

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 163

Session of  
1977

INTRODUCED BY MESSRS. RICHARDSON, WHITE, WILLIAMS, BARBER,  
MRS. HARPER, MESSRS. IRVIS AND JOHNSON, FEBRUARY 8, 1977

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MARCH 14, 1978

## AN ACT

1 Amending the act of May 31, 1893 (P.L.188, No.138), entitled "An  
2 act designating the days and half days to be observed as  
3 legal holidays, and for the payment, acceptance and  
4 protesting of bills, notes, drafts, checks and other  
5 negotiable paper on such days," ~~providing that the fifteenth~~ <—  
6 ~~day of January shall be known as Dr. Martin Luther King, Jr.~~  
7 ~~Day and observed as a holiday.~~ DESIGNATING THE FIFTEENTH DAY <—  
8 OF JANUARY AS A HOLIDAY KNOWN AS DR. MARTIN LUTHER KING, JR.  
9 DAY AND PROVIDING RESTRICTIONS FOR PAID HOLIDAYS.

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

12 Section 1. Section 1, act of May 31, 1893 (P.L.188, No.138),  
13 entitled "An act designating the days and half days to be  
14 observed as legal holidays, and for the payment, acceptance and  
15 protesting of bills, notes, drafts, checks and other negotiable  
16 paper on such days," amended April 5, 1973 (P.L.12, No.4), is  
17 amended to read:

18 Section 1. Be it enacted, &c., That the following days and  
19 half days, namely: the first day of January, commonly called New  
20 Year's Day, the fifteenth day of January, known as Dr. Martin  
21 Luther King, Jr. Day, the twelfth day of February, known as

1 Lincoln's Birthday, the third Monday of February, known as  
2 Washington's Birthday, Good Friday, the last Monday in May,  
3 known as Memorial Day, the fourteenth day of June, known as Flag  
4 Day, the fourth of July, called Independence Day, the first  
5 Monday of September, known as Labor Day, the second Monday in  
6 October, known as Columbus Day, the first Tuesday after the  
7 first Monday of November, Election Day, the eleventh day of  
8 November, known as Veterans' Day, the fourth Thursday in  
9 November, known as Thanksgiving Day, the twenty-fifth day of  
10 December, known as Christmas Day; and every Saturday, after  
11 twelve o'clock noon until twelve o'clock midnight, each of which  
12 Saturdays is hereby designated a half holiday; and any day  
13 appointed or recommended by the Governor of this State or the  
14 President of the United States as a day of thanksgiving or  
15 fastings and prayer, or other religious observance; and in the  
16 event of a financial crisis in the State or Nation, any day or  
17 days appointed by the Governor of this State or the President of  
18 the United States as a bank holiday; and in the event of public  
19 calamity in any part of the State through fire, flood, famine,  
20 violence, riot, insurrection, or enemy action, any day or days  
21 appointed by the Governor of this State as a bank holiday for  
22 banking institutions affected by such public calamity shall, for  
23 all purposes whatever as regards the presenting for payment or  
24 acceptance, and as regards the protesting and giving notice of  
25 the dishonor of bills of exchange, checks, drafts, and  
26 promissory notes, made after the passage of this act, be treated  
27 and considered as the first day of the week, commonly called  
28 Sunday, and as public holidays and half holidays; and all such  
29 bills, checks, drafts, and notes otherwise presentable for  
30 acceptance or payment on any of the said days, shall be deemed

1 to be payable and be presentable for acceptance or payment on  
2 the secular or business day next succeeding such holiday or half  
3 holiday; except checks, drafts, bills of exchange, and  
4 promissory notes, payable at sight or on demand, which would  
5 otherwise be payable on any half holiday Saturday, shall be  
6 deemed to be payable at or before twelve o'clock noon of such  
7 half holiday: Provided, however, That for the purpose of  
8 protesting or otherwise holding liable any party to any bill of  
9 exchange, check, draft, or promissory note, and which shall not  
10 have been paid before twelve o'clock noon of any Saturday  
11 designated a half holiday as aforesaid, a demand for acceptance  
12 or payment thereof shall not be made, and notice of protest or  
13 dishonor thereof shall not be given, until the next succeeding  
14 secular or business day: And provided further, That when any  
15 person, firm, corporation or company shall, on any Saturday  
16 designated a half holiday, receive for collection any check,  
17 bill of exchange, draft, or promissory note, such person, firm,  
18 corporation, or company shall not be deemed guilty of any  
19 neglect or omission of duty, nor incur any liability, in not  
20 presenting for payment or acceptance or collection such check,  
21 bill of exchange, draft or promissory note, on that day: And  
22 provided further, That, in construing this section, every  
23 Saturday designated a half holiday shall, until twelve o'clock  
24 noon, be deemed a secular or business day; and the days and half  
25 days aforesaid, so designated as holidays and half holidays,  
26 shall be considered as public holidays and half holidays for all  
27 purposes whatsoever as regards the transaction of business,  
28 except that any day or days appointed as a bank holiday shall be  
29 regarded as secular or business days for all other purposes than  
30 those mentioned in this act: And provided further, That nothing

1 herein contained shall be construed to prevent or invalidate the  
2 entry, issuance, service, or execution of any writ, summons,  
3 confession of judgment, or other legal process whatever, on any  
4 of the holidays or half holidays herein designated as holidays;  
5 nor to prevent any banking institution from keeping its doors  
6 open or transacting its business, on any Saturday afternoon, if  
7 by a vote of its directors it shall elect to do so, unless such  
8 Saturday is appointed as a bank holiday under the provisions of  
9 this act: And provided further, That any banking institution  
10 may, by a vote of its directors, or in the case of a private  
11 bank by action of the private banker or bankers, notice of which  
12 shall have been posted in its banking house for not less than  
13 fifteen days before the taking effect thereof, observe any  
14 Saturday throughout the year as a full holiday with like effect  
15 hereunder as though such day had been designated as a full  
16 holiday by the provisions of this act, and may in the same  
17 manner, observe as a full holiday any Monday next following the  
18 first day of January, the fourth day of July or the twenty-fifth  
19 day of December whenever any of such holidays shall occur on a  
20 Saturday with like effect hereunder as though such day had been  
21 designated as a full holiday by the provisions of this act.

22 SECTION 2. NO DAY DESIGNATED AS A HOLIDAY HEREIN SHALL BE <—  
23 CONSTRUED TO MEAN A PAID HOLIDAY FOR ANY EMPLOYEE UNLESS SO  
24 ESTABLISHED BY THE EMPLOYER OR BY A COLLECTIVE BARGAINING  
25 AGREEMENT.

26 Section ~~2~~ 3. The act of December 30, 1974 (P.L.1037, <—  
27 No.338), entitled "An act providing for the observance of  
28 January 15 of each year as Martin Luther King Day," is repealed.

29 Section ~~3~~ 4. This act shall take effect immediately. <—