of the full text thereof and  
21 deposit such certified copies with the Legislative Reference  
22 Bureau.

23 § 723. Processing of deposited documents.

24 (a) Review of deposited text.--The bureau, or a qualified  
25 contractor selected by the bureau with the approval of the joint  
26 committee, may review any or all documents deposited with the  
27 bureau before they are released for publication, and may prepare  
28 in active cooperation with an agency a revised text of any  
29 document relating to the administrative regulations of the  
30 agency which conforms fully to the format established for the

1 code, which eliminates all obsolete, unnecessary or unauthorized  
2 material, which has been prepared in such a manner as to lend to  
3 the published code as a whole uniformity of style and clarity of  
4 expression, and which does not effect any change in the  
5 substance of the deposited text of such regulations. Whenever  
6 any such revised text with respect to each agency is prepared,  
7 two duplicate original copies thereof, with proof of service of  
8 a third copy thereof upon the executive officer, chairman or  
9 secretary of such agency, shall be filed by the bureau with the  
10 joint committee, and shall immediately be made available by the  
11 bureau for public inspection and copying.

12 (b) Status of revised text.--Such revised text shall become  
13 the agency text of such regulations for the purposes of this  
14 part 10 days after such filing unless, within such 10-day  
15 period, the agency shall file with the joint committee written  
16 objections to such revised text. In that event, the joint  
17 committee shall consult with the agency, shall make such  
18 alterations, if any, in such revised text as may be necessary in  
19 order to retain the substance of the deposited text of such  
20 regulations in a manner consistent with the standards of the  
21 code, and shall by order prescribe the text of such regulations  
22 which shall become the agency text thereof for the purposes of  
23 this part.

24 (c) Judicial review.--A decision of the joint committee  
25 under this section shall be final and shall not be subject to  
26 any form of judicial review at the instance of an executive  
27 agency and the General Assembly hereby waives any right to  
28 appeal which the executive agency might otherwise enjoy under  
29 the Constitution of Pennsylvania or otherwise. Orders of the  
30 joint committee under this section shall be subject to judicial

1 review in the manner and within the time provided or prescribed  
2 by law by:

3 (1) Any party before an agency supporting the  
4 regulations or changes therein.

5 (2) Any agency except an executive agency.

6 § 724. Preliminary publication in Pennsylvania Bulletin.

7 (a) General rule.--Except as provided in subsection (c), all  
8 documents required or authorized by section 702 (relating to  
9 contents of Pennsylvania Code) to be codified in the code, and  
10 all other documents required or authorized by section 725  
11 (relating to additional contents of Pennsylvania Bulletin) to be  
12 published, shall be published in the first available issue of an  
13 official gazette, known as the "Pennsylvania Bulletin," printed  
14 after the filing of such documents by the Legislative Reference  
15 Bureau.

16 (b) Frequency and format of bulletin.--The bulletin shall be  
17 published at least once each week and shall contain all  
18 previously unpublished documents duly filed prior to the closing  
19 date and hour of the issue, which date and hour shall appear  
20 upon the first page of such issue. All issues of the bulletin  
21 shall contain a table of contents. A cumulative index shall be  
22 published at least once each 3 months. The joint committee may  
23 provide for more frequent publication of the bulletin and  
24 indices as circumstances may require. There shall be printed  
25 with each document a notation of the date of filing thereof.

26 (c) Official synopsis.--The joint committee may provide for  
27 the publication of an official synopsis of a document in the  
28 bulletin in lieu of the full text thereof in any case where the  
29 full text of such document will be published pursuant to section  
30 726 (relating to permanent supplements to Pennsylvania Code)

1 within 120 days of the publication of such official synopsis.

2 § 725. Additional contents of Pennsylvania Bulletin.

3 (a) General rule.--Except as otherwise provided by  
4 regulations promulgated by the joint committee the following  
5 documents, if not otherwise required to be published by this  
6 part, shall be published in the bulletin:

7 (1) All proclamations and executive orders of the  
8 Governor, except such as have no general applicability and  
9 legal effect or are effective only against Commonwealth  
10 agencies or persons in their capacity as officers, agents or  
11 employees thereof.

12 (2) All agency notices directed to the public with  
13 respect to proceedings conducted under any statute the  
14 expense of the administration of which is by law assessed  
15 directly against the class of persons regulated or supervised  
16 thereunder.

17 (3) All agency documents which are required by law to be  
18 published, or the expense of publication of which is  
19 specially assumed by the agency filing such document.

20 (4) Any legislative document filed with the Legislative  
21 Reference Bureau pursuant to a resolution adopted by either  
22 House of the General Assembly.

23 (5) Any judicial document filed with the Legislative  
24 Reference Bureau by the Administrative Office of Pennsylvania  
25 Courts.

26 (6) Any other document or class of documents which the  
27 Governor, the joint committee or the Director of the  
28 Legislative Reference Bureau may require or authorize to be  
29 published in the bulletin.

30 (b) Power to require publication of certain documents in the



1 bulletin.--Whenever the joint committee finds, after notice to  
2 the agency affected and opportunity for hearing, that public  
3 notice of any agency action or proceeding or class of actions or  
4 proceedings is required by due process of law, or in the  
5 discretion of the joint committee should otherwise be given for  
6 the information of the public, the joint committee may by  
7 regulation require the agency to prepare and deposit under this  
8 part notice of each such action or proceeding at such time and  
9 containing in each case such information as the regulations of  
10 the joint committee may require. If an agency fails to deposit a  
11 notice required pursuant to this subsection the action of the  
12 agency or the results of the proceeding shall not be valid for  
13 any purpose.

14 § 726. Permanent supplements to Pennsylvania Code.

15 (a) General rule.--At least once each year all documents  
16 required or authorized pursuant to section 702 (relating to  
17 contents of Pennsylvania Code) to be codified in the code which  
18 have been filed with the bureau pursuant to this part shall be  
19 permanently integrated into the code by the publication of  
20 looseleaf pages or pocket parts for or other appropriate  
21 permanent supplements to or reissues of the code as published  
22 pursuant to section 721 (relating to publication of official  
23 codification). The index to the code shall be similarly  
24 supplemented or reissued.

25 (b) Annotations.--The Legislative Reference Bureau may  
26 prepare, or may secure by contract, and incorporate into the  
27 permanent supplements to the code annotations of judicial  
28 decisions relating to any class of documents published in the  
29 code.

30 § 727. Matter not required to be published.

1 Except as otherwise provided by regulations promulgated by  
2 the joint committee, whenever a document incorporates by  
3 reference any portion of the text of any of the following  
4 publications the Legislative Reference Bureau, unless the agency  
5 specifies otherwise in its order adopting the document, shall  
6 omit the text of such incorporated material from the text of the  
7 document as published in the code, the permanent supplements  
8 thereto, and the bulletin:

9 (1) Statutes at Large.

10 (2) United States Code.

11 (3) Laws of Pennsylvania.

12 (4) Pennsylvania Consolidated Statutes.

13 (5) Code of Federal Regulations.

14 (6) Federal Register.

15 (7) Any uniform system of accounts published by the  
16 National Association of Regulatory Utility Commissioners.

17 (8) Any generally available standard published by any of  
18 the standardizing organizations listed in United States  
19 Department of Commerce Miscellaneous Publication 288, issued  
20 August 1, 1967, or supplements thereto or reissues thereof.

21 (9) Any other generally available publication approved  
22 by the bureau.

23 § 728. Matter not permitted to be published.

24 Notwithstanding any other provision of this part no press  
25 release, speech, or other unofficial comments or news material  
26 shall be published in the code, the permanent supplements  
27 thereto, or in the bulletin. Any person depositing any document  
28 or thing for publication in violation of this section shall pay  
29 to the Commonwealth treble the cost of such publication together  
30 with costs and reasonable attorney's fees, which penalty may be

1 enforced by an action brought by any resident of this  
2 Commonwealth.

3 § 729. Publication of individual documents.

4 (a) General rule.--The code and the permanent supplements  
5 thereto shall be published pursuant to typographical and  
6 contractual arrangements which shall ensure to every agency and  
7 the unified judicial system an opportunity to procure at  
8 reasonable cost individually printed pamphlet copies of the  
9 regulations, statements of policy, general rules and rules of  
10 court of such agency or the unified judicial system published by  
11 authority of this part.

12 (b) Approval required for special format.--No administrative  
13 regulation, statement of policy, general rule or rule of court  
14 published in the code or the permanent supplement thereto shall  
15 be reset or otherwise reprinted at public expense upon a format  
16 distinct from that of the code without a certification by the  
17 joint committee that such special format is necessary for the  
18 effective performance by the agency or the unified judicial  
19 system of its functions.

20 § 730. Pricing and distribution of published documents.

21 The prices to be charged for individual copies of and  
22 subscriptions to the code, the permanent supplements thereto and  
23 the bulletin, for reprints and bound volumes thereof and for  
24 pamphlet regulations, statements of policy, general rules and  
25 rules of court, which prices may be fixed without reference to  
26 the restrictions placed upon and fixed for the sale of other  
27 publications of the Commonwealth, and the number of copies which  
28 shall be distributed free for official use, shall be set by  
29 regulations promulgated by the joint committee. Without limiting  
30 the generality of the foregoing, such regulations may provide

1 for volume discounts available to established law book  
2 publishers who agree to incorporate fully the code, the  
3 permanent supplements thereto and the bulletin into their  
4 general scheme of promotion and distribution and may provide for  
5 the free reciprocal exchange of publications between this  
6 Commonwealth and other states and foreign jurisdictions and for  
7 the free distribution upon request of at least 1 copy of every  
8 publication printed under authority of this part to each:

9 (1) County for the use of its law library.

10 (2) Member of the General Assembly at the post office  
11 address specified by him.

12 (3) Law school library which pursuant to rules of court  
13 receives copies of reproduced briefs and records filed in the  
14 Supreme Court of Pennsylvania.

15 § 731. Automatic subscriptions.

16 Except as otherwise provided by regulations promulgated by  
17 the joint committee, whenever the Pennsylvania Public Utility  
18 Commission, the Department of Banking, the Insurance Department  
19 or any other agency assesses, pursuant to authority expressly  
20 conferred by law, the cost or any substantial part thereof of  
21 the regulation or supervision of any class of persons directly  
22 against such class of persons, such agency shall purchase from  
23 the Department of Property and Supplies in the name of each such  
24 person:

25 (1) a subscription to the bulletin; and

26 (2) a subscription to the title or part thereof of the  
27 code and the permanent supplements thereto relating to the  
28 regulation or supervision of such class of persons;

29 and shall include in its assessment bills issued to each such  
30 class of persons the estimated cost (notwithstanding any other

1 provision of law requiring such assessment to be retrospective)  
2 and the net unrecovered cost attributable to any preceding  
3 period, of complying with this section.

4 § 732. Required contractual arrangements.

5 (a) General rule.--Except as otherwise provided by statute  
6 finally enacted after July 1, 1969 applicable to public printing  
7 and binding generally:

8 (1) the code;

9 (2) the permanent supplements thereto published pursuant  
10 to section 726 (relating to permanent supplements to  
11 Pennsylvania Code);

12 (3) pamphlet copies of regulations, statements of  
13 policy, general rules and rules of court published pursuant  
14 to section 729 (relating to publication of individual  
15 documents); and

16 (4) the bulletin (unless the application of this section  
17 to the bulletin is found to be impracticable by the joint  
18 committee after notice in the bulletin and opportunity for  
19 hearing) published pursuant to section 724 (relating to  
20 preliminary publication in Pennsylvania Bulletin) and section  
21 725 (relating to additional contents of Pennsylvania  
22 Bulletin);

23 shall be printed or reproduced under contract with a contractor  
24 unaffiliated with the Commonwealth.

25 (b) Competitive bidding.--Every such contract shall be  
26 given, after reasonable public invitation for proposals, to the  
27 lowest responsible bidder below such maximum price and under  
28 such regulations as shall be prescribed by the joint committee.

29 (c) Conflict of interest.--No officer or employee of the  
30 Commonwealth shall be in any way interested in any purchase made

1 by the Commonwealth under any such contract or otherwise.

2 (d) Definitions.--For the purposes of this section the terms  
3 "printed" or "reproduced" shall not include mimeographed,  
4 multilithed or reproduced by any similar in-house process or  
5 produced by computer.

6 CHAPTER 9  
7 EFFECTIVENESS OF DOCUMENTS

8 Sec.

9 901. Official text of published documents.

10 902. Certification of official text.

11 903. Effective date of documents.

12 904. Constructive notice.

13 905. Presumptions created.

14 906. Reasonable notice of hearing.

15 907. Additional notice unnecessary.

16 § 901. Official text of published documents.

17 (a) General rule.--The official text, as published as  
18 provided in Subchapter B of Chapter 7 (relating to publication  
19 of documents), of any document required or authorized to be  
20 published in the code, the permanent supplements thereto, or the  
21 bulletin, shall from the date of such publication be the only  
22 valid and enforceable text of such document regardless of any  
23 discrepancy between such official text and the agency text of  
24 such document. Thereafter any amendment to such document shall  
25 be drawn as an amendment to the official text thereof. If an  
26 agency discovers a discrepancy between the agency text and the  
27 official text of a document, the agency shall forthwith deposit,  
28 without regard to the requirements of 2 Pa.C.S. § 301 (relating  
29 to notice of proposed rule making) and 2 Pa.C.S. § 302 (relating  
30 to adoption of administrative regulations) with the Legislative

1 Reference Bureau an appropriate corrective amendment to the  
2 official text, and the agency may specify that such amendment  
3 shall be effective as of the effective date of the defective  
4 official text, but only persons who have had actual knowledge of  
5 the discrepancy shall be affected by such amendment prior to the  
6 publication of the official text thereof in the manner  
7 prescribed in this part. The purpose of this section is to  
8 permit the public to rely absolutely upon the correctness of the  
9 text of a regulation, statement of policy or other document as  
10 published in the code, the supplements thereto, or the bulletin  
11 by declaring such published text to be the only legal evidence  
12 of the valid and enforceable text of such regulation, statement  
13 of policy or other document.

14 (b) Home rule charter documents and optional plans of  
15 government.--Notwithstanding subsection (a), the text of any  
16 home rule charter amendment or repeal or any optional plan of  
17 government, as published as provided in Subchapter B of Chapter  
18 7 (relating to publication of documents), shall from the date of  
19 such publication be prima facie evidence of the text of the home  
20 rule charter, amendment or repeal, or of the plan of government  
21 approved by the electors.

22 § 902. Certification of official text.

23 Each title or part of the code and each permanent supplement  
24 thereto shall contain a certificate by the Director of the  
25 Legislative Reference Bureau that such title or part or  
26 permanent supplement thereto contains all documents required  
27 pursuant to section 702 (relating to contents of Pennsylvania  
28 Code) to be codified therein issued, prescribed or promulgated  
29 prior to the closing date of such permanent supplement, by the  
30 government unit or units to which such title or part relates,

1 which certificate shall be conclusive evidence of such fact in  
2 the case of documents issued, prescribed or promulgated by an  
3 agency. If an agency discovers an omission in such title or  
4 part, such omission shall be governed by the provisions of  
5 section 901 (relating to official text of published documents).  
6 § 903. Effective date of documents.

7 (a) General rule.--No document, except a document which is  
8 excluded from the operation of this subsection by subsection  
9 (b), which is required to be published under this part, shall be  
10 valid as against any person who has not had actual knowledge  
11 thereof until such publication has been effected. Publication  
12 shall be deemed to have been effected upon the deposit of the  
13 bulletin or the permanent supplement to the code containing such  
14 document in the United States mail for distribution. The issue  
15 date of the bulletin and of the permanent supplement to the code  
16 shall be the day of such deposit, and, in the case of the  
17 bulletin, such date shall be printed prominently upon the first  
18 page of each issue thereof.

19 (b) Certain judicial documents.--Judicial documents  
20 (including general rules) which are not adopted pursuant to  
21 statutory authority shall be effective as provided by general  
22 rule. General rules and other judicial documents which are  
23 adopted pursuant to statutory authority shall be fully subject  
24 to subsection (a).

25 § 904. Constructive notice.

26 Unless otherwise specifically provided by statute other than  
27 a provision of this title, the publication under this part of  
28 any document required or authorized by this part to be so  
29 published shall, except in cases where notice by publication is  
30 insufficient in law, be sufficient to give notice of the



1 contents of such document to any person subject thereto or  
2 affected thereby.

3 § 905. Presumptions created.

4 The publication in the code, the permanent supplements  
5 thereto, or the bulletin of any document shall create a  
6 rebuttable presumption:

7 (1) That it was duly issued, prescribed or promulgated.

8 (2) That it was approved as to legality, if so required  
9 by 2 Pa.C.S. § 305 (relating to approval as to legality) by  
10 the Department of Justice.

11 (3) That all requirements of Subchapter A of Chapter 3  
12 of Title 2 (relating to regulations of Commonwealth agencies)  
13 and of this part and the regulations promulgated thereunder  
14 applicable to such document have been complied with.

15 § 906. Reasonable notice of hearing.

16 Whenever notice of hearing or of opportunity to be heard is  
17 required or authorized to be given by the Commonwealth  
18 government by or under any statute, or may otherwise properly be  
19 given, the notice, except in cases where notice by publication  
20 is insufficient in law, shall be deemed to have been given to  
21 all persons residing within this Commonwealth, and to all  
22 persons owning or having any interest in any property situated  
23 within the limits thereof, if said notice shall be published in  
24 the bulletin at such time that the period between the date of  
25 publication as specified in section 903(a) (relating to  
26 effective date of documents) and the date fixed in such notice  
27 for the hearing or for the termination of the opportunity to be  
28 heard shall be:

29 (1) not less than the time specified for the publication  
30 of the notice by the appropriate statute; or

1           (2) not less than 15 days when no time for publication  
2       is specified by statute, without prejudice, however, to the  
3       effectiveness of any notice of less than 15 days where such  
4       shorter period is reasonable.

5   § 907. Additional notice unnecessary.

6       (a) General rule.--Except with respect to the time specified  
7       for the publication of notice, the publication by the  
8       Commonwealth government of any notice in the manner provided by  
9       this part shall constitute full compliance with law  
10      notwithstanding any inconsistent provision of any statute.

11      (b) Additional notice if not prohibited.--Nothing in this  
12      part shall prohibit the Commonwealth government from giving  
13      notice in such manner, or if notice has been given in the manner  
14      prescribed by this part, in such supplemental manner, as is not  
15      inconsistent with regulations promulgated by the joint committee  
16      with respect to Commonwealth agencies.

17      Section 2. Section 1991 of Title 1, added December 6, 1972  
18      (P.L.1339, No.290), is amended by adding a definition to read:  
19      § 1991. Definitions.

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

24      \* \* \*

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

27      \* \* \*

28      SECTION 3. (A) OFFICIAL DOCUMENTS, RECORDS AND PAPERS KEPT  
29      BY THE LEGISLATIVE REFERENCE BUREAU PURSUANT TO ANY REQUIREMENT  
30      OF LAW, OR ANY ENTRIES THEREIN, WHEN ADMISSIBLE IN EVIDENCE FOR

<—

1 ANY PURPOSE, MAY BE EVIDENCED BY THE OFFICIAL PUBLICATION  
2 THEREOF OR BY COPIES WHICH HAVE BEEN DULY CERTIFIED BY THE  
3 DIRECTOR OR THE ASSISTANT DIRECTOR OF THE BUREAU.

4 (B) A WRITTEN STATEMENT THAT, AFTER EXAMINATION OF THE  
5 DOCUMENTS, RECORDS AND PAPERS OF THE BUREAU, NO RECORD OR ENTRY  
6 OF A SPECIFIED TENOR IS FOUND TO EXIST, AUTHENTICATED AS  
7 PROVIDED IN SUBSECTION (A), IS ADMISSIBLE AS EVIDENCE THAT THE  
8 DOCUMENTS, RECORDS AND PAPERS CONTAIN NO SUCH RECORD OR ENTRY.

9 (C) IT SHALL BE THE DUTY OF THE DIRECTOR OR ASSISTANT  
10 DIRECTOR OF THE BUREAU, UPON RECEIPT OR ACCEPTABLE PROVISION FOR  
11 PAYMENT OF THE FEES ESTABLISHED THEREFOR, TO CAUSE A COPY OF THE  
12 DOCUMENT, RECORD OR PAPER TO BE MADE AND AUTHENTICATED AS  
13 PROVIDED IN SUBSECTION (A) AND TO DELIVER SUCH COPY TO ANY  
14 PERSON ENTITLED THERETO.

15 (D) A COPY OF A RECORD OF FILING OR PUBLICATION OF A  
16 DOCUMENT OR THE ABSENCE OF FILING OR PUBLICATION OF A DOCUMENT,  
17 AUTHENTICATED AS PROVIDED IN SUBSECTION (A), SHALL BE ADMISSIBLE  
18 AS EVIDENCE THAT THE FILING OR PUBLICATION OF A DOCUMENT OR  
19 ABSENCE OF FILING OR PUBLICATION OF A DOCUMENT DISCLOSED THEREIN  
20 WAS IN FACT TAKEN OR OMITTED.

21 (E) UNLESS DIRECTED OTHERWISE BY THE COURT OR THE PRESIDING  
22 OFFICER OF THE GOVERNMENT AGENCY, WHICHEVER IS APPLICABLE,  
23 DELIVERY TO THE COURT OR AGENCY OF A CERTIFICATION ISSUED UNDER  
24 THIS SECTION SHALL CONSTITUTE SUFFICIENT COMPLIANCE WITH A  
25 SUBPOENA DIRECTING AN OFFICER OR EMPLOYEE OF THE BUREAU TO  
26 APPEAR FOR THE PURPOSE OF PRESENTING TESTIMONY OR PRODUCING  
27 DOCUMENTS RELATING TO MATTERS SET FORTH IN THE CERTIFICATION OR  
28 ACCOMPANYING DOCUMENTS.

29 SECTION 4. PENDING CODIFICATION OF TITLE 2 OF THE  
30 PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO ADMINISTRATIVE

1 LAW AND PROCEDURE) A REFERENCE IN TITLE 45 OF THE PENNSYLVANIA  
2 CONSOLIDATED STATUTES TO "SUBCHAPTER A OF CHAPTER 3 OF TITLE 2  
3 (RELATING TO REGULATIONS OF COMMONWEALTH AGENCIES)" SHALL BE  
4 DEEMED A REFERENCE TO SECTIONS 102 AND 201 THROUGH 208 OF THE  
5 ACT OF JULY 31, 1968 (P.L.769, NO.240), KNOWN AS THE  
6 "COMMONWEALTH DOCUMENTS LAW," AND A REFERENCE TO "2 PA.C.S. §  
7 301 (RELATING TO NOTICE OF PROPOSED RULE MAKING)," "2 PA.C.S. §  
8 302 (RELATING TO ADOPTION OF ADMINISTRATIVE REGULATIONS)," "2  
9 PA.C.S. § 305 (RELATING TO APPROVAL AS TO LEGALITY)," "2 PA.C.S.  
10 § 306 (RELATING TO FORMAT OF REGULATIONS)," OR "2 PA.C.S. § 308  
11 (RELATING TO UNFILED ADMINISTRATIVE REGULATIONS INVALID)" SHALL  
12 BE DEEMED TO BE A REFERENCE TO SECTIONS 201, 202, 205, 206, OR  
13 208 OF SAID ACT, RESPECTIVELY. AS MUCH OF 45 PA.C.S. § 502(D)  
14 (RELATING TO POWERS AND DUTIES) AS RELATES TO "2 PA.C.S. §  
15 102(B) (RELATING TO UNIFORM RULES)" SHALL NOT TAKE EFFECT UNLESS  
16 AND UNTIL THE ENACTMENT AS SECTION 102(B) OF TITLE 2 OF THE  
17 PENNSYLVANIA CONSOLIDATED STATUTES OF LEGISLATION ON UNIFORM  
18 RULES. IF THE OFFICE OF ATTORNEY GENERAL OF PENNSYLVANIA SHALL  
19 BECOME AN ELECTIVE OFFICE THE REFERENCES IN 45 PA.C.S. § 502  
20 (RELATING TO JOINT COMMITTEE ON DOCUMENTS) TO THE "ATTORNEY  
21 GENERAL" SHALL THEREAFTER BE DEEMED TO BE REFERENCES TO THE HEAD  
22 OF AN ADMINISTRATIVE DEPARTMENT SUBJECT TO THE POLICY  
23 SUPERVISION AND CONTROL OF THE GOVERNOR WHICH IS DESIGNATED FOR  
24 SUCH PURPOSES BY EXECUTIVE ORDER OF THE GOVERNOR.

25 Section ~~3~~ 5. The following acts and parts of acts are hereby <—  
26 repealed absolutely:

27 Section 2, act of May 6, 1874 (P.L.124, No.58), entitled "An  
28 act to regulate the manner of advertising for the state, and the  
29 issuing of warrants therefor."

30 Section 1, act of May 3, 1909 (P.L.424, No.237), entitled, as

1 amended, "An act providing that in all counties, advertisements  
2 and notices, required by law or rules of court to be published  
3 in newspapers of general circulation, unless dispensed with by  
4 special order of court, shall be published in the legal  
5 newspaper, issued at least weekly, of the proper county,  
6 designated by rules of court for the publication of court or  
7 other legal notices."

8 Act of May 16, 1929 (P.L.1784, No.587), known as the  
9 "Newspaper Advertising Act."

10 Section 1, act of June 22, 1931 (P.L.845, No.275), entitled  
11 "An act authorizing the publication of advertisements for bids  
12 for public works, supplies or equipment in certain publications  
13 and journals devoted to information about construction work."

14 Second sentence of section 12, act of April 21, 1949  
15 (P.L.665, No.155), known as the "First Class City Home Rule  
16 Act."

17 Act of September 8, 1959 (P.L.829, No.323), entitled "An act  
18 authorizing the use of certified mail in lieu of registered  
19 mail."

20 Second sentence of section 13, act of August 9, 1963  
21 (P.L.643, No.341), known as the "First Class City Public  
22 Education Home Rule Act."

23 Section 101, sections 301 through 601, section 602 (except  
24 with respect to the continuing appropriation), sections 603  
25 through 611 and, if sections 201 through 208 thereof are  
26 repealed absolutely by any other statute, section 102, act of  
27 July 31, 1968 (P.L.769, No.240), known as the "Commonwealth  
28 Documents Law."

29 Second sentence of section 502, act of July 23, 1970  
30 (P.L.563, No.195), known as the "Public Employe Relations Act."

1       Section 4 6. All other parts of those acts which are       <—  
2 specified in section 2 of this act and all other acts and parts  
3 of acts are hereby repealed in so far as inconsistent with this  
4 act.

5       Section 5 7. This act shall take effect in 60 days.       <—

SOURCE NOTES

(Prepared by Pennsylvania Bar Association)

REVISED THROUGH PRINTER'S NO. \_\_\_\_\_

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45 Pa.C.S. § 101: Substantially a reenactment of act of May 16, 1929 (P.L.1784, No.587), § 3 (45 P.S. § 3).

45 Pa.C.S. § 301: Substantially a reenactment of act of May 16, 1929 (P.L.1784, No.587), § 2 (45 P.S. § 2).

45 Pa.C.S. § 302: Substantially a reenactment of act of May 16, 1929 (P.L.1784, No.587), § 9 (45 P.S. § 9).

45 Pa.C.S. § 303: Substantially a reenactment of act of May 16, 1929 (P.L.1784, No.587), § 5 (45 P.S. § 5).

45 Pa.C.S. § 304: Substantially a reenactment of act of May 16, 1929 (P.L.1784, No.587), § 8 (45 P.S. § 8).

45 Pa.C.S. § 305: Derived from act of May 16, 1929 (P.L.1784, No.587), § 6 (45 P.S. § 6). Superseding general rules authorized.

45 Pa.C.S. § 306: Substantially a reenactment of act of June 22, 1931 (P.L.845, No.275), § 1 (45 P.S. § 12).

45 Pa.C.S. § 307: Substantially a reenactment of act of May 16, 1929 (P.L.1784, No.587), § 7 (45 P.S. § 7).

45 Pa.C.S. § 308: Derived from act of May 3, 1909 (P.L.424, No.237), § 1 (45 P.S. § 39).

45 Pa.C.S. § 309: Substantially a reenactment of act of May 16, 1929 (P.L.1784, No.587), § 7.1 (45 P.S. § 7.1).

45 Pa.C.S. § 310: Substantially a reenactment of act of May 6, 1874 (P.L.124, No.58), § 2 (45 P.S. § 32).

45 Pa.C.S. § 501: Substantially a reenactment of act of July 31, 1968 (P.L.769, No.240), § 102 (45 P.S. § 1102).

45 Pa.C.S. § 502: Derived from act of July 31, 1968 (P.L.769, No.240), § 608 (45 P.S. § 1608). The joint committee is made an independent board and is expanded to include Court Administrator of Pennsylvania. The last sentence of subsection (d) is new.

45 Pa.C.S. § 503: Substantially a reenactment of act of July 31, 1968 (P.L.769, No.240), § 603 (45 P.S. § 1603).

45 Pa.C.S. § 504: Substantially a reenactment of act of July 31, 1968 (P.L.769, No.240), § 601 (45 P.S. § 1601).

45 Pa.C.S. § 505: Derived from act of July 31, 1968 (P.L.769, No.240), § 602 (45 P.S. § 1602). Expenses of joint committee transferred to Legislative Reference Bureau.

45 Pa.C.S. § 506: Reenactment of first sentence of act of

1 July 31, 1968 (P.L.769, No.240), § 604 (45 P.S. § 1604).

2 45 Pa.C.S. § 507: Reenactment of second sentence of act of  
3 July 31, 1968 (P.L.769, No.240), § 604 (45 P.S. § 1604).

4 45 Pa.C.S. § 508: Substantially a reenactment of act of July  
5 31, 1968 (P.L.769, No.240), § 605 (45 P.S. § 1605).

6 45 Pa.C.S. § 509: Derived from act of July 31, 1968 (P.L.769,  
7 No.240), § 206 (45 P.S. § 1206).

8 45 Pa.C.S. § 701: Derived from of act of July 31, 1968  
9 (P.L.769, No.240), § 301 (45 P.S. § 1301).

10 45 Pa.C.S. § 702: Derived from act of July 31, 1968 (P.L.769,  
11 No.240), § 302 (45 P.S. § 1302). Optional plans of government  
12 added.

13 45 Pa.C.S. § 721: Substantially a reenactment of act of July  
14 31, 1968 (P.L.769, No.240), § 401 (45 P.S. § 1401).

15 45 Pa.C.S. § 722: Derived from act of July 31, 1968 (P.L.769,  
16 No.240), §§ 409 and 414 (first sentence) (45 P.S. §§ 1409 and  
17 1414), and Pa. R.J.A. No.103).

18 45 Pa.C.S. § 723: Derived from act of July 31, 1968 (P.L.769,  
19 No.240), § 403 (45 P.S. § 1403). Agency comment period reduced  
20 from 60 days to 10 days.

21 45 Pa.C.S. § 724: Derived from act of July 31, 1968 (P.L.769,  
22 No.240), § 404 (45 P.S. § 1404). Synopsis period increased from  
23 90 to 120 days.

24 45 Pa.C.S. § 725: Substantially a reenactment of act of July  
25 31, 1968 (P.L.769, No.240), § 405 (45 P.S. § 1405).

26 45 Pa.C.S. § 726: Substantially a reenactment of act of July  
27 31, 1968 (P.L.769, No.240), § 406 (45 P.S. § 1406).

28 45 Pa.C.S. § 727: Substantially a reenactment of act of July  
29 31, 1968 (P.L.769, No.240), § 407 (45 P.S. § 1407).

30 45 Pa.C.S. § 728: Substantially a reenactment of act of July  
31 31, 1968 (P.L.769, No.240), § 408 (45 P.S. § 1408).

32 45 Pa.C.S. § 729: Substantially a reenactment of act of July  
33 31, 1968 (P.L.769, No.240), § 410 (45 P.S. § 1410).

34 45 Pa.C.S. § 730: Reenactment of act of July 31, 1968  
35 (P.L.769, No.240), § 411 (45 P.S. § 1411).

36 45 Pa.C.S. § 731: Substantially a reenactment of act of July  
37 31, 1968 (P.L.769, No.240), § 412 (45 P.S. § 1412).

38 45 Pa.C.S. § 732: Substantially a reenactment of act of July  
39 31, 1968 (P.L.769, No.240), § 413 (45 P.S. § 1413).

40 45 Pa.C.S. § 901: Derived from act of July 31, 1968 (P.L.769,  
41 No.240), §§ 414 (last sentence) and 501 (45 P.S. §§ 1414 and



1 1501).

2 45 Pa.C.S. § 902: Derived from act of July 31, 1968 (P.L.769,  
3 No.240), § 502 (45 P.S. § 1502).

4 45 Pa.C.S. § 903: Derived from act of July 31, 1968 (P.L.769,  
5 No.240), §§ 503 and 607 (45 P.S. §§ 1503 and 1607). Subsection  
6 (b) new.

7 45 Pa.C.S. § 904: Derived from act of July 31, 1968 (P.L.769,  
8 No.240), § 504 (45 P.S. § 1504).

9 45 Pa.C.S. § 905: Derived from act of July 31, 1968 (P.L.769,  
10 No.240), § 505 (45 P.S. § 1505).

11 45 Pa.C.S. § 906: Generalization of act of July 31, 1968  
12 (P.L.769, No.240), § 506 (45 P.S. § 1506).

13 45 Pa.C.S. § 907: Derived from act of July 31, 1968 (P.L.769,  
14 No.240), § 507 (45 P.S. § 1507).

15 Section 2: Substantially a reenactment of act of September  
16 8, 1959 (P.L.829, No.323), § 1 (45 P.S. § 101).

17 Section 3: New.

18 Section 4: New.

19 Section 5: New.

20 SECTION 6: NEW.

21 SECTION 7: NEW.

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