

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1528 Session of 1977

INTRODUCED BY MESSRS. IRVIS, BENNETT, POLITE, WARGO, OLIVER, RENWICK, WHITE, RHODES, BARBER, A. K. HUTCHINSON, JOHNSON, CAPUTO, MRS. KELLY AND MR. BRANDT, JULY 25, 1977

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 31, 1978

AN ACT

1 Fixing annual license and other fees for activities regulated by
2 the Bureau of Professional and Occupational Affairs of the
3 Department of State AND CREATING THE PROFESSIONAL LICENSURE
4 AUGMENTATION ACCOUNT AND PROVIDING FOR ITS ADMINISTRATION. <—

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Bureau of
9 Professional and Occupational Affairs Fee Act."

10 Section 2. Fees.

11 (a) Fee Schedule.--The annual and biennial license and
12 renewal fees for activities regulated by the Bureau of
13 Professional and Occupational Affairs shall be as follows:

14	Activity	Fee
15	(1) Architecture	
16	(i) Examination	50.00
17	(ii) Renewal, biennial	25.00
18	(2) Auctioneer	

1	(i) Auctioneer's registration certifi-	
2	cate	50.00
3	(ii) Auctioneers, biennial renewal	50.00
4	(iii) Special license, specific auction	100.00
5	(3) Barbers	
6	(i) Apprentice, student permit	5.00
7	(ii) Teachers, registration fee	25.00
8	(iii) Teachers, biennial renewal	25.00
9	(iv) Barber shop, registration fee	10.00
10	(v) Barber shop, biennial renewal	10.00
11	(4) Chiropractic	
12	(i) Standard examination	40.00
13	(ii) Renewal, biennial	20.00
14	(5) Cosmetology	
15	(i) Student and apprentice permits	5.00
16	(ii) Operators and manicurists,	
17	original	10.00
18	(iii) Operators and manicurists,	
19	biennial renewal	10.00
20	(iv) Shop owners, managers, teachers,	
21	original	25.00
22	(v) Shop owners, managers, teachers,	
23	biennial renewal	25.00
24	(6) Dentist	
25	(i) Dentist, biennial registration	25.00
26	(ii) Dental hygienists, biennial	
27	registration	10.00
28	(7) Professional engineering	
29	(i) Engineers, biennial renewal	25.00
30	(ii) Surveyors, biennial renewal	25.00

1	(8)	Landscape architecture	
2		(i) Examination and initial	75.00
3		(ii) Renewal, biennial	50.00
4	(9)	Motor vehicle manufacturers, dealers	
5		and salesmen	
6		(i) Motor vehicle manufacturers,	
7		biennial renewal	25.00
8		(ii) Motor vehicle wholesalers and	
9		distributors, biennial renewal	25.00
10		(iii) Distributor branch representative	
11		license, biennial renewal	15.00
12		(iv) Motor vehicle factory represen-	
13		tative license, biennial renewal	15.00
14		(v) Motor vehicle dealers license,	
15		biennial renewal	25.00
16		(vi) Motor vehicle dealers branch	
17		office, biennial renewal	25.00
18		(vii) Motor vehicle salesmen license,	
19		biennial renewal	15.00
20		(viii) Used car lots, biennial renewal	25.00
21	(10)	Nurse Board	
22		(i) Practical nurse examination	18.00
23		(ii) Professional nurse examination	24.00
24		(iii) Practical nurse, biennial renewal	5.00
25		(iv) Professional nurse, biennial	
26		renewal	10.00
27	(11)	Nursing Home Administration	
28		(i) Examination and initial	
29		registration	50.00
30		(ii) Nursing Home Administrator,	

1	biennial renewal	50.00
2	(iii) Nursing Home Administrator,	
3	license by endorsement	50.00
4	(12) Optometry	
5	(i) Optometrists, biennial renewal	25.00
6	(ii) Optometrists branch office,	
7	original license	20.00
8	(iii) Optometrists branch office,	
9	biennial renewal	20.00
10	(13) Osteopathy	
11	(i) Examination, original license	40.00
12	(ii) Biennial renewal	25.00
13	(14) Pharmacy	
14	(i) Pharmacist examination fee	25.00
15	(ii) Pharmacist, original license	25.00
16	(iii) Pharmacist, biennial renewal	25.00
17	(iv) Pharmacy, biennial renewal	50.00
18	(15) Physical Therapy	
19	(i) Physical therapist license,	
20	biennial renewal	25.00
21	(16) Podiatry	
22	(i) Examination	50.00
23	(17) Real Estate	
24	(i) Brokers examination and registra-	
25	tion	25.00
26	(ii) Salesman's examination and regis-	
27	tration	20.00
28	(iii) Brokers license, biennial renewal	25.00
29	(iv) Corporations, biennial renewal	25.00
30	(v) Partnership, biennial renewal	25.00

1	(vi) Associate broker, biennial renewal	25.00
2	(vii) Certification of license of Pa.	
3	broker applying for licensure	
4	in another state	5.00
5	(viii) New license for new location for	
6	unexpired period - place of	
7	business	5.00
8	(ix) Salesman, biennial renewal	20.00
9	(x) Salesman, change of employer	5.00
10	(xi) Certifications, all licenses	5.00

11 (b) Collection.--The Bureau of Professional and Occupational  
12 Affairs shall collect the fees for which this act provides;  
13 however, nothing in this act shall prevent the collection of  
14 fees by the bureau not inconsistent with the provisions of this  
15 act.

16 Section 3. Fees for late renewals and duplicates.

17 (a) Late renewals.--Where a license is renewed beyond the  
18 date specified for renewal by the bureau, a fee of \$5.00 for  
19 each month or part of a month beyond the renewal date shall be  
20 charged in addition to the prescribed fee.

21 (b) Duplicates.--The fee for the issuance of a duplicate  
22 license shall be \$5.00 in all cases.

23 ~~Section 4. Additional funds for operation.~~

24 ~~(a) Appropriation. For fiscal year 1978 1979 and~~  
25 ~~thereafter, as much of the fees fixed by this act and all other~~  
26 ~~fees collected by the Bureau of Professional and Occupational~~  
27 ~~Affairs as are necessary for payment of the cost of processing~~  
28 ~~of licenses and renewals thereof as well as the other general~~  
29 ~~administration costs for bureau operations is hereby~~  
30 ~~appropriated to the Bureau of Professional and Occupational~~

1 ~~Affairs after review and approval of the Bureau of Professional~~  
2 ~~and Occupational Affairs' budget by the Secretary of the~~  
3 ~~Commonwealth, the Secretary of the Budget, the Chairman of the~~  
4 ~~House Appropriations Committee and the Chairman of the Senate~~  
5 ~~Appropriations Committee. This section shall not be construed to~~  
6 ~~affect section 30 of the act of September 29, 1961 (P.L.1745,~~  
7 ~~No.708), known as "The Auctioneers' License Act," or section 907~~  
8 ~~of the act of October 15, 1975 (P.L.390, No.111), known as the~~  
9 ~~"Health Care Services Malpractice Act."~~

10 ~~(b) Budget estimate. Prior to March 1 of each year, the~~  
11 ~~Secretary of the Commonwealth shall submit an estimate of the~~  
12 ~~total expenditures and revenues of the Bureau of Professional~~  
13 ~~and Occupational Affairs for the next succeeding fiscal year.~~  
14 ~~Such estimate shall be submitted to the Secretary of the Budget~~  
15 ~~and to the Chairmen of the House and Senate Appropriation~~  
16 ~~Committees for their respective approvals of such estimate in~~  
17 ~~the amount submitted or such lesser amount as each of them may~~  
18 ~~determine: Provided, That if the Secretary of the Budget or~~  
19 ~~either chairman shall fail to notify the Bureau of Professional~~  
20 ~~and Occupational Affairs in writing of his approval within 45~~  
21 ~~days after such admission, the estimate as submitted shall be~~  
22 ~~deemed approved by him.~~

23 ~~(c) Additional funds. No additional General Fund~~  
24 ~~appropriation shall be made over and above the fees fixed by~~  
25 ~~this act, except those currently budgeted.~~

26 ~~(d) Transitional provisions. For the remainder of fiscal~~  
27 ~~year 1977-1978, such additional moneys as are attributable to~~  
28 ~~the increased fees provided by this act are hereby appropriated~~  
29 ~~to the Department of State for the operation of the department,~~  
30 ~~but such moneys shall not be spent until such expenditures are~~

1 ~~approved by the Secretary of the Budget and the Chairmen of the~~  
2 ~~House and Senate Appropriations Committees. If any of such~~  
3 ~~moneys remain unapproved on July 1, 1978, such moneys shall be~~  
4 ~~used for the purpose of fee reductions as provided in subsection~~  
5 ~~(e). That portion of the moneys generated by this act for the~~  
6 ~~remainder of fiscal year 1977 1978 which is not attributable to~~  
7 ~~any increase in fees shall be paid into the General Fund.~~

8 ~~(c) Reduction of fees. Any portion of the fees not~~  
9 ~~necessary for the program activities or unapproved as provided~~  
10 ~~in subsection (d) shall be used to reduce the appropriate~~  
11 ~~license fees in subsequent years, on an automatic basis, without~~  
12 ~~the need for additional legislation, after approval by the~~  
13 ~~Secretary of the Budget.~~

14 ~~The bureau may promulgate rules and regulations consistent~~  
15 ~~with this section.~~

16 SECTION 4. PROFESSIONAL LICENSURE AUGMENTATION ACCOUNT. <—

17 (A) CREATION OF AND PAYMENTS TO ACCOUNT.--BEGINNING JULY 1,  
18 1978 AND THEREAFTER, ALL MONEYS COLLECTED BY THE BUREAU OF  
19 PROFESSIONAL AND OCCUPATIONAL AFFAIRS SHALL BE PAID INTO THE  
20 PROFESSIONAL LICENSURE AUGMENTATION ACCOUNT WHICH IS HEREBY  
21 CREATED AND WHICH SHALL BE A SPECIAL RESTRICTED RECEIPTS ACCOUNT  
22 WITHIN THE GENERAL FUND. MONEYS IN SUCH ACCOUNT SHALL BE PAID  
23 OUT ONLY WHEN SPECIFICALLY APPROPRIATED BY THE GENERAL ASSEMBLY  
24 AND BE TREATED IN THE SAME MANNER AS MONEYS WHICH AUGMENT  
25 GENERAL FUND APPROPRIATIONS FOR THE OPERATION OF THE BUREAU OF  
26 OCCUPATIONAL AND PROFESSIONAL AFFAIRS.

27 (B) APPROPRIATIONS FROM ACCOUNT.--THE GENERAL ASSEMBLY SHALL  
28 ANNUALLY APPROPRIATE FOR PAYMENT OF THE COSTS OF PROCESSING  
29 LICENSES AND RENEWALS, FOR THE OPERATION OF THE VARIOUS  
30 REGULATORY BOARDS, AND FOR OTHER GENERAL COSTS OF BUREAU

1 OPERATIONS, MONEYS AVAILABLE FROM THE PROFESSIONAL LICENSURE  
2 AUGMENTATION ACCOUNT.

3 (C) BUDGET PREPARATION.--IN PREPARING THE PROPOSED BUDGET  
4 FOR BUREAU OPERATIONS FOR EACH YEAR, THE COMMISSIONER OF  
5 PROFESSIONAL AND OCCUPATIONAL AFFAIRS SHALL CONSULT WITH THE  
6 BOARDS AND COMMISSIONS UNDER HIS JURISDICTION TO DETERMINE THEIR  
7 BUDGETARY REQUIREMENTS FOR THE UPCOMING YEAR.

8 (D) LIMITATIONS.--NOTHING IN THIS SECTION SHALL BE CONSTRUED  
9 TO AFFECT SECTION 30 OF THE ACT OF SEPTEMBER 29, 1961 (P.L.1745,  
10 NO.708), KNOWN AS "THE AUCTIONEERS' LICENSE ACT," OR SECTION 907  
11 OF THE ACT OF OCTOBER 15, 1975 (P.L.390, NO.111), KNOWN AS THE  
12 "HEALTH CARE SERVICES MALPRACTICE ACT."

13 (E) TRANSITIONAL PROVISIONS.--FOR THE REMAINDER OF FISCAL  
14 YEAR 1977-1978, SUCH ADDITIONAL MONEYS AS ARE ATTRIBUTABLE TO  
15 THE INCREASED FEES PROVIDED BY THIS ACT ARE HEREBY APPROPRIATED  
16 TO THE DEPARTMENT OF STATE FOR THE OPERATION OF THE DEPARTMENT,  
17 BUT SUCH MONEYS SHALL NOT BE SPENT UNTIL SUCH EXPENDITURES ARE  
18 APPROVED BY THE SECRETARY OF THE BUDGET AND THE CHAIRMEN OF THE  
19 HOUSE AND SENATE APPROPRIATIONS COMMITTEES. IF ANY OF SUCH  
20 MONEYS REMAIN UNAPPROVED ON JULY 1, 1978, SUCH MONEYS SHALL BE  
21 PAID INTO THE PROFESSIONAL LICENSURE AUGMENTATION ACCOUNT.

22 Section 5. Repeals.

23 All acts or parts of acts are repealed insofar as they are  
24 inconsistent herewith.

25 Section 6. Savings clause.

26 The provisions of this act shall not affect any act done,  
27 liability incurred or right accrued or vested, or affect any  
28 suit or prosecution pending or to be instituted to enforce any  
29 right or penalty or punish any offense under the authority of  
30 any act or part thereof repealed by this act.

1 Section 7. Effective date.

2 This act shall take effect January 1, 1978.