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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1833 Session of  
2019

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INTRODUCED BY DUSH, RYAN, PICKETT, JAMES, IRVIN, MILLARD,  
ZIMMERMAN, GROVE, BROOKS, BERNSTINE, KORTZ, EVERETT,  
POLINCHOCK AND SCHMITT, SEPTEMBER 18, 2019

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, SEPTEMBER 18, 2019

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AN ACT

1 Repealing the act of May 18, 1937 (P.L.665, No.176), entitled  
2 "An act relating to the performance of industrial work in  
3 homes; regulating, and in certain cases prohibiting,  
4 industrial homework; imposing duties, restrictions and  
5 liabilities on industrial home-workers and on persons,  
6 partnerships, associations and corporations, directly or  
7 indirectly furnishing materials and articles to home-workers  
8 for manufacture or work thereon; requiring permits and home-  
9 workers' certificates and prescribing the fees therefor;  
10 conferring powers and imposing duties on the Department of  
11 Labor and Industry; and prescribing penalties"; and repealing  
12 a related provision of Title 42.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. The act of of May 18, 1937 (P.L.665, No.176),  
16 known as the Industrial Homework Law, is repealed:

17 [AN ACT

18 Relating to the performance of industrial work in homes;  
19 regulating, and in certain cases prohibiting, industrial  
20 homework; imposing duties, restrictions and liabilities on  
21 industrial home-workers and on persons, partnerships,  
22 associations and corporations, directly or indirectly

1 furnishing materials and articles to home-workers for  
2 manufacture or work thereon; requiring permits and home-  
3 workers' certificates and prescribing the fees therefor;  
4 conferring powers and imposing duties on the Department of  
5 Labor and Industry; and prescribing penalties.

6 Be it enacted, &c., As follows:

7 Section 1. Legislative Purpose.--This State has long  
8 recognized that employment of men, women and children under  
9 conditions detrimental to health and general welfare results in  
10 injury, not only to the workers immediately affected, but also  
11 to the public interest as a whole. This recognition has produced  
12 a broad program of regulatory legislation to conserve the public  
13 welfare. The continuance of an unregulated industrial homework  
14 system in this State runs counter to that program since it is  
15 usually accompanied by excessively low wages, long and irregular  
16 hours, and unsanitary or otherwise inadequate working quarters.  
17 In enacting this act, the Legislature stated that industrial  
18 homework was harmful to society as a whole, to the industrial  
19 homework work force, and to workers in factory industries forced  
20 to compete against the lower wages and less salutary working  
21 conditions characteristic of industrial homework. The  
22 Legislature concluded that "industrial homework must eventually  
23 be abolished." It is the aim of this act to achieve that goal,  
24 and eliminate the pernicious influence of industrial homework on  
25 the people of this State, by abolishing industrial homework  
26 except when it is engaged in by certain types of individuals  
27 unable to leave their homes to work, as hereinafter specified.

28 Section 2. Short Title.--This act shall be known and may be  
29 cited as the "Industrial Homework Law."

30 Section 3. Definitions.--The following words, terms and

1 phrases, when used in this act, shall have the meanings ascribed  
2 to them in this section, except where the context clearly  
3 indicates a different meaning.

4 (a) "Contractor." Any person who for the account or benefit  
5 of an employer, representative contractor or other person,  
6 distributes to a home-worker, or any other person, not recruited  
7 or engaged by such employer, representative contractor, or other  
8 person, articles or materials to be manufactured in a home, and  
9 thereafter to be returned to him or otherwise disposed of in  
10 accordance with his directions.

11 (b) "Department." The Department of Labor and Industry of  
12 this Commonwealth.

13 (c) "Employer." Any person who for his own account or  
14 benefit, directly or indirectly, or through an employe, agent,  
15 independent contractor, or any other person.

16 (1) Delivers, or causes to be delivered to another person,  
17 any articles or materials to be manufactured in a home and  
18 thereafter to be returned to him, not for the personal use of  
19 himself or of a member of his family, or thereafter to be  
20 disposed of otherwise in accordance with his directions, or

21 (2) Sells to another person, any materials or articles for  
22 the purpose of having such articles or materials manufactured in  
23 a home and of then rebuying such materials or articles after  
24 such manufacture, either by himself, or by someone designated by  
25 him.

26 (c.1) "Family." The spouse and children of a home-worker,  
27 and the mother, father, grandmother, and grandfather of a home-  
28 worker and his spouse.

29 (d) "Home." Any room, house, apartment, or other premises,  
30 whichever is most extensively used, in whole or in part, as a

1 place of dwelling, and including outbuildings upon premises that  
2 are primarily used as a place of dwelling, where such  
3 outbuildings are under the control of the person dwelling on  
4 such premises.

5 (e) "Home-worker." Any person engaged in manufacturing in a  
6 home, articles or materials for an employer, a representative  
7 contractor, or a contractor.

8 (f) "Industrial Homework." Any manufacture in a home of  
9 articles, or materials for an employer, a representative  
10 contractor, or a contractor.

11 (g) "Manufacture." To prepare, alter, repair, finish, or  
12 process, in whole or in part, or handle in any way connected  
13 with the production, wrapping, packaging, or preparation for  
14 display of an article or materials.

15 (h) "Person." An individual, partnership, firm, association,  
16 domestic or foreign corporation, the legal representatives of a  
17 deceased individual, or the receiver, trustee, or successor of  
18 an individual, partnership, association, or corporation.

19 (i) "Representative Contractor." Any person who receives  
20 from an employer, or contractor not within the State, articles  
21 or materials to be distributed by him to any home-worker, or  
22 other person, not recruited or engaged by such employer or  
23 contractor, to be manufactured in a home, and thereafter to be  
24 returned to him, or otherwise disposed of, in accordance with  
25 his directions.

26 The singular shall include the plural, and the masculine  
27 shall include the feminine and neuter.

28 Section 4. Prohibited Homework.--It shall be unlawful to  
29 manufacture in a home for an employer, contractor, or  
30 representative contractor, any of the following articles, or to

1 perform in a home, for such persons, any of the following work,  
2 and no permit issued under this act shall be deemed to authorize  
3 such manufacture or the performance of any such work:--

4 (a) Articles of food or drink.

5 (b) Articles for use in connection with the serving of food  
6 or drink.

7 (c) Toys and dolls.

8 (d) Tobacco.

9 (e) Drugs and poisons.

10 (f) Bandages and other sanitary goods.

11 (g) Explosives, fireworks, and articles of like character.

12 (h) The tearing or sewing of rags: Provided, That the word  
13 "rags" shall not be deemed to apply to new remnants, clippings,  
14 or salvages which are the by-products of manufacturing  
15 processes.

16 (i) Articles, the processing of which requires exposure to  
17 substances determined by the department to be hazardous to the  
18 health or safety of persons so exposed.

19 Section 5. Power to Prohibit.--(a) The department shall  
20 have the power, upon its own initiative, to make an  
21 investigation of that portion or branch of any industry which  
22 employs home-workers, in order to determine:

23 (1) Whether the wages and conditions of employment are  
24 injurious to the health and welfare of home-workers in such  
25 portion or branch; or

26 (2) Whether the wages and conditions of employment  
27 prevailing in such portion or branch have the effect of  
28 rendering unduly difficult the maintenance of existing labor  
29 standards, or the observance and enforcement of labor standards  
30 established by law, or regulation for the industry of which such

1 portion or branch is a part, thus jeopardizing wages or working  
2 conditions of the factory workers in such industry.

3 (b) If, on the basis of information in its possession, with  
4 or without an investigation as provided in this section, the  
5 department shall find that industrial homework cannot be  
6 continued within any industry without injuring the health and  
7 welfare of the home-workers within that industry, or without  
8 rendering unduly difficult the maintenance of existing labor  
9 standards or the observance and enforcement of labor standards  
10 established by law for the protection of the factory workers in  
11 that industry, the department shall, by order, require all  
12 employers, representative contractors, or contractors in such  
13 industry to discontinue the furnishing within this Commonwealth  
14 of articles or materials for industrial homework, and no permit  
15 issued under this act shall be deemed thereafter to authorize  
16 the furnishing of articles, or materials for industrial homework  
17 prohibited by such order.

18 (c) All power machines used in conduct of industrial  
19 homework shall be guarded in accordance with the laws and  
20 regulations of the Department of Labor and Industry.

21 Section 6. Procedure.--(a) Before making such order, the  
22 department shall hold a public hearing, or hearings, at which an  
23 opportunity to be heard shall be afforded to any employer or  
24 representative of employers, and any home-worker or  
25 representative of home-workers, and any other person or persons  
26 having an interest in the subject matter of hearing. A public  
27 notice of such hearing shall be given in such manner as may be  
28 fixed by the department. Such notice shall be made at least  
29 thirty days before the hearing is held. Such hearing, or  
30 hearings, shall be in such place, or places, as the department

1 deems most convenient to the employers and home-workers to be  
2 affected by such order.

3 (b) The department shall determine the effective date of  
4 such order, which date shall be not less than ninety days after  
5 the date of the promulgation of its order. The order shall set  
6 forth the type or types of manufacturing which are prohibited  
7 after its effective date.

8 Section 7. Permit Required by Employers and Representative  
9 Contractors.--Every employer and every representative contractor  
10 within this Commonwealth must procure from the department an  
11 employer's permit. Application for such permit shall be made on  
12 a form prescribed by the department. Such permit shall be in  
13 writing, dated when issued, and signed by the Secretary of Labor  
14 and Industry, or his duly authorized representative. It shall  
15 give the name and address of the person to whom it is issued and  
16 shall designate and limit the acts that are permitted. Such  
17 permit shall be valid for a period of one year from the date of  
18 its issuance, unless sooner revoked.

19 Section 8. Injunction against Continued Violations.--  
20 Whenever any employer or representative contractor has twice  
21 been found guilty of conducting his business without an  
22 employer's permit, the department may apply to the court for an  
23 injunction, and such court shall upon such application issue an  
24 injunction to restrain such employer or representative  
25 contractor from further violating the provisions of this act.

26 Section 9. Permit Required by Contractors.--Every contractor  
27 must procure from the department a contractor's permit.  
28 Application for such permit shall be made on a form prescribed  
29 by the department. Such permit shall be in writing and signed by  
30 the Secretary of Labor and Industry, or his duly authorized

1 representative. It shall give the name and address of the person  
2 to whom it is issued, and shall designate and limit the acts  
3 that are permitted. Such permit shall be valid for a period of  
4 one year from the date of its issuance unless sooner revoked.

5 Section 10. Fees.--(a) A fee of five hundred dollars  
6 (\$500.00) shall be paid to the department for the original  
7 issuance of an employer's permit.

8 (b) For each annual renewal of such permit, the employer or  
9 representative contractor shall pay to the department a fee of--

10 (1) One hundred dollars (\$100.00), where at no time during  
11 the preceding year did the employer, or representative  
12 contractor, directly or indirectly, have business relations  
13 simultaneously with more than one hundred home-workers.

14 (2) Two hundred dollars (\$200.00), where at any time during  
15 the preceding year the employer, or representative contractor,  
16 directly or indirectly, had business relations simultaneously  
17 with more than one hundred, but less than three hundred home-  
18 workers.

19 (3) Three hundred dollars (\$300.00), where at any time  
20 during the preceding year the employer, or representative  
21 contractor, directly or indirectly, had business relations  
22 simultaneously with three hundred or more home-workers.

23 (c) A fee of three hundred dollars (\$300.00) shall be paid  
24 to the department for the issuance of a contractor's permit. For  
25 each annual renewal of such permit, the contractor shall pay to  
26 the department a fee of one hundred dollars (\$100.00).

27 (d) No fee shall be required for the original issuance of an  
28 employer's, representative contractor's or contractor's permit  
29 nor renewal thereof for employment of handicapped people where  
30 the department finds:



1 (1) That a person is unable to adjust to factory employment  
2 because of old age or physical or mental deficiency or  
3 disability or is unable to leave home because his services are  
4 essential to care for an invalid in the home;

5 (2) That the employer and home-worker comply with all  
6 requirements and conditions of this act and all rules and  
7 regulations of the department;

8 (3) That such limited distribution of work to handicapped  
9 persons is not inconsistent with the purpose and policy of this  
10 act.

11 Section 11. Home-Worker's Certificate.--(a) Every person  
12 desiring to engage in industrial homework within this  
13 Commonwealth must procure from the department a home-worker's  
14 certificate, which shall be issued without cost and which shall  
15 be valid for a period of one year from the date of its issuance,  
16 unless sooner revoked or suspended by action of the department  
17 or, under subsection (f) of this section, automatically.  
18 Application for such certificate shall be made in such form as  
19 the department may by regulation prescribe and must be remade  
20 each year. Such certificate shall be valid only for work  
21 performed by the applicant himself in his own home, and in  
22 accordance with the provisions of this act.

23 (b) No home-worker's certificate shall be issued:--

24 (1) To any person under the age of sixteen years; or

25 (2) To any person known to be suffering from an infectious,  
26 contagious, or communicable disease, or known to be living in a  
27 home that is not clean, sanitary and free from infectious,  
28 contagious, or communicable diseases.

29 (3) To any person, unless that person is unable to leave his  
30 home to work on account of:

1 (i) his own physical handicap, if that handicap has lasted  
2 for more than thirty consecutive days; or

3 (ii) his own illness, if that illness has lasted for more  
4 than thirty consecutive days; or

5 (iii) the necessity of caring for a member of his family who  
6 is ill or handicapped, if that illness and/or handicap and  
7 necessity has lasted for more than thirty consecutive days.

8 (c) It shall be the duty of each applicant for a home-  
9 worker's certificate to prove his eligibility for a certificate  
10 by presenting evidence of handicap or illness of himself or  
11 illness or handicap of a family member sufficient to prove to  
12 the department that he qualifies for a home-worker's certificate  
13 under one of the exceptions set forth in subsection (b) (3) of  
14 this section. The department shall be empowered to require any  
15 applicant for a home-worker's certificate, or any family member  
16 of any applicant for a home-worker's certificate upon whose  
17 illness an applicant is relying in order to obtain a  
18 certificate, to submit to a medical examination by a physician  
19 of the department's choosing in order to aid the department in  
20 making a decision on whether or not to issue a certificate.

21 (d) Whenever a physical examination by a physician is  
22 necessary, in order for a person to qualify for or to retain a  
23 home-worker's certificate, if the person is working, or has been  
24 promised work on the condition that he obtain a home-worker's  
25 certificate, it shall be the duty of the employer,  
26 representative contractor, or contractor for which the person is  
27 working or by which the person has been promised work, to pay  
28 the cost of the physical examination.

29 (e) Every certificate shall contain the following  
30 information, in addition to any information which the department

1 shall, by regulation, require:

2 (1) The home-worker's

3 (i) name,

4 (ii) address,

5 (iii) sex,

6 (iv) Social Security number,

7 (v) date of birth,

8 (vi) height,

9 (vii) weight,

10 (viii) eye color,

11 (ix) hair color; and

12 (2) The expiration date of the certificate; and

13 (3) The basis of the home-worker's eligibility for a  
14 certificate, as set forth in subsection (b) (3) above.

15 (f) Upon the termination of the handicap, illness, or  
16 necessity of caring for a family member who is ill or  
17 handicapped which has qualified a person for a home-worker's  
18 certificate under subsection (b) (3) of this section, that  
19 person's certificate shall automatically be revoked.

20 (g) The department may revoke, or suspend any home-worker's  
21 certificate if it finds that the holder is performing industrial  
22 homework contrary to the conditions under which the certificate  
23 was issued, or to any provision of this act, or has permitted  
24 any person not holding a valid home-worker's certificate to  
25 assist him in performing his industrial homework or has obtained  
26 the certificate through fraud or misrepresentation.

27 (h) The department shall keep records of the applications  
28 made and certificates issued under this section, and of all  
29 information contained thereon.

30 (i) Notwithstanding any provisions of this act to the

1 contrary, a special home-worker's certificate may be issued to a  
2 person who does not qualify for a certificate under subsections  
3 (b) (3) and (c) if the person meets the other qualifications of  
4 subsection (b) and if the person has been employed fulltime for  
5 a period of at least six months in the manufacture of shoes, and  
6 is unable to continue his factory employment, if the following  
7 conditions are met:

8 (1) The special certificate holder may perform homework only  
9 for an employer which operates a factory in which shoes are  
10 manufactured, and which does not have more than five percent of  
11 its employes engaged in the manufacture of shoes in industrial  
12 homework.

13 (2) The homework performed by the special certificate holder  
14 must be part of the manufacturing process of shoes.

15 (3) The special certificate holder must be paid the same  
16 wages and receive the same benefits as the employer pays or  
17 affords to employes in its factory who perform similar work.

18 (4) The employer must deliver and pick up all the materials  
19 used in or produced by homework at the home of the special  
20 certificate holder without charge to the home-worker.

21 (5) All machinery, equipment, and materials used in the  
22 manufacture of goods by the special certificate holder must be  
23 supplied to the special certificate holder and maintained by the  
24 employer without charge to the home-worker.

25 A certificate issued under authority of this subsection shall  
26 bear a mark indicating that it permits its holder to engage in  
27 homework only in the shoe manufacturing industry. The provisions  
28 of this act shall govern the issuance and use of a special home-  
29 worker's certificate insofar as they do not conflict with this  
30 subsection. The use of a special home-worker's certificate in

1 violation of this act shall automatically revoke the  
2 certificate.

3 (j) Notwithstanding any provisions of this act to the  
4 contrary, a special home-worker's certificate may be issued to a  
5 person who does not qualify for a certificate under subsections  
6 (b) (3) and (c) if the person meets the other qualifications of  
7 subsection (b), has been employed fulltime for a period of at  
8 least one month in the manufacture of brushes, is unable to  
9 continue his factory employment, and if the following conditions  
10 are met:

11 (1) The special certificate holder performs homework only  
12 for an employer operating a factory in which brushes are  
13 manufactured who does not have more than thirty per cent of its  
14 employes engaged in the manufacture of brushes in industrial  
15 homework.

16 (2) The homework performed by the special certificate holder  
17 is part of the process of manufacturing brushes.

18 (3) The employer delivers and picks up all the materials  
19 used in or produced by homework at the home of the special  
20 certificate holder without charge to the home-worker.

21 (4) All machinery, equipment, and materials used in the  
22 manufacture of goods by the special certificate holder is  
23 supplied to the special certificate holder and maintained by the  
24 employer without charge to the home-worker.

25 A certificate issued pursuant to this subsection shall bear a  
26 mark indicating that it permits its holder to engage in homework  
27 only in the brush manufacturing industry. The provisions of this  
28 act shall govern the issuance and use of a special home-worker's  
29 certificate insofar as they do not conflict with this  
30 subsection. The use of a special home-worker's certificate in

1 violation of this act shall automatically revoke the  
2 certificate.

3 Section 12. Records to Be Kept.--No person having an  
4 employer's or a contractor's permit shall deliver, or cause to  
5 be delivered, or received, any articles or materials for or as a  
6 result of industrial homework, unless he shall keep in such form  
7 and forward to the department at such intervals, as it may by  
8 regulation prescribe, and on such blanks as it may provide, a  
9 complete and accurate record of all persons engaged in  
10 industrial homework on articles or materials furnished or  
11 distributed by him; of all places where such persons work; of  
12 all articles or materials furnished and distributed to such  
13 persons, described as the department may require; of all goods  
14 which such persons have manufactured; of the net cash wages  
15 received by each home-worker; of the Social Security number and  
16 certificate number of each home-worker; and of all contractors  
17 to whom he has furnished articles or materials to be  
18 manufactured for him in any home. Records kept pursuant to this  
19 section shall be open, at all times, to inspection by the  
20 department.

21 Section 13. Conditions of Manufacture.--Industrial homework  
22 on articles or materials manufactured for any person to whom an  
23 employer's permit has been issued shall be performed:--

24 (a) Only by a person possessing a valid home-worker's  
25 certificate.

26 (b) Only by persons over the age of sixteen years.

27 (c) Only by persons resident in the home in which the work  
28 is done.

29 (d) Only during such hours as may be fixed by law or  
30 regulation as permissible hours of labor in factories by persons

1 of the same age and sex as the home-worker; and

2 (e) Only in a home that is clean and sanitary and free from  
3 any infectious, contagious, or communicable disease.

4 (f) Only by persons who are incapable of leaving their homes  
5 to work because of one of the reasons stated in section 11(b)  
6 (3).

7 Upon the issuance of an employer's permit to an employer, or  
8 representative contractor, or a contractor's permit to a  
9 contractor, such employer, representative contractor, or  
10 contractor, shall be deemed to have accepted responsibility for  
11 the observance of the conditions of manufacture specified by  
12 this section; and each of such conditions shall be deemed to be  
13 a condition of the employer's or contractor's permit to the same  
14 extent as though it were expressly set forth therein.

15 Section 14. Labels Required.--(a) No employer, or  
16 representative contractor, or contractor, shall deliver, or  
17 cause to be delivered, any articles or materials to be  
18 manufactured by any home-worker, unless there has been  
19 conspicuously affixed to each article or material a label, or  
20 other mark of identification, bearing the employer's or  
21 representative contractor's name and address, printed or written  
22 legibly in English; but if the articles or materials are of such  
23 a nature that they cannot be individually so labeled or  
24 identified, then the employer or representative contractor shall  
25 conspicuously label, in like manner, the package, or other  
26 container in which such articles or materials are delivered, or  
27 are to be kept, while in the possession of the home-worker.

28 (b) Every article manufactured in whole or in part by  
29 industrial homework which is offered for sale, wholesale and  
30 retail, shall bear a conspicuous label stating in clearly

1 legible type that it has been manufactured by industrial  
2 homework. It shall be the duty of the department to prescribe  
3 regulations concerning the nature and placement of labels on  
4 such articles.

5 Section 15. Unlawfully Manufactured Articles.--Any articles,  
6 or materials which are being manufactured in a home, in  
7 violation of any provision of this act, may be seized and  
8 removed by any agent of the department, and may be retained by  
9 him until claimed by the employer or representative contractor.  
10 The department shall, by registered mail, give notice of such  
11 removal to the person whose name and address are affixed to the  
12 article, as provided by section fourteen. Unless the article so  
13 removed is claimed within thirty days thereafter, it may be  
14 destroyed or otherwise disposed of.

15 Section 16.1. Duty to Inspect and Report.--It shall be the  
16 duty of every employer, representative contractor and  
17 contractor, at least once each month, or more frequently, if he  
18 has reasonable cause to believe that a home-worker is not in  
19 compliance with section 11 or section 13:

20 (1) To inspect the home of every home-worker to which it  
21 delivers goods to the extent required to determine whether the  
22 provisions of section 13 are being complied with; and

23 (2) To inspect the certificate of every home-worker to which  
24 it delivers goods to the extent required to determine whether  
25 the certificate is valid and whether the holder of the  
26 certificate possesses the physical characteristics stated on the  
27 certificate in compliance with section 11; and

28 (3) To report to the department within twenty-four hours  
29 after discovery, the name and address of any home-worker whom it  
30 reasonably believes, on the basis of the performance of the



1 duties imposed by subsections (a) and (b) of this section, to be  
2 performing or seeking to perform homework in violation of this  
3 act.

4 Section 17.1. Violations and Penalties.--(a) It shall be a  
5 summary offense, punishable by a fine of one thousand dollars  
6 (\$1,000.00) or imprisonment for up to sixty days, or both:

7 (1) For any person to obtain or attempt to obtain an  
8 employer's or a contractor's permit required by section 7 or  
9 section 9 through fraud or misrepresentation; or

10 (2) For any person to deliver or cause to be delivered, to  
11 any person, any articles or materials for manufacture by  
12 industrial homework, prohibited by section 4 or by the  
13 department under authority of section 5; or

14 (3) For any person to deliver or cause to be delivered, to  
15 any person, any articles or materials for manufacture by  
16 industrial homework, if the person delivering or causing the  
17 delivery does not have in his possession a valid appropriate  
18 permit required by section 7 or section 9; or

19 (4) For any person to deliver or cause to be delivered, to  
20 any person, any articles or materials for manufacturing by  
21 industrial homework, if the person to whom the articles or  
22 materials are delivered does not possess a home-worker's  
23 certificate which is valid or which, after performance of the  
24 inspection required by section 16, a person could reasonably  
25 believe to be valid; or

26 (5) For any person to fail to keep records or make a report  
27 as required by section 12, or refuse to grant access to such  
28 records as required by section 12, or to keep records or make a  
29 report required by section 12 inaccurately, if the inaccuracy is  
30 due to fraud, misrepresentation, or reckless disregard for

1 accuracy; or

2 (6) For any person to fail to perform any duty imposed by  
3 section 16; or

4 (7) For an employer, representative contractor, or  
5 contractor to obtain or aid any person to obtain a home-worker's  
6 certificate, if he knows or has reason to know that the person  
7 does not meet the qualifications of a home-worker set forth in  
8 section 11; or

9 (8) For any person to sell or to possess with intent to  
10 sell, any articles manufactured in violation of any provision of  
11 this act, or any manufactured articles which have not been  
12 labeled as required by section 14(b), if the person knows or  
13 should have known that the articles were manufactured by  
14 industrial homework and are not labeled as required by this act.

15 (9) For any person to make a deduction from the wages of  
16 salary of any home-worker prohibited by section 8.

17 (b) It shall be a summary offense, punishable by a fine of  
18 five hundred dollars (\$500.00) or imprisonment for up to thirty  
19 days, or both, for any person to deliver or cause to be  
20 delivered, to any person, any articles or materials for  
21 manufacture by industrial homework which are not labeled in the  
22 manner prescribed by section 14(a).

23 (c) It shall be a summary offense, punishable by a fine of  
24 five thousand dollars (\$5,000.00) or imprisonment for between  
25 sixty and ninety days, or both, for any person to commit a  
26 second violation of this act within five years from the date of  
27 his conviction for violation of this act.

28 (d) If a person convicted under this section is a  
29 corporation, the president and any other officer of the  
30 corporation empowered to supervise the action of the corporation

1 found to be violative of this act shall be subject to the  
2 penalties of imprisonment provided for by this section.

3 (f) Upon learning of the conviction of any person for  
4 violation of this act, it shall be the duty of the Secretary of  
5 Labor and Industry, or his authorized representative, to revoke  
6 any permit which the convicted person may hold. The department  
7 shall not issue any permit authorized by this act to any such  
8 person, or his successor in interest, for a period of five years  
9 after the revocation of the permit becomes final. If a person  
10 convicted under this act did not have a valid permit at the time  
11 of his conviction, the department shall not issue any permit  
12 authorized by this act to any such person, or his successor in  
13 interest, for a period of five years after the person's  
14 conviction becomes final. In its performance of the duties  
15 imposed on it by this subsection, the department shall afford  
16 the convicted person due process of law.

17 (g) When delivery or causing delivering of any articles or  
18 materials for manufacture by industrial homework is an element  
19 of an offense under this section, and more than one delivery  
20 violative of this act is made to the same individual home-worker  
21 within one calendar week, those deliveries shall constitute only  
22 one offense under this act. In such a case the person making or  
23 causing the delivery shall be found guilty of that portion of  
24 the act which he has violated which carries the most onerous  
25 penalty. Deliveries during each calendar week to different  
26 individuals shall constitute separate offenses.

27 Section 18. Agreements to Contributions by Employes Void.--  
28 No agreement by a home-worker to pay any portion of a payment  
29 required of any person by any provision of this act shall be  
30 valid, and no person shall make a deduction for such purpose

1 from the wages or salary of any home-worker.

2 Section 19. Filing and Inspection of Records and Returns.--  
3 Records, reports, applications, and returns required to be made  
4 by this act, shall be kept on file by the Department of Labor  
5 and Industry, and shall be open to examination and inspection,  
6 and subject to its regulation. They may be used as evidence in  
7 any proceeding under this act, but shall not otherwise become  
8 matter of public record.

9 Section 20. Fees of Witnesses.--Each witness who appears in  
10 obedience to a subpoena issued by the department shall be  
11 entitled to such witness fees as the department shall allow,  
12 payable from appropriations made to the department for such  
13 purposes.

14 Section 21.1. Enforcement.--The Secretary of Labor and  
15 Industry shall have the duty, but not the exclusive right, to  
16 enforce the provisions of this act. Criminal proceedings  
17 authorized by this act may be brought and prosecuted by the  
18 secretary or his authorized agent, by the district attorney of  
19 any county in which the offense occurred, or by any citizen of  
20 Pennsylvania.

21 Section 22. Rules and Regulations.--Rules and regulations  
22 necessary to carry out the provisions of this act shall be made  
23 by the department with the approval of the Industrial Board. It  
24 shall have the power, and its duty shall be, to enforce all the  
25 provisions of this act, except as otherwise specifically  
26 provided.

27 Section 23. Payment into State Treasury.--All fees and other  
28 moneys derived from the operation of this act shall be paid into  
29 the State Treasury, through the Department of Revenue to the  
30 credit of the General Fund.

1 Section 24. Constitutional Construction.--The provisions of  
2 this act are severable, and if any of its provisions shall be  
3 held unconstitutional, or inapplicable to any person, or  
4 circumstances, the decision of the court shall not affect or  
5 impair any of the remaining provisions of this act. It is hereby  
6 declared to be the legislative intent that this act would have  
7 been adopted had such provisions not been included herein.

8 Section 25. Repeal of Existing Law.--All acts and parts of  
9 acts inconsistent with this act are hereby repealed.]

10 Section 2. Repeals are as follows:

11 (1) The General Assembly declares that the repeal under  
12 paragraph (2) is necessary to effectuate this act.

13 (2) 42 Pa.C.S. § 2705(d) is repealed.

14 Section 3. This act shall take effect immediately.