
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2638

Session of
1976

INTRODUCED BY DiDONATO, PERRY, McINTYRE, WILLIAMS, CIANCIULLI,
GIAMMARCO AND COHEN, SEPTEMBER 22, 1976

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
SEPTEMBER 22, 1976

AN ACT

1 Providing for the licensing of jewelry establishments and
2 salesmen and establishing penalties.

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

5 Section 1. Short Title.--This act shall be known and may be
6 cited as the "Jewelers' License Act."

7 Section 2. Definitions.--As used in this act:

8 "Commissioner" means the Commissioner of the Bureau of
9 Professional and Occupational Affairs.

10 "Jewelry establishment" means any place used for the
11 transaction of business dealing with jewelry, except
12 transactions in costume jewelry exclusively.

13 "Jewelry salesman" means any employee of an owner who sells
14 jewelry, or any independent contractor who purchases jewelry
15 from an owner for resale.

16 "Owner" means any person, copartnership, association or
17 corporation who owns a jewelry establishment.

1 Section 3. License Required.--It shall be unlawful for any
2 person to operate within this Commonwealth a jewelry
3 establishment or to sell jewelry without a license as
4 hereinafter required; but, this act shall not be construed to
5 apply to selling of costume jewelry exclusively.

6 Section 4. Application for License.--Every owner desiring to
7 operate a jewelry establishment and every jewelry salesman shall
8 file an application for a license with the commissioner. The
9 application shall be on a form prescribed, prepared and
10 furnished by the commissioner, and together with such other
11 information as the commissioner shall require, shall state:

12 (1) The name and address of the applicant and of the person
13 who will be the proprietor of the jewelry establishment, if
14 different from the applicant. If the applicant is a
15 copartnership, association or corporation, the application shall
16 also state the names and addresses of all the partners and
17 officers, as the case may be.

18 (2) The location of the jewelry establishment in the case of
19 an owner and, if the applicant is a copartnership, association
20 or corporation, the state of organization or incorporation.

21 Section 5. Bonds Required.--(a) No license shall be issued
22 to any such applicant until he has filed with the commissioner
23 an approved bond, duly executed, payable to the Commonwealth of
24 Pennsylvania, together with a warrant of attorney to confess
25 judgment in the penal sum of \$2,500. All such bonds shall be
26 conditioned for the faithful observance of all the laws of this
27 Commonwealth and regulations of the commissioner, and shall have
28 as surety a duly authorized surety company, or shall have
29 deposited therewith, as collateral security, cash or negotiable
30 obligations of the United States of America or the Commonwealth

1 of Pennsylvania in the amount of \$2,500.

2 (b) In all cases where cash or securities in lieu of other
3 surety have been deposited with the commissioner, the depositor
4 shall be permitted to continue the same deposit from year to
5 year on each renewal of license, but in no event shall he be
6 permitted to withdraw his deposit during the time he holds said
7 license, or until six months after the expiration of the license
8 held by him.

9 (c) All cash or securities received by the commissioner in
10 lieu of other surety shall be turned over by the commissioner to
11 the State Treasurer and held by him. The State Treasurer shall
12 repay or return money or securities deposited with him to the
13 respective depositors only on the order of the commissioner.

14 Section 6. Issuance of License; Term of License; Payment of
15 Fees.--(a) The commissioner shall when satisfied that the
16 applicant for such license, and the proprietor named in the
17 application, if different from the applicant, is a responsible
18 person, that the place sought to be used as a jewelry
19 establishment is a suitable place for such purpose, and when all
20 requirements of this act have been complied with, issue a
21 license to the applicant, upon payment of a license fee of \$25
22 for an owner's license and a license fee of \$4 for a jewelry
23 salesman's license which shall be paid into the State Treasury
24 through the Department of Revenue.

25 (b) All licenses issued by the commissioner under this act
26 shall expire one year next following the day on which issued,
27 shall be on a form prescribed by the commissioner, shall not be
28 transferable with respect to either the owners or jewelry
29 salesmen, shall be posted in a conspicuous place on the premises
30 used as a jewelry establishment or carried on the person of a

1 jewelry salesman, and may be renewed from year to year upon
2 application and payment of the license fee, as in the
3 procurement of an original license.

4 Section 7. Rules and Regulations.--The commissioner may make
5 and enforce reasonable rules and regulations for the issuance
6 and removal of such licenses, for the proper operation and
7 conduct of such jewelry establishments, and for the violation
8 and inspection of all such jewelry establishments.

9 Section 8. Penalties for Operation Without License.--Any
10 person, or any or all officers or partners of any partnership,
11 association or corporation owning or operating within this
12 Commonwealth a jewelry establishment or a jewelry salesman who
13 is without a license required by this act shall be guilty of a
14 misdemeanor of the third degree and a second or subsequent
15 violation shall be guilty of a misdemeanor of the first degree.

16 Section 9. Effective Date.--This act shall take effect in
17 six months.