
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1088

Session of
1989

INTRODUCED BY SAURMAN, MORRIS, RITTER, MRKONIC, HECKLER,
RAYMOND, TIGUE, NAHILL, HALUSKA, VEON, MARSICO, BELFANTI,
FOX, LEVDANSKY, BORTNER, STABACK, CARN, SCHEETZ, WOZNIAK,
MELIO, DIETTERICK, KOSINSKI, MICHLOVIC, STRITTMATTER,
ANGSTADT, TRELLO, COLAFELLA, BISHOP, BUNT, BELARDI,
D. F. CLARK, DISTLER, MILLER, J. H. CLARK, MOEHLMANN, ADOLPH
AND SEMMEL, APRIL 10, 1989

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 10, 1989

AN ACT

1 Amending the act of April 9, 1872 (P.L.47, No.40), entitled "An
2 act for the better protection of the wages of mechanics,
3 miners, laborers and others," further providing for liens for
4 wages; and providing for judicial administration for liens
5 for wages.

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

8 Section 1. Section 1 of the act of April 9, 1872 (P.L.47,
9 No.40), entitled "An act for the better protection of the wages
10 of mechanics, miners, laborers and others," amended May 12, 1891
11 (P.L.54, No.46), is amended to read:

12 Section 1. Be it enacted by the Senate and House of
13 Representatives of the Commonwealth of Pennsylvania in General
14 Assembly met, and it is hereby enacted by the authority of the
15 same, That all [moneys] wages that may be due or hereafter
16 become due for labor and services rendered by any miner or
17 mechanic, servant girl at hotels, boarding houses, restaurants,

1 or in private families, or any other servant and helper in and
2 about said houses of entertainment and private families, porter,
3 hostler or any other person employed in and about livery stables
4 or hotels, laundryman or washer woman, seamster or seamstress
5 employed by merchant tailors or by any other person, milliner,
6 dressmaker, clothier, shirtmaker or clerk employed in stores or
7 elsewhere, hand laborer, including farm laborer or any other
8 kind of laborer, printer, apprentice, and all other tradesmen
9 hired for wages or salary from any person or persons, chartered
10 company, joint-stock company, limited partnership or other
11 partnership, either as owner, lessee, contractor or underowner
12 whether at so much per diem or otherwise, for any period not
13 exceeding six months preceding the sale or transfer of the real
14 or personal property, works, mines, manufactories or business or
15 other property connected therewith in carrying on the sale of
16 said person or persons, chartered company, joint-stock company,
17 limited partnership or other partnership, by execution or
18 otherwise, on account of the death or insolvency of such
19 employer or employers, shall be a lien upon said real or
20 personal property, mine, manufactory, business or other property
21 in and about, or used in carrying on said business or in
22 connection therewith, to the extent of the interest of such
23 employer or employers in said property, and shall be preferred
24 and first paid out of the proceeds of the sale of such real and
25 personal property, mine, manufactory, business or other property
26 as aforesaid: Provided however, [That the claim thus preferred
27 shall not exceed two hundred dollars: And provided further,]
28 That this act shall not be so construed as to impair contracts
29 existing, or liens of record vested prior to its passage: and
30 Provided further, That no such claim shall be a lien upon any

1 real estate, unless the same be filed in the prothonotary's
2 office of the county in which such real estate is situated,
3 within three months after the same becomes due and owing, in the
4 same manner as mechanics' liens are now filed. In all cases now
5 pending or which may hereafter be brought before any court in
6 this Commonwealth for the recovery of the wages pursuant to this
7 section, it shall be the duty of the prothonotary preparing the
8 list of civil cases to place all claims for the wages of labor
9 first on the list, and the court shall proceed to try all such
10 cases as they occur on the list: Provided, That a statement of
11 the plaintiff's claim be filed in such cases, showing that the
12 claims respectively are for labor. As used in this section, the
13 term "wages" includes all earnings, regardless of whether
14 determined on time, piece, commission or other method of
15 calculation, and all fringe benefits and wage supplements,
16 whether payable from the employer's funds or from moneys
17 withheld from the employe by the employer.

18 Section 2. The Supreme Court or an agency or unit of the
19 unified judicial system exercising a power or performing a duty
20 under 42 Pa.C.S. § 1721 (relating to delegation of powers), as
21 appropriate, shall prescribe or modify court rules to carry out
22 the provisions of this act.

23 Section 3. This act shall take effect in 60 days.