

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 416 Session of 2009

INTRODUCED BY BARBIN, BEYER, CALTAGIRONE, CLYMER, GEORGE, GROVE, HORNAMAN, JOSEPHS, KORTZ, KOTIK, LONGIETTI, MANN, PASHINSKI, PETRARCA, READSHAW, SIPTROTH, STURLA, WHITE, YOUNGBLOOD, GOODMAN, VULAKOVICH, BRENNAN, MILNE, SOLOBAY, BELFANTI, PRESTON, GRUCELA, GERGELY, BRIGGS, GIBBONS AND PALLONE, FEBRUARY 13, 2009

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 10, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, defining "licensing board" and
3 "professional or occupational license"; and FURTHER defining
4 the offense of impersonating the holder of a professional or
5 occupational license. A NOTARY PUBLIC.



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

8 Section 1. Section 4501 of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended by adding definitions to read:
10 § 4501. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this article which are applicable to specific
13 chapters or other provisions of this article, the following
14 words and phrases, when used in this article shall have, unless
15 the context clearly indicates otherwise, the meanings given to
16 them in this section:

17 * * *

1 "Licensing board." Any of the following:

2 (1) A board or commission:

3 (i) which is empowered to license, certify or
4 register individuals as members of an occupation or
5 profession; and

6 (ii) of which, the Commissioner of Professional and
7 Occupational Affairs is a member.

8 (2) The State Board of Certified Real Estate Appraisers.

9 (3) The Navigation Commission for the Delaware River and
10 its navigable tributaries.

11 * * *

12 "Professional or occupational license." An authorization by
13 a licensing board to practice a profession or occupation.

14 (1) The term includes:

15 (i) an authorization that is SUSPENDED, RETIRED, ←
16 inactive or expired; and

17 (ii) a temporary practice permit, license,
18 certification or registration.

19 (2) The term does not include an authorization that has
20 been revoked or voluntarily surrendered.

21 * * *

22 ~~Section 2. Title 18 is amended by adding a section to read:~~ ←

23 ~~§ 4913.1. Impersonating the holder of a professional or~~
24 ~~occupational license.~~

25 ~~(a) Offense defined. A person commits an offense if the~~
26 ~~person does any of the following:~~

27 ~~(1) Falsely pretends to hold a professional or~~
28 ~~occupational license issued by a licensing board.~~

29 ~~(2) Performs an act in furtherance of a false pretense~~
30 ~~under paragraph (1).~~

1 ~~(b) Grading.~~

2 ~~(1) Except as set forth in paragraph (2), an offense~~
3 ~~under this section is a misdemeanor of the second degree.~~

4 ~~(2) If the intent of the actor is to harm, defraud or~~
5 ~~injure anyone, an offense under this section is a felony of~~
6 ~~the third degree.~~

7 SECTION 2. SECTION 4913 OF TITLE 18 IS AMENDED TO READ: ←

8 § 4913. IMPERSONATING A NOTARY PUBLIC OR A HOLDER OF A
9 PROFESSIONAL OR OCCUPATION LICENSE.

10 (A) OFFENSE DEFINED.--A PERSON COMMITS [A MISDEMEANOR OF THE
11 FIRST DEGREE] AN OFFENSE IF THE PERSON DOES ANY OF THE
12 FOLLOWING:

13 (1) FALSELY PRETENDS TO HOLD THE OFFICE OF NOTARY PUBLIC
14 WITHIN THIS COMMONWEALTH OR TO HOLD A PROFESSIONAL OR
15 OCCUPATIONAL LICENSE ISSUED BY A LICENSING BOARD; AND

16 (2) PERFORMS ANY ACTION IN FURTHERANCE OF THIS FALSE
17 PRETENSE.

18 (B) GRADING.--

19 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), AN OFFENSE
20 UNDER THIS SECTION IS A MISDEMEANOR OF THE SECOND DEGREE.

21 (2) IF THE INTENT OF THE ACTOR IS TO HARM, DEFRAUD OR
22 INJURE ANYONE, AN OFFENSE UNDER THIS SECTION IS A FELONY OF
23 THE THIRD DEGREE.

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