

RETAIL CLEANERS OR LAUNDERERS - UNCLAIMED GARMENTS

Act of Dec. 21, 1988, P.L. 1860, No. 178

Cl. 06

AN ACT

Providing for the disposal of unclaimed garments, footwear and other items left with certain retail establishments. (Title reenacted and amended Dec. 9, 2002, P.L.1359, No.163)

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

Section 1. Unclaimed garments and footwear.

A garment or other item left with a retail dry cleaner or retail launderer for dry cleaning or laundering and footwear or other item left with a shoe repairer may be disposed of by the dry cleaner, launderer or shoe repairer without liability or responsibility for the item or for proceeds realized from its disposal, provided the requirements of this act are complied with.

(1 reenacted and amended Dec. 9, 2002, P.L.1359, No.163)

Section 2. Receipt for garments and footwear.

At the time a dry cleaner or launderer receives garments or other items from a customer for cleaning or laundering and at the time a shoe repairer receives footwear or other items from a customer for repair, the dry cleaner, launderer or shoe repairer shall provide to the customer a deposit receipt containing the name and mailing address of the customer, a basic description of the items along with a statement of the quantity of items left, an itemization of the charges for the work to be done and the projected date when the items shall be ready for pickup by the customer.

(2 reenacted and amended Dec. 9, 2002, P.L.1359, No.163)

Section 3. Notice.

If an item is not retrieved and paid for by a customer within 90 days of the ready date specified on the customer's receipt, the cleaner, launderer or shoe repairer may provide a written notice to the customer by certified mail, return receipt requested, mailed to the customer at the address given on the deposit receipt. Such notice shall specify the amount owing to the cleaner, launderer or shoe repairer and state that the item shall be disposed of by the cleaner, launderer or shoe repairer within 30 days from the date of delivery of the notice unless the item is claimed by the customer and all charges are paid in full.

(3 reenacted and amended Dec. 9, 2002, P.L.1359, No.163)

Section 4. Refused or unclaimed notices.

If a notice mailed pursuant to section 3 is returned to the cleaner, launderer or shoe repairer as being unclaimed or delivery refused, the cleaner, launderer or shoe repairer shall send a second notice to the customer by mail, first class postage prepaid, with a certificate of mailing, indicating that the item will be disposed of by the cleaner, launderer or shoe repairer within 30 days of the date of mailing of the letter

unless the item is claimed by the customer and all charges are paid in full.

(4 reenacted and amended Dec. 9, 2002, P.L.1359, No.163)

Section 5. Disposal of unclaimed property.

If a customer does not claim an item and pay all charges due and owing, including the cost of mailing the notices specified in sections 3 and 4, and any charge for storage, within 30 days of the receipt of a notice mailed in accordance with section 3 or within 30 days of the mailing of a notice in accordance with section 4 or within 30 days of the date a notice mailed in accordance with section 4 is returned to the sender with a notation that the addressee has moved and left no forwarding address, the cleaner, launderer or shoe repairer may dispose of the item in any manner whatsoever. The notice specified in section 3 shall be considered to be received by the addressee if signed for by the addressee or by a person signing on behalf of the addressee.

(5 reenacted and amended Dec. 9, 2002, P.L.1359, No.163)

Section 6. Charitable donation.

Without regard to the provisions of sections 2, 3, 4 and 5, any item which remains unclaimed for a period of one year from the ready date indicated on the item receipt may be donated by the cleaner, launderer or shoe repairer to any charitable, religious or educational organization of a cleaner's, launderer's or shoe repairer's choice, provided the organization falls within the definition of tax-exempt organization as specified in section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)). The donation shall be made only if the cleaner, launderer or shoe repairer first sends to the customer, at the address listed on the item receipt, by mail, postage prepaid, including a certificate of mailing, a notice that the item will be so disposed of subsequent to 30 days from the mailing date of the notice if the item is not claimed and all outstanding charges paid.

(6 reenacted and amended Dec. 9, 2002, P.L.1359, No.163)

Section 7. Public notice of disposal procedures.

A cleaner, launderer or shoe repairer shall prominently display at each location where garments, footwear and other items are received from the public a sign indicating that items not claimed within 90 days of the ready date may be disposed of by the cleaner, launderer or shoe repairer, after notice to the customer as provided by law.

(7 reenacted and amended Dec. 9, 2002, P.L.1359, No.163)

Section 8. Other remedies.

The provisions of the act of May 7, 1925 (P.L.557, No.300), entitled "An act to provide for the sale of property against which a common law lien may exist for repairs and material; and the method of procedure thereon," shall continue to be available to cleaner, launderer and shoe repairer bailees of personal property as heretofore, as shall any other remedies provided by the common law or statutory law of this Commonwealth, to the extent that they are not inconsistent with the provisions of this act.

(8 reenacted and amended Dec. 9, 2002, P.L.1359, No.163)

Section 9. Effective date.

This act shall take effect in 60 days.