

"INDUSTRIAL HOMEWORK LAW"
ACT of 1937, P.L. 665, No. 176

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AN ACT

Relating to the performance of industrial work in homes; regulating, and in certain cases prohibiting, industrial homework; imposing duties, restrictions and liabilities on industrial home-workers and on persons, partnerships, associations and corporations, directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon; requiring permits and home-workers' certificates and prescribing the fees therefor; conferring powers and imposing duties on the Department of Labor and Industry; and prescribing penalties.

Be it enacted, &c., As follows:

Section 1. Legislative Purpose.

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

(1 amended Nov. 24, 1976, P.L. 1196, No. 263)

Section 2. Short Title.

This act shall be known and may be cited as the "Industrial Homework Law."

Section 3. Definitions.

The following words, terms and phrases, when used in this act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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

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

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

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

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

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

((c.1) added Nov. 24, 1976, P.L. 1196, No. 263)

(d) "Home." Any room, house, apartment, or other premises, whichever is most extensively used, in whole or in part, as a place of dwelling, and including outbuildings upon premises that are primarily used as a place of dwelling, where such outbuildings are under the control of the person dwelling on such premises.

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

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

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

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

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

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

Section 4. Prohibited Homework.

It shall be unlawful to manufacture in a home for an employer, contractor, or representative contractor, any of the following articles, or to perform in a home, for such persons, any of the following work, and no permit issued under this act shall be deemed to authorize such manufacture or the performance of any such work:

(a) Articles of food or drink.

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

(c) Toys and dolls.

(d) Tobacco.

(e) Drugs and Poisons.

(f) Bandages and other sanitary goods.

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

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

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

Section 5. Power to Prohibit.

(a) The department shall have the power, upon its own initiative, to make an investigation of that portion or branch of any industry which employs home-workers, in order to determine:

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

(2) Whether the wages and conditions of employment prevailing in such portion or branch have the effect of rendering unduly difficult the maintenance of existing labor standards, or the observance and enforcement of labor standards established by law, or regulation for the industry of which such portion or branch is a part, thus jeopardizing wages or working conditions of the factory workers in such industry.

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

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

Section 6. Procedure.

(a) Before making such order, the department shall hold a public hearing, or hearings, at which an opportunity to be heard shall be afforded to any employer or representative of employers, and any home-worker or representative of home-workers, and any other person or persons having an interest in the subject matter of hearing. A public notice of such hearing shall be given in such manner as may be fixed by the department. Such notice shall be made at least thirty days before the hearing is held. Such hearing, or hearings, shall be in such place, or places, as the department deems most convenient to the employers and home-workers to be affected by such order.

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

Section 7. Permit Required by Employers and Representative Contractors.

Every employer and every representative contractor within this Commonwealth must procure from the department an employer's permit. Application for such permit shall be made on a form prescribed by the department. Such permit shall be in writing, dated when issued, and signed by the Secretary of Labor and Industry, or his duly authorized representative. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted. Such permit shall be valid for a period of one year from the date of its issuance, unless sooner revoked.

(7 amended Nov. 24, 1976, P.L. 1196, No. 263)

Section 8. Injunction against Continued Violations.

Whenever any employer or representative contractor has twice been found guilty of conducting his business without an employer's permit, the department may apply to the court for an injunction,

and such court shall upon such application issue an injunction to restrain such employer or representative contractor from further violating the provisions of this act.

(8 repealed in part Apr. 28, 1978, P.L. 202, No. 53)

Section 9. Permit Required by Contractors.

Every contractor must procure from the department a contractor's permit. Application for such permit shall be made on a form prescribed by the department. Such permit shall be in writing and signed by the Secretary of Labor and Industry, or his duly authorized representative. It shall give the name and address of the person to whom it is issued, and shall designate and limit the acts that are permitted. Such permit shall be valid for a period of one year from the date of its issuance unless sooner revoked.

(9 amended Nov. 24, 1976, P.L. 1196, No. 263)

Section 10. Fees.

(a) A fee of five hundred dollars (\$500.00) shall be paid to the department for the original issuance of an employer's permit.

((a) amended Nov. 24, 1976, P.L. 1196, No. 263)

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

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

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

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

((b) amended Nov. 24, 1976, P.L. 1196, No. 263)

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

((c) amended Nov. 24, 1976, P.L. 1196, No. 263)

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

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

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

- (3) That such limited distribution of work to handicapped persons is not inconsistent with the purpose and policy of this act.
((d) added July 25, 1953, P.L. 575, No. 153)

Section 11.Home-Worker's Certificate.

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

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

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

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

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

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

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

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

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

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

(e) Every certificate shall contain the following information, in addition to any information which the department shall, by regulation, require:

(1) The homeworkeer's

(i) name,

(ii) address,

(iii) sex,

- (iv) Social Security number,
- (v) date of birth,

- (vi) height,

- (vii) weight,

- (viii) eye color,

- (ix) hair color; and

(2) The expiration date of the certificate; and

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

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

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

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

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

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

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

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

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

(5) All machinery, equipment, and materials used in the manufacture of goods by the special certificate holder must be supplied to the special certificate holder and maintained by the employer without charge to the home-worker. A certificate issued under authority of this subsection shall bear a mark indicating that it permits its holder to engage in homework only in the shoe manufacturing industry. The provisions of this act shall govern the issuance and use of a special home-worker's certificate insofar as they do not conflict with this subsection. The use of a special home-worker's certificate in violation of this act shall automatically revoke the certificate.

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

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

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

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

(4) All machinery, equipment, and materials used in the manufacture of goods by the special certificate holder is supplied to the special certificate holder and maintained by the employer without charge to the home-worker. A certificate issued pursuant to this subsection shall bear a mark indicating that it permits its holder to engage in homework only in the brush manufacturing industry. The provisions of this act shall govern the issuance and use of a special home-worker's certificate insofar as they do not conflict with this subsection. The use of a special home-worker's certificate in violation of this act shall automatically revoke the certificate.

(11 amended Nov. 24, 1976, P.L. 1196, No. 263)

Section 12. Records to Be Kept.

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

(12 amended Nov. 24, 1976, P.L. 1196, No. 263)

Section 13. Conditions of Manufacture.

Industrial homework on articles or materials manufactured for any person to whom an employer's permit has been issued shall be performed:

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

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

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

(d) Only during such hours as may be fixed by law or regulation as permissible hours of labor in factories by persons of the same age and sex as the home-worker; and

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

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

((f) added Nov. 24, 1976, P.L. 1196, No. 263)

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

(13 repealed insofar as inconsistent with 1 Pa.C.S. §2301(d), Oct. 4, 1978, P.L. 909, No. 173)

Section 14.Labels Required.

(a) No employer, or representative contractor, or contractor, shall deliver, or cause to be delivered, any articles or materials to be manufactured by any home-worker, unless there has been conspicuously affixed to each article or material a label, or other mark of identification, bearing the employer's or representative contractor's name and address, printed or written legible in English; but if the articles or materials are of such a nature that they cannot be individually so labeled or identified, then the employer or representative contractor shall conspicuously label, in like manner, the package, or other container in which such articles or materials are delivered, or are to be kept, while in the possession of the home-worker.

(b) Every article manufactured in whole or in part by industrial homework which is offered for sale, wholesale and retail, shall bear a conspicuous label stating in clearly legible type that it has been manufactured by industrial homework. It shall be the duty of the department to prescribe regulations concerning the nature and placement of labels on such articles.

(14 amended Nov. 24, 1976, P.L. 1196, No. 263)

Section 15.Unlawfully Manufactured Articles.

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

Section 16.Delivery to Contractors.

(16 repealed Nov. 24, 1976, P.L. 1196, No. 263)

Section 16.1. Duty to Inspect and Report.

It shall be the duty of every employer, representative contractor and contractor, at least once each month, or more frequently, if he has reasonable cause to believe that a home-worker is not in compliance with section 11 or section 13:

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

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

(3) To report to the department within twenty-four hours after discovery, the name and address of any home-worker whom it reasonably believes, on the basis of the performance of the duties imposed by subsections (a) and (b) of this section, to be performing or seeking to perform homework in violation of this act.

(16.1 added Nov. 24, 1976, P.L. 1196, No. 263)

Section 17. Violations.

(17 repealed Nov. 24, 1976, P.L. 1196, No. 263)

Section 17.1. Violations and Penalties.

(a) It shall be a summary offense, punishable by a fine of one thousand dollars (\$1,000.00) or imprisonment for up to sixty days, or both:

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

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

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

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

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

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

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

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

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

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

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

(d) If a person convicted under this section is a corporation, the president and any other officer of the corporation empowered to supervise the action of the corporation found to be violative of this act shall be subject to the penalties of imprisonment provided for by this section.

(e) ((e) repealed Apr. 28, 1978, P.L. 202., No. 53)

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

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

(17.1 added Nov. 24, 1976, P.L. 1196, No. 263)

Section 18. Agreements to Contributions by Employes Void.

No agreement by a home-worker to pay any portion of a payment required of any person by any provision of this act shall be valid, and no person shall make a deduction for such purpose from the wages or salary of any home-worker.

Section 19. Filing and Inspection of Records and Returns.

Records, reports, applications, and returns required to be made by this act, shall be kept on file by the Department of Labor and Industry, and shall be open to examination and inspection, and subject to its regulation. They may be used as evidence in any proceeding under this act, but shall not otherwise become matter of public record.

Section 20. Fees of Witnesses.

Each witness who appears in obedience to a subpoena issued by the department shall be entitled to such witness fees as the department shall allow, payable from appropriations made to the department for such purposes.

Section 21. Penalties.

(21 repealed Nov. 24, 1976, P.L. 1196, No. 263)

Section 21.1. Enforcement.

The Secretary of Labor and Industry shall have the duty, but not the exclusive right, to enforce the provisions of this act. Criminal proceedings authorized by this act may be brought and prosecuted by the secretary or his authorized agent, by the district attorney of any county in which the offense occurred, or by any citizen of Pennsylvania.

(21.1 added Nov. 24, 1976, P.L. 1196, No. 263)

Section 22. Rules and Regulations.

Rules and regulations necessary to carry out the provisions of this act shall be made by the department with the approval of the Industrial Board. It shall have the power, and its duty shall be, to enforce all the provisions of this act, except as otherwise specifically provided.

(22 amended July 25, 1953, P.L. 575, No. 153)

Compiler's Note: The act of June 30, 1988, P.L. 475, No. 80 repealed this section insofar as it is inconsistent with that act.

Section 23. Payment into State Treasury.

All fees and other moneys derived from the operation of this act shall be paid into the State Treasury, through the Department of Revenue to the credit of the General Fund.

Section 24. Constitutional Construction.

The provisions of this act are severable, and if any of its provisions shall be held unconstitutional, or inapplicable to any person, or circumstances, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such provisions not been included herein.

Section 25. Repeal of Existing Law.

All acts and parts of acts inconsistent with this act are hereby repealed.