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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1180 Session of  
2019

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INTRODUCED BY FRITZ, DUNBAR, PICKETT, MILLARD, TOOHL, JAMES,  
PYLE, OBERLANDER, BERNSTINE, KEEFER AND MACKENZIE,  
APRIL 10, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 10, 2019

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AN ACT

1 Repealing the act of July 2, 1935 (P.L.599, No.211), entitled  
2 "An act relating to motion picture exhibitions and sound  
3 motion picture exhibitions, together with orchestral or other  
4 instrumental musical or mechanical musical accompaniment,  
5 prelude, playing, or selection in connection with or  
6 incidental thereto on Sunday; prohibiting motion picture  
7 exhibitions and sound motion picture exhibitions, and  
8 orchestral or other instrumental musical or mechanical  
9 musical accompaniment, prelude, playing, or selection  
10 incidental thereto on Sunday during certain hours, and also  
11 during other hours, unless the electors of a municipality  
12 approve thereof; regulating the employment of persons in  
13 conducting such exhibitions on Sunday; providing for  
14 referendums to ascertain the will of the electors; and  
15 providing penalties; and repealing inconsistent laws."

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 Section 1. The act of July 2, 1935 (P.L.599, No.211),  
19 referred to as the Sunday Motion Pictures Act, is repealed:

20 [AN ACT

21 Relating to motion picture exhibitions and sound motion picture  
22 exhibitions, together with orchestral or other instrumental  
23 musical or mechanical musical accompaniment, prelude,  
24 playing, or selection in connection with or incidental

1 thereto on Sunday; prohibiting motion picture exhibitions and  
2 sound motion picture exhibitions, and orchestral or other  
3 instrumental musical or mechanical musical accompaniment,  
4 prelude, playing, or selection incidental thereto on Sunday  
5 during certain hours, and also during other hours, unless the  
6 electors of a municipality approve thereof; regulating the  
7 employment of persons in conducting such exhibitions on  
8 Sunday; providing for referendums to ascertain the will of  
9 the electors; and providing penalties; and repealing  
10 inconsistent laws.

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24 Section 1. Be it enacted, etc., That--Municipality  
25 Defined.--The word "municipality," as used in this act, shall be  
26 construed to mean and include any city, borough, town, or  
27 township of this Commonwealth.

28 Motion Picture Exhibitions Defined.--The words "motion  
29 picture exhibitions," as used in this act, shall be construed to  
30 mean any motion picture exhibitions or showings and sound motion

1 picture exhibitions or showings, together with any orchestral or  
2 other instrumental musical or mechanical accompaniment, prelude,  
3 playing, or selection in connection therewith or incidental  
4 thereto.

5 Two O'clock Postmeridian Defined.--The words "two o'clock  
6 postmeridian," as used in this act, shall be construed to mean  
7 "two" o'clock postmeridian eastern standard time, except during  
8 the period commencing the last Sunday in April and ending the  
9 last Saturday in September inclusive, when such words shall be  
10 construed to mean two o'clock postmeridian eastern daylight  
11 saving time provided that eastern daylight saving time is the  
12 customary time in common use in such municipality during such  
13 period.

14 Section 2. Penalty for Unlawful Motion Picture Exhibitions  
15 on Sunday.--It shall be unlawful for any person, copartnership,  
16 association or corporation to conduct, stage, manage, operate or  
17 engage in any motion picture exhibition, regardless of whether a  
18 charge of admission is made or whether labor or business is  
19 necessary to conduct, stage, manage or operate the same, on the  
20 first day of the week, commonly called Sunday, before the hour  
21 of "two" o'clock postmeridian.

22 It shall be unlawful for any person, copartnership,  
23 association or corporation to conduct, stage, manage, operate or  
24 engage in any motion picture exhibitions, regardless of whether  
25 a charge of admission thereto or incidental thereto is made or  
26 whether labor or business is necessary to conduct, stage, manage  
27 or operate the same, on the first day of the week, commonly  
28 called Sunday, after the hour of two o'clock postmeridian,  
29 unless the voters of the municipality have first voted in favor  
30 of motion picture exhibitions and sound motion picture

1 exhibitions on Sunday as hereinafter provided, and in no case  
2 shall a person be employed as a projectionist or operator of  
3 motion pictures on Sunday or in or about motion picture  
4 exhibitions, unless he or she shall have had twenty-four  
5 consecutive hours of rest during the preceding six week days.

6 Any person, copartnership, association or corporation  
7 violating any of the provisions of this section shall, upon  
8 conviction thereof in a summary proceeding, be sentenced to pay  
9 a fine of fifty dollars (\$50.00), and in default of the payment  
10 of such fine and costs of prosecution, such person or any member  
11 or agent of any copartnership or association, or any officer or  
12 agent of any corporation, responsible for such violation, shall  
13 be imprisoned for a period of not more than ten (10) days.

14 Section 3. Referendum; Statement of Question on Ballots.--At  
15 the municipal election in the year one thousand nine hundred and  
16 thirty-five (1935), there shall be submitted, in the manner  
17 provided by the election laws of the Commonwealth, upon petition  
18 to the county commissioners by the city or borough council or by  
19 the township commissioners or supervisors, or upon petition to  
20 county commissioners by electors equal to at least five per  
21 centum (5%) of the highest vote cast for any candidate in the  
22 municipality at the last preceding general election, a question  
23 to determine the will of the electors of each municipality in  
24 this Commonwealth, so petitioning, with respect to motion  
25 picture exhibitions. Such question shall be in the following  
26 form:

27 Do you favor the conducting,  
28 staging, operating and exhibiting YES  
29 of motion pictures, regardless of  
30 whether an admission charge is

1 made or incidental thereto or  
2 whether labor or business is  
3 necessary to conduct, stage,  
4 operate or exhibit the same after NO  
5 two o'clock postmeridian, on  
6 Sunday?

7 The said question shall be printed on separate official  
8 ballots, in bound form, by the county commissioners of each  
9 county, and sufficient number of ballots shall be furnished to  
10 the election officers in each election district of each  
11 municipality so that one ballot may be supplied to each voter at  
12 such election. In districts where voting machines are used, such  
13 question shall appear on the face of the machine where the  
14 machine is properly equipped for such purposes.

15 Section 4. Returns and Computation of Votes.--The votes cast  
16 on such question shall be counted by the election officers and  
17 returns thereof made by them, and by election officers where  
18 voting machines are used, to the prothonotary of the county, who  
19 shall lay the same before the return board for computation at  
20 the same time and in the same manner as other returns. Such  
21 election shall be governed by the election laws of the  
22 Commonwealth, and all penalties provided by said laws shall  
23 apply to such elections. The return board shall compute the said  
24 returns by municipalities, and certify the results of the vote  
25 cast on the question to the acting chief executive officer of  
26 each municipality affected.

27 If at the election in the year one thousand nine hundred and  
28 thirty-five (1935), where any such election was held as herein  
29 provided, a majority of the electors in any municipality voting  
30 at said election vote in favor of motion picture exhibitions on

1 Sunday after the hour of two o'clock postmeridian, then upon the  
2 certification of such election return to the acting chief  
3 executive officer of such municipality, as is provided in this  
4 section, it shall thereafter be lawful to conduct, stage,  
5 manage, operate or engage in motion picture exhibitions from and  
6 after the hour of two o'clock postmeridian, on Sunday.

7 The right to conduct, stage, manage, operate or engage in  
8 such motion picture exhibitions shall be subject only to those  
9 rules and regulations which govern motion picture exhibitions on  
10 days of the week other than Sunday.

11 If the vote of the electors in the municipality was not in  
12 favor of motion picture exhibitions or if no such election was  
13 held, then it shall be unlawful to conduct, stage, manage,  
14 operate or engage in such motion picture exhibitions to which an  
15 admission charge is made or is incidental, after two o'clock  
16 postmeridian, on Sunday.

17 Section 5. Further Referendums.--In any municipality the  
18 will of the electors with respect to the conducting, staging,  
19 and exhibiting of motion pictures and sound motion pictures on  
20 Sunday may, after the year one thousand nine hundred and thirty-  
21 five (1935), but not oftener than once in four years, be  
22 ascertained, and the question, as provided in section 3 of this  
23 act, shall be submitted to the electors of any municipality at  
24 any municipal election upon demand in writing of petitioners  
25 equal to at least twenty per centum (20%) of the highest vote  
26 cast for any candidates in the municipality at the last  
27 preceding general or municipal election. Such petition shall be  
28 filed with the corporate authorities at least sixty (60) days  
29 before the day of any municipal election at which the question  
30 is to be submitted, and, if the petition is signed by the

1 requisite number of petitioners, it shall thereupon be certified  
2 to the county commissioners, who shall cause such question to be  
3 submitted in the same manner as is provided in this act for the  
4 election in the year one thousand nine hundred and thirty-five  
5 (1935).

6 If a majority of the voters, in any municipality in which  
7 motion picture exhibitions are permitted from and after two  
8 o'clock postmeridian on Sunday to which an admission charge is  
9 made or is incidental, are not in favor of the continuance of  
10 such exhibitions, then upon the certification of such election  
11 return to the acting chief executive officer of such  
12 municipality, as is provided in section four of this act, it  
13 shall thereafter be unlawful to conduct, stage, manage, operate  
14 or engage in such exhibitions after two o'clock postmeridian, on  
15 Sunday; but if a majority of the electors in any such  
16 municipality which has not heretofore permitted such motion  
17 picture exhibitions after two o'clock postmeridian, on Sunday,  
18 or which has not theretofore voted on such question are in favor  
19 of such exhibitions, then upon the certification of such fact to  
20 the acting chief executive officer of such municipality, as is  
21 provided in section 4 of this act, such exhibitions shall  
22 thereafter be lawful.

23 Section 6. Intent of Act.--It is the intent of this act to  
24 provide a method whereby the will of the electors of each  
25 municipality with respect to motion picture exhibitions,  
26 together with orchestral or other instrumental musical or  
27 mechanical musical accompaniment, prelude, playing or selection  
28 in connection with or incidental thereto after two o'clock  
29 postmeridian on Sunday may be ascertained.

30 Section 6.1. Non-applicability of Act.--The provisions of

1 this act shall in no way prohibit the exhibition of religious  
2 motion pictures by churches at any time: Provided, however, That  
3 the said motion pictures shall be exhibited within church  
4 property; And provided further, That no admission charge shall  
5 be made.

6 Section 7. It shall be unlawful at any motion picture  
7 exhibition conducted or operated, under the provisions of this  
8 act, to provide for any form of entertainment, except the  
9 exhibition of motion pictures and sound motion pictures and any  
10 orchestral or other instrumental musical or mechanical musical  
11 accompaniment, prelude, playing or selection in connection with  
12 or incidental thereto, and any person or any member or agent of  
13 any copartnership or association, or any member or officer of  
14 any corporation who shall provide or furnish or assist in  
15 providing or furnishing any other form of entertainment in such  
16 motion picture exhibitions shall be guilty of a misdemeanor, and  
17 in the proper court shall be punished by a fine of one hundred  
18 dollars (\$100.00). Each Sunday's providing, furnishing,  
19 conducting, staging, managing, operating or engaging in  
20 furnishing any form of entertainment, forbidden under this act,  
21 shall constitute a separate offense hereunder.

22 Section 8. Constitutionality.--The provisions of this act  
23 are severable, and if any of the provisions hereof are held to  
24 be unconstitutional, the decision shall not be construed to  
25 impair any other provision of this act. It is hereby declared as  
26 the legislative intent that this act would have been adopted had  
27 such unconstitutional provision not been included herein.

28 Section 9. Repeal.--Section one of the act, approved the  
29 twenty-second day of April, one thousand seven hundred and  
30 ninety-four (Three Smiths Laws, one hundred seventy-seven),



1 entitled "An act for the prevention of vice and immorality and  
2 of unlawful gaming, and to restrain disorderly sports and  
3 dissipation," be, and the same is hereby, repealed in so far as  
4 it prohibits motion picture exhibitions and any orchestral or  
5 other instrumental musical or mechanical musical accompaniment,  
6 prelude, playing or selection in connection with or incidental  
7 thereto. All acts and parts of acts inconsistent herewith be,  
8 and the same are hereby, repealed.

9 Section 10. Effective Date.--This act shall be effective  
10 immediately upon final enactment.]

11 Section 2. This act shall take effect in 60 days.