

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 180 Session of 2015

INTRODUCED BY GOODMAN, EVANKOVICH, SCHLOSSBERG, BARBIN, BARRAR, BISHOP, BIZZARRO, BOBACK, BOYLE, R. BROWN, BROWNLEE, CALTAGIRONE, CARROLL, COHEN, CONKLIN, D. COSTA, P. COSTA, M. DALEY, P. DALEY, DAVIS, DEAN, DEASY, DeLISSIO, DeLUCA, DERMODY, DONATUCCI, DUNBAR, EMRICK, EVERETT, FABRIZIO, FARINA, FRANKEL, FREEMAN, GABLER, GAINNEY, GALLOWAY, GIBBONS, HAHN, HANNA, HARHAI, HARKINS, JAMES, W. KELLER, KIM, KNOWLES, KORTZ, KOTIK, LAWRENCE, LONGIETTI, MACKENZIE, MARKOSEK, MARSHALL, MARSICO, MASSER, MATZIE, McCARTER, McNEILL, D. MILLER, MULLERY, MURT, NEUMAN, O'BRIEN, OBERLANDER, ORTITAY, C. PARKER, PASHINSKI, PEIFER, PYLE, RAVENSTAHL, READSHAW, SABATINA, SACCONI, SAINATO, SAMUELSON, SAYLOR, SCHREIBER, SIMMONS, SIMS, SNYDER, STEPHENS, STURLA, TALLMAN, THOMAS, TOBASH, WATERS, WATSON, YOUNGBLOOD, ZIMMERMAN, MOUL, QUINN, TOOHIL, FARRY AND SCHLEGEL CULVER, FEBRUARY 5, 2015

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 19, 2015

AN ACT

1 ~~Providing for Made in PA® trademark, for licensee qualification, <--~~
2 ~~for duties and authority of department, for trademark license~~
3 ~~agreement, application and licensure process and for costs;~~
4 ~~establishing the Made in PA® Trademark Licensing Fund; and~~
5 ~~providing for civil penalties, for injunctive relief and for~~
6 ~~rules and regulations.~~
7 PROVIDING FOR THE MADE IN PA PROGRAM, FOR DUTIES AND AUTHORITY <--
8 OF DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT,
9 APPLICATION PROCESS AND FOR COSTS; ESTABLISHING THE MADE IN
10 PA PROGRAM FUND; AND PROVIDING FOR CIVIL PENALTIES, FOR
11 INJUNCTIVE RELIEF AND FOR RULES AND REGULATIONS.
12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:
14 ~~Section 1. Short title.~~ <--
15 ~~This act shall be known and may be cited as the Made in PA®~~

1 ~~Act.~~

2 ~~Section 2. Definitions.~~

3 ~~The following words and phrases when used in this act shall~~
4 ~~have the meanings given to them in this section unless the~~
5 ~~context clearly indicates otherwise:~~

6 ~~"Department." The Department of Community and Economic~~
7 ~~Development of the Commonwealth.~~

8 ~~"Fund." The Made in PA® Trademark Licensing Fund established~~
9 ~~in section 8.~~

10 ~~"Licensee." A qualified entity that is subject to a current~~
11 ~~Made in PA® trademark license agreement with the department.~~

12 ~~"Made in PA® trademark." One or more trademarks that:~~

13 ~~(1) consist of the phrase "Made in PA" or "Made in~~
14 ~~Pennsylvania"; and~~

15 ~~(2) may include specific graphic designs or artwork as~~
16 ~~part of the trademark registration.~~

17 ~~"Pennsylvania made commodity." Tangible products produced or~~
18 ~~manufactured in this Commonwealth by a business and that are~~
19 ~~transported or intended to be transported in commerce.~~

20 ~~"Qualified entity." A person that produces, manufactures,~~
21 ~~sells, offers for sale, markets or promotes Pennsylvania made~~
22 ~~commodities.~~

23 ~~Section 3. Made in PA® trademark.~~

24 ~~The department shall take the actions necessary and~~
25 ~~appropriate to create, register, maintain, license, promote and~~
26 ~~protect a Made in PA® trademark for use on or in connection with~~
27 ~~the sale, marketing or promotion of a Pennsylvania made~~
28 ~~commodity.~~

29 ~~Section 4. Licensee qualification.~~

30 ~~To become a licensee a qualified entity must be:~~

1 ~~(1) a person that produces or manufactures a~~
2 ~~Pennsylvania made commodity in whole or in part at a facility~~
3 ~~located within this Commonwealth;~~

4 ~~(2) a person that promotes or markets a Pennsylvania~~
5 ~~made commodity from a person that satisfies the provisions of~~
6 ~~paragraph (1); or~~

7 ~~(3) a person approved by the department to use and~~
8 ~~promote the use of the Made in PA® trademark to~~
9 ~~constituencies in furthering the purposes of this act.~~

10 ~~Section 5. Duties and authority of department.~~

11 ~~(a) Authority to enter into trademark license agreements.~~

12 ~~The department:~~

13 ~~(1) May enter into a trademark license agreement with a~~
14 ~~qualified entity.~~

15 ~~(2) Shall establish the terms and conditions under which~~
16 ~~a person may be licensed to use the Made in PA® trademark.~~
17 ~~Terms and conditions must require a licensee to produce,~~
18 ~~process, promote or market a Pennsylvania made commodity in a~~
19 ~~manner acceptable to the department that protects the~~
20 ~~reputation of the Made in PA® trademark.~~

21 ~~(3) May periodically review a licensing agreement to~~
22 ~~determine if the terms are being met.~~

23 ~~(b) Cooperative activities. The department may engage in~~
24 ~~cooperative activities to implement and advance the purposes of~~
25 ~~this act.~~

26 ~~(c) Public information Internet website.~~

27 ~~(1) The department shall compile a list of the qualified~~
28 ~~entities who become licensees under this act. The list shall~~
29 ~~be made available to the public on the department's Internet~~
30 ~~website and for other public distribution as the department~~

1 ~~approves.~~

2 ~~(2) The list shall be updated every three months and~~
3 ~~include:~~

4 ~~(i) the Pennsylvania made commodity produced,~~
5 ~~manufactured or promoted by the licensee;~~

6 ~~(ii) contact information for the licensee that may~~
7 ~~include an Internet website link; and~~

8 ~~(iii) one or more locations where the Pennsylvania~~
9 ~~made commodity may be purchased.~~

10 ~~Section 6. Trademark license agreement, application and~~
11 ~~licensure process.~~

12 ~~(a) General rules.—~~

13 ~~(1) A qualified entity may apply to be licensed to use~~
14 ~~the Made in PA® trademark.~~

15 ~~(2) An application must:~~

16 ~~(i) be on a form prepared by the department; and~~

17 ~~(ii) require identification information and other~~
18 ~~information the department deems necessary to determine~~
19 ~~if an applicant is a qualified entity.~~

20 ~~(3) The application form shall be provided by the~~
21 ~~department upon request.~~

22 ~~(4) The department may determine whether a person is a~~
23 ~~qualified entity for purposes of this act.~~

24 ~~(5) If the department determines that an applicant is a~~
25 ~~qualified entity, it shall offer that qualified entity a~~
26 ~~trademark license agreement.~~

27 ~~(6) A trademark license agreement under this act is~~
28 ~~effective for one year from the date upon which an agreement~~
29 ~~is executed and may be renewed. An agreement must contain~~
30 ~~provisions allowing for the termination of the license~~

1 ~~agreement by the department or a licensee upon 60 days'~~
2 ~~advance written notice to the other party.~~

3 ~~(b) Preexisting trademark license agreements. A trademark~~
4 ~~license agreement that is in effect prior to the effective date~~
5 ~~of this section and authorizes the use of a Made in PA®~~
6 ~~trademark remains in effect until it is terminated or until the~~
7 ~~end of the current contract year, whichever occurs first.~~

8 ~~Section 7. Costs.~~

9 ~~(a) Charge for costs. The department may charge a licensee~~
10 ~~for costs incurred by the department in connection with the~~
11 ~~licensee's participation in an activity, trade show, exhibition~~
12 ~~or other promotional event conducted or facilitated by the~~
13 ~~department. A charge must reasonably reflect the costs incurred~~
14 ~~by the department in facilitating the licensee's participation~~
15 ~~and may include the costs as proportional shares of event~~
16 ~~registration fees, equipment rental fees, display area rental~~
17 ~~fees and related costs.~~

18 ~~(b) Cost of promotional materials. The department may~~
19 ~~charge a licensee for costs of Made in PA® promotional materials~~
20 ~~provided by the department at the request of the licensee.~~

21 ~~Section 8. Made in PA® Trademark Licensing Fund.~~

22 ~~(a) Establishment. There is established in the State~~
23 ~~Treasury a special fund to be known as the Made in PA® Trademark~~
24 ~~Licensing Fund. The fund shall be an interest bearing restricted~~
25 ~~revenue account. The following money shall be deposited into the~~
26 ~~fund:~~

27 ~~(1) Money appropriated or given for the purpose~~
28 ~~established under this act by the Federal Government, the~~
29 ~~Commonwealth or another government or private agency or~~
30 ~~person.~~

1 ~~(2) Funds derived from the costs established under~~
2 ~~section 7.~~

3 ~~(3) Funds derived from civil penalties collected by the~~
4 ~~department under section 9.~~

5 ~~(b) Appropriation. Money in the fund is appropriated on a~~
6 ~~continuing basis to the department for the purpose of~~
7 ~~administering this act. The interest and earnings received from~~
8 ~~investment or deposit of the money in the fund shall be paid~~
9 ~~into the account for the purpose authorized by this section.~~
10 ~~Unexpended money and interest or earnings on the money in the~~
11 ~~fund may not be transferred or revert to the General Fund, but~~
12 ~~shall remain in the account to be used by the department for the~~
13 ~~purpose specified under this section.~~

14 ~~(c) Use. Money deposited in the fund shall be used to:~~

15 ~~(1) promote the licensure and use of the Made in PA®~~
16 ~~trademark with respect to Pennsylvania made commodities;~~

17 ~~(2) promote the Made in PA® trademark as an~~
18 ~~identification of origin and quality;~~

19 ~~(3) promote Pennsylvania made commodities with respect~~
20 ~~to which the Made in PA® trademark is licensed;~~

21 ~~(4) pay costs associated with monitoring the use of the~~
22 ~~Made in PA® trademark to prohibit the unlawful or~~
23 ~~unauthorized use of the trademark and enforcing rights of the~~
24 ~~trademark; and~~

25 ~~(5) otherwise fund the department's costs in~~
26 ~~administering and enforcing this act.~~

27 ~~Section 9. Civil penalties.~~

28 ~~In addition to any other remedy available at law or in equity~~
29 ~~for a violation of a provision of this act or a trademark~~
30 ~~license agreement established under this act, the department may~~

1 ~~assess a civil penalty upon the person responsible for the~~
2 ~~violation. The civil penalty assessed may not exceed \$10,000 and~~
3 ~~is payable to the Commonwealth and collectible in a manner~~
4 ~~provided under law for the collection of debt.~~

5 ~~Section 10. Injunctive relief.~~

6 ~~In addition to the other remedies provided under this act,~~
7 ~~the Attorney General, at the request of the department, may~~
8 ~~initiate, in Commonwealth Court or the court of common pleas of~~
9 ~~the county in which the defendant resides or has his place of~~
10 ~~business, an action in equity for an injunction to restrain~~
11 ~~violations of this act or a trademark license agreement. In the~~
12 ~~proceeding, the court shall, upon motion of the Commonwealth,~~
13 ~~issue a preliminary injunction if it finds the defendant is~~
14 ~~engaging in unlawful conduct under this act or is engaging in~~
15 ~~conduct that is causing immediate or irreparable harm to the~~
16 ~~public. The Commonwealth may not be required to furnish bond or~~
17 ~~other security in connection with the proceedings. In addition~~
18 ~~to an injunction, the court, in equity proceedings, may levy~~
19 ~~civil penalties as provided under section 9.~~

20 ~~Section 11. Rules and regulations.~~

21 ~~The department shall promulgate rules and regulations~~
22 ~~necessary to promote the efficient, uniform and Statewide~~
23 ~~administration of this act. For two years from the effective~~
24 ~~date of this section, the department may promulgate, adopt and~~
25 ~~use guidelines to implement the provisions of this act. The~~
26 ~~guidelines must be published in the Pennsylvania Bulletin but~~
27 ~~shall not be subject to review under section 205 of the act of~~
28 ~~July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth~~
29 ~~Documents Law, sections 204(b) and 301(10) of the act of October~~
30 ~~15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys~~

1 ~~Act, or the act of June 25, 1982 (P.L. 633, No. 181), known as the~~
2 ~~Regulatory Review Act. The guidelines shall expire no later than~~
3 ~~December 31, 2017, and must be replaced by regulations that have~~
4 ~~been promulgated, adopted and published as provided under law.~~
5 ~~Section 12. Effective date.~~

6 ~~This act shall take effect in 60 days.~~

7 SECTION 1. SHORT TITLE.

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8 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE MADE IN PA
9 ACT.

10 SECTION 2. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
12 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 "DEPARTMENT." THE DEPARTMENT OF COMMUNITY AND ECONOMIC
15 DEVELOPMENT OF THE COMMONWEALTH.

16 "FUND." THE MADE IN PA FUND ESTABLISHED IN SECTION 7.

17 "MADE IN PA LOGO." ONE OR MORE LOGOS THAT:

18 (1) CONSIST OF THE PHRASE "MADE IN PA" OR "MADE IN
19 PENNSYLVANIA"; AND

20 (2) MAY INCLUDE SPECIFIC GRAPHIC DESIGNS OR ARTWORK AS
21 PART OF THE PROGRAM.

22 "MEMBER." A QUALIFIED ENTITY THAT IS SUBJECT TO A CURRENT
23 MADE IN PA MEMBERSHIP AGREEMENT WITH THE DEPARTMENT.

24 "PENNSYLVANIA-MADE COMMODITY." TANGIBLE PRODUCTS THAT ARE
25 PRODUCED, MANUFACTURED OR ASSEMBLED IN THIS COMMONWEALTH BY A
26 BUSINESS AND ARE TRANSPORTED OR INTENDED TO BE TRANSPORTED IN
27 COMMERCE.

28 "PROGRAM." THE MADE IN PA PROGRAM.

29 "QUALIFIED ENTITY." A BUSINESS THAT:

30 (1) OFFERS A PENNSYLVANIA-MADE COMMODITY WHICH HAS BEEN

1 PRODUCED, MANUFACTURED OR ASSEMBLED BY THE BUSINESS;
2 (2) HAS A PHYSICAL BUSINESS LOCATION WITHIN THIS
3 COMMONWEALTH; AND
4 (3) IS IN GOOD STANDING WITH THE DEPARTMENT OF REVENUE
5 AND IS CURRENT ON ALL STATE TAXES.

6 SECTION 3. MEMBER QUALIFICATION.

7 TO BECOME A MEMBER, A BUSINESS MUST:

8 (1) SUBMIT AN APPLICATION, ALONG WITH A PROCESSING FEE
9 PRESCRIBED BY THE DEPARTMENT, ON A FORM PROVIDED BY THE
10 DEPARTMENT;

11 (2) RECEIVE CERTIFICATION FROM THE DEPARTMENT THAT IT IS
12 A QUALIFIED ENTITY;

13 (3) MEET ANY OTHER QUALIFICATIONS DEEMED NECESSARY BY
14 THE DEPARTMENT; AND

15 (4) ENTER INTO A MEMBERSHIP AGREEMENT WITH THE
16 DEPARTMENT.

17 SECTION 4. DUTIES AND AUTHORITY OF DEPARTMENT.

18 (A) AUTHORITY TO ENTER INTO MADE IN PA MEMBERSHIP
19 AGREEMENTS.--THE DEPARTMENT:

20 (1) SHALL ENTER INTO A MEMBERSHIP AGREEMENT WITH A
21 BUSINESS WHICH QUALIFIES FOR MEMBERSHIP UNDER SECTION 3.

22 (2) MAY PERIODICALLY REVIEW A MEMBERSHIP AGREEMENT TO
23 DETERMINE IF THE TERMS ARE BEING MET.

24 (3) MAY CHARGE AN ANNUAL FEE TO BUSINESSES WHICH ARE
25 MEMBERS OF THE PROGRAM.

26 (4) MAY UNILATERALLY TERMINATE ANY MEMBERSHIP AGREEMENT
27 UPON A DETERMINATION THAT THE MEMBERSHIP AGREEMENT HAS BEEN
28 VIOLATED BY THE MEMBER.

29 (B) COOPERATIVE ACTIVITIES.--THE DEPARTMENT MAY ENGAGE IN
30 COOPERATIVE ACTIVITIES TO IMPLEMENT AND ADVANCE THE PURPOSES OF

1 THIS ACT. THE DEPARTMENT AND THE PENNSYLVANIA DEPARTMENT OF
2 AGRICULTURE SHALL COORDINATE THE ADMINISTRATION OF THE PROGRAMS
3 AUTHORIZED BY THIS ACT AND 3 PA.C.S. CH. 46 (RELATING TO
4 PENNSYLVANIA PREFERRED® TRADEMARK) AND SHALL WORK JOINTLY IN THE
5 FURTHERANCE OF THE INTERESTS OF MANUFACTURING AND AGRICULTURE IN
6 THIS COMMONWEALTH. NOTHING CONTAINED IN THIS ACT SHALL REPEAL,
7 SUPERSEDE OR RESTRICT THE PROVISIONS OF 3 PA.C.S. CH. 46 AND THE
8 DUTIES AND OPERATIONS OF THE PENNSYLVANIA DEPARTMENT OF
9 AGRICULTURE.

10 (C) PUBLIC INFORMATION INTERNET WEBSITE.--THE FOLLOWING
11 SHALL APPLY:

12 (1) THE DEPARTMENT SHALL COMPILE A LIST OF THE QUALIFIED
13 ENTITIES WHO BECOME MEMBERS UNDER THIS ACT. THE LIST SHALL BE
14 MADE AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S PUBLICLY
15 ACCESSIBLE INTERNET WEBSITE AND FOR OTHER PUBLIC DISTRIBUTION
16 AS THE DEPARTMENT APPROVES.

17 (2) THE LIST COMPLIED UNDER PARAGRAPH (1) SHALL BE
18 UPDATED EVERY THREE MONTHS AND INCLUDE:

19 (I) THE PENNSYLVANIA-MADE COMMODITY OFFERED;

20 (II) CONTACT INFORMATION FOR THE MEMBER THAT MAY
21 INCLUDE AN INTERNET WEBSITE LINK; AND

22 (III) ONE OR MORE METHODS THROUGH WHICH THE
23 PENNSYLVANIA-MADE COMMODITY MAY BE PURCHASED.

24 SECTION 5. MEMBER AGREEMENTS PROCESS.

25 A MEMBERSHIP AGREEMENT UNDER THIS ACT IS EFFECTIVE FOR ONE
26 YEAR FROM THE DATE UPON WHICH AN AGREEMENT IS EXECUTED AND MAY
27 BE RENEWED. AN AGREEMENT MUST CONTAIN PROVISIONS ALLOWING FOR
28 THE TERMINATION OF THE MEMBERSHIP AGREEMENT BY A MEMBER UPON 60
29 DAYS' ADVANCE WRITTEN NOTICE TO THE DEPARTMENT.

30 SECTION 6. COSTS.

1 (A) CHARGE FOR COSTS.--THE DEPARTMENT MAY CHARGE A MEMBER
2 FOR COSTS INCURRED BY THE DEPARTMENT IN CONNECTION WITH THE
3 MEMBER'S PARTICIPATION IN AN ACTIVITY, TRADE SHOW, EXHIBITION OR
4 OTHER PROMOTIONAL EVENT CONDUCTED OR FACILITATED BY THE
5 DEPARTMENT. A CHARGE MUST REASONABLY REFLECT THE COSTS INCURRED
6 BY THE DEPARTMENT IN FACILITATING THE MEMBER'S PARTICIPATION AND
7 MAY INCLUDE THE COSTS AS PROPORTIONAL SHARES OF EVENT
8 REGISTRATION FEES, EQUIPMENT RENTAL FEES, DISPLAY AREA RENTAL
9 FEES AND RELATED COSTS.

10 (B) COST OF PROMOTIONAL MATERIALS.--THE DEPARTMENT MAY
11 CHARGE A MEMBER FOR COSTS OF MADE IN PA PROMOTIONAL MATERIALS
12 PROVIDED BY THE DEPARTMENT AT THE REQUEST OF THE MEMBER.
13 SECTION 7. MADE IN PA FUND.

14 (A) ESTABLISHMENT.--THERE IS ESTABLISHED IN THE STATE
15 TREASURY A RESTRICTED ACCOUNT TO BE KNOWN AS THE MADE IN PA
16 FUND. THE FUND SHALL BE AN INTEREST-BEARING RESTRICTED REVENUE
17 ACCOUNT. THE FOLLOWING MONEY SHALL BE DEPOSITED INTO THE FUND:

18 (1) MONEY APPROPRIATED OR GIVEN FOR THE PURPOSE
19 ESTABLISHED UNDER THIS ACT BY THE FEDERAL GOVERNMENT, THE
20 COMMONWEALTH, ANY OTHER GOVERNMENT AGENCY OR ANY PRIVATE OR
21 PUBLIC ENTITY OR PERSON.

22 (2) FUNDS DERIVED FROM THE COSTS ESTABLISHED UNDER
23 SECTION 6.

24 (3) FUNDS DERIVED FROM CIVIL PENALTIES COLLECTED BY THE
25 DEPARTMENT UNDER SECTION 8.

26 (4) INTEREST AND EARNINGS RECEIVED FROM INVESTMENT OR
27 DEPOSIT OF MONEY IN THE FUND.

28 (5) FEES COLLECTED UNDER SECTIONS 3 AND 4.

29 (B) APPROPRIATION.--MONEY IN THE FUND IS APPROPRIATED TO THE
30 DEPARTMENT ON A CONTINUING BASIS. THE INTEREST AND EARNINGS

1 RECEIVED FROM INVESTMENT OR DEPOSIT OF THE MONEY IN THE FUND
2 SHALL BE PAID INTO THE ACCOUNT FOR THE PURPOSE AUTHORIZED BY
3 THIS SECTION. UNEXPENDED MONEY AND INTEREST OR EARNINGS ON THE
4 MONEY IN THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE
5 GENERAL FUND, BUT SHALL REMAIN IN THE ACCOUNT TO BE USED BY THE
6 DEPARTMENT FOR THE PURPOSE SPECIFIED UNDER THIS SECTION.

7 (C) USE.--MONEY DEPOSITED IN THE FUND SHALL BE USED TO:

8 (1) PROMOTE PENNSYLVANIA-MADE COMMODITIES;

9 (2) PROMOTE MADE IN PA AS AN IDENTIFICATION OF ORIGIN
10 AND QUALITY;

11 (3) PROMOTE PENNSYLVANIA-MADE COMMODITIES WITH RESPECT
12 TO WHICH THE MADE IN PA LOGO IS LICENSED;

13 (4) PAY COSTS ASSOCIATED WITH MONITORING THE USE OF THE
14 MADE IN PA LOGO TO PROHIBIT THE UNLAWFUL OR UNAUTHORIZED USE
15 OF THE MADE IN PA LOGO AND ENFORCING RIGHTS OF THE MADE IN PA
16 LOGO; AND

17 (5) OTHERWISE FUND THE DEPARTMENT'S COSTS IN
18 ADMINISTERING AND ENFORCING THIS ACT.

19 (D) PROGRAM SUSPENSION.--THE DUTY OF THE DEPARTMENT TO
20 ADMINISTER THIS ACT SHALL BE SUSPENDED AT THE TIME THAT THE FUND
21 NO LONGER CONTAINS SUFFICIENT REVENUES TO ADMINISTER THE
22 PROGRAM.

23 SECTION 8. CIVIL PENALTIES.

24 IN ADDITION TO ANY OTHER REMEDY AVAILABLE AT LAW OR IN EQUITY
25 FOR A VIOLATION OF A PROVISION OF THIS ACT OR A MEMBERSHIP
26 AGREEMENT ESTABLISHED UNDER THIS ACT, THE DEPARTMENT MAY ASSESS
27 A CIVIL PENALTY UPON THE PERSON OR ENTITY RESPONSIBLE FOR THE
28 VIOLATION. THE CIVIL PENALTY ASSESSED MAY NOT EXCEED \$10,000 AND
29 IS PAYABLE TO THE COMMONWEALTH AND COLLECTIBLE IN A MANNER
30 PROVIDED UNDER LAW FOR THE COLLECTION OF DEBT.

1 SECTION 9. INJUNCTIVE RELIEF.

2 IN ADDITION TO THE OTHER REMEDIES PROVIDED UNDER THIS ACT,
3 THE ATTORNEY GENERAL, AT THE REQUEST OF THE DEPARTMENT, MAY
4 INITIATE, IN COMMONWEALTH COURT OR THE COURT OF COMMON PLEAS OF
5 THE COUNTY IN WHICH THE DEFENDANT RESIDES OR HAS HIS PLACE OF
6 BUSINESS, AN ACTION IN EQUITY FOR AN INJUNCTION TO RESTRAIN
7 VIOLATIONS OF THIS ACT OR A MEMBERSHIP AGREEMENT. IN THE
8 PROCEEDING, THE COURT SHALL, UPON MOTION OF THE COMMONWEALTH,
9 ISSUE A PRELIMINARY INJUNCTION IF IT FINDS THE DEFENDANT IS
10 ENGAGING IN UNLAWFUL CONDUCT UNDER THIS ACT OR IS ENGAGING IN
11 CONDUCT THAT IS CAUSING IMMEDIATE OR IRREPARABLE HARM TO THE
12 PUBLIC. THE COMMONWEALTH MAY NOT BE REQUIRED TO FURNISH BOND OR
13 OTHER SECURITY IN CONNECTION WITH THE PROCEEDINGS. IN ADDITION
14 TO AN INJUNCTION, THE COURT, IN EQUITY PROCEEDINGS, MAY LEVY
15 CIVIL PENALTIES AS PROVIDED UNDER SECTION 8.

16 SECTION 10. RULES AND REGULATIONS.

17 THE DEPARTMENT MAY PROMULGATE RULES AND REGULATIONS NECESSARY
18 TO PROMOTE THE EFFICIENT, UNIFORM AND STATEWIDE ADMINISTRATION
19 OF THIS ACT. EVERY TWO YEARS FROM THE EFFECTIVE DATE OF THIS
20 SECTION, THE DEPARTMENT SHALL PROMULGATE, ADOPT AND USE
21 GUIDELINES TO IMPLEMENT THE PROVISIONS OF THIS ACT. THE
22 GUIDELINES MUST BE PUBLISHED IN THE PENNSYLVANIA BULLETIN BUT
23 SHALL NOT BE SUBJECT TO REVIEW UNDER SECTION 205 OF THE ACT OF
24 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH
25 DOCUMENTS LAW, SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER
26 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS
27 ACT, OR THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE
28 REGULATORY REVIEW ACT.

29 SECTION 11. EFFECTIVE DATE.

30 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.