

## No. 422

## AN ACT

To amend the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, five hundred fifty-three), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries, and prescribing penalties," by further requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, and further regulating insurance policies which may be accepted as proof of financial responsibility; imposing further duties upon the Secretary of Revenue, and the prothonotaries and clerks of the various courts of this Commonwealth; providing for appeals in certain instances; imposing further duties upon owners and operators of vehicles; providing exceptions; imposing duties upon insurers and upon brokers, agents, or representatives of insurers; providing for the payment of judgments in installments; prescribing additional penalties; and adding new sections.

Section 1. Be it enacted, &c., That sections one, two, six, seven, eight, ten, eleven, thirteen, fifteen, sixteen, and seventeen of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, five hundred fifty-three), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," are hereby amended to read as follows:

Sections 1, 2, 6,  
7, 8, 10, 11, 13,  
15, 16, and 17,  
act of May 15,  
1933 (P. L.  
553), amended.

Section 1. Definitions.—Throughout this act, unless the context indicates a different intention, the singular includes the plural, and the masculine pronoun includes the feminine and the neuter.

As used in this act—

(a) "Secretary" means the Secretary of Revenue of this Commonwealth.

(b) "Motor vehicle" means any self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except tractors, power shovels, road rollers, agricultural ma-

chinery, and vehicles which move upon or are guided by a track or trolley, or travel through the air.

(c) "Motor vehicle liability policy" means a policy of liability insurance designating by explicit description or appropriate reference all motor vehicles with respect to which coverage is intended to be granted by said policy, and insuring to the amounts or limits hereinafter specified the person named therein, and any other person using or responsible for the use of any such motor vehicles with the consent, express or implied, of such insured, against loss from the liability imposed by law upon the insured, or upon such other person, for injury to or death of any person other than the insured and such persons as may be covered as respects such injury or death by any workmen's compensation law, and for damage to property other than property of others in charge of the insured, or of his employes or other agents, arising out of the ownership, maintenance, use, or operation of any such vehicle within the continental limits of the United States of America or the Dominion of Canada; or a binder, pending the issuance of such a policy, or an endorsement to an existing policy, as hereinafter provided. Within the meaning of this definition, separate concurrent policies, whether issued by one or several insurers, covering, respectively, personal injury or death as aforesaid, and property damage as aforesaid, shall be deemed a "Motor Vehicle Liability Policy."

(d) "Motor vehicle operators' policy" means a policy of liability insurance insuring the person named therein to the amounts or limits hereinafter specified against loss from the liability imposed by law upon the insured for injury to or death of any person other than the insured and such persons as may be covered as respects such injury or death by any workmen's compensation law, and for damage to property other than property of others in charge of the insured, or of his employes or other agents, arising out of the operation by the insured of any motor vehicle within the continental limits of the United States of America or the Dominion of Canada; or a binder, pending the issuance of any such policy, or an endorsement to an existing policy, as hereinafter provided. Within the meaning of this definition, separate concurrent policies, whether issued by one or several insurers, covering, respectively, personal injury or death as aforesaid, and property damage as aforesaid, shall be deemed a "Motor Vehicle Operators' Policy."

(e) "Operator" means the person, including a chauffeur, in actual physical control of a motor vehicle upon a highway.

(f) "Operator's license" means the license issued

to any person to operate a motor vehicle within this State.

(g) "Owner" has the same meaning as in the laws requiring the registration of motor vehicles within this State.

(h) "Person" means a natural person, firm, copartnership, association, or corporation.

(i) "Proof of financial responsibility" means evidence in a form authorized by this act of ability to respond in damages, resulting from the operation or ownership of a motor vehicle, and arising by reason of personal injury to or death of any one person, in the amount of at least five thousand dollars (\$5,000), and, subject to such limit for any one person injured or killed, in an amount of at least ten thousand dollars (\$10,000) for injury to or the death of two or more persons in any one accident, and for damage to property in the amount of at least one thousand dollars (\$1,000), resulting from any one accident.

Section 2. Evidence of Ability to Respond in Damages.—For the purposes of this act, the following will be deemed evidence of ability to respond in damages:

(a) When proof of financial responsibility is required as a condition precedent to the granting of renewal of an operator's license or to the termination of the suspension thereof, the written certificate of an insurer, duly authorized to transact business within the state of residence of the person applying for such license or seeking to terminate the suspension thereof, that it has issued to him, or for his benefit, a motor vehicle operator's policy or a *motor vehicle liability policy* which, at the date of the certificate, is in full force and effect and will so continue until the expiration of fifteen days after notice of expiration or cancellation shall first have been given to the secretary in writing.

(b) When proof of financial responsibility is required of an owner of a motor vehicle as a condition precedent to the registration thereof or to the termination of the suspension of such registration, the written certificate of an insurer, duly authorized to transact business within the state of residence of the person applying for such registration or for the termination of the suspension thereof, that it has issued to him, or for his benefit, a motor vehicle liability policy which, at the date of the certificate, is in full force and effect and will so continue until the expiration of fifteen days after notice of expiration or cancellation shall first have been given to the secretary in writing. The secretary shall not accept any such certificate unless all motor vehicles registered in the name of the owner from whom proof is required are covered by the policies mentioned in such certificate or in it and other similar certificates furnished at the same

time; and an additional certificate shall be required as a condition precedent to the registration in the name of such owner of any motor vehicle not covered by the certificate or certificates on file.

(c) In any case, a bond conditioned for the payment of the amounts herein required for injury to or the death of persons, and damage to property, arising out of the ownership, maintenance, use, or operation by the principal of a motor vehicle within the continental limits of the United States of America or the Dominion of Canada, having as surety a corporation duly authorized to transact a surety business within the state of residence of the person applying for an operator's license, the registration of a motor vehicle, or the termination of the suspension of such license or registration. Any such bond shall expressly provide that it shall not be cancellable until the expiration of fifteen days' written notice to the secretary, and shall designate the State as obligee, but shall expressly provide that suit may be brought against the principal or surety named therein, by any person or persons who may have a cause of action against the principal obligor for damages resulting from a motor vehicle accident, in the event that the principal obligor does not, within fifteen days from the time the judgment becomes final, pay, within the limits hereinbefore specified, any final judgment entered against him for damages sustained as the result of such accident.

(d) In any case, the deposit with the secretary of the sum of eleven thousand dollars (\$11,000) in cash, which the secretary shall turn over to the State Treasurer as custodian, and which the secretary shall employ in paying, within the limits hereinbefore specified, any final judgment or judgments which may be entered against the depositor for injury to or the death of persons, and damage to property, arising out of the ownership, maintenance, use, or operation by the depositor, subsequent to the date of the deposit, of a motor vehicle within the continental limits of the United States of America or the Dominion of Canada. Interest on money deposited hereunder shall be paid to the depositor at the highest rate which the State receives on its deposits, payment to be made out of moneys from time to time appropriated for the purpose.

Section 6. Insurance Policies Must Contain Certain Provisions to Constitute Proof of Financial Responsibility; Binders; Endorsements.—Insurance policies, in order to constitute proof of financial responsibility under this act, shall be subject to the provisions herein-after stated; and any insurance carrier which executes a certificate that it has issued a motor vehicle operator's policy or a motor vehicle liability policy for the purpose

of enabling any person to furnish proof of financial responsibility hereunder shall be conclusively presumed to have issued the policy mentioned in such certificate subject to such provisions whether or not they are set forth therein.

(a) Should an execution on a final judgment against the insured in an action covered by a motor vehicle operator's policy or motor vehicle liability policy be returned unsatisfied, the judgment creditor shall have a right of action against the insurer to the same extent that the insured would have had had such insured paid such final judgment. No such policy shall be cancelled or annulled as respects any loss or damage by any agreement between the insurer and the insured after such loss or damage has occurred, and any such cancellation or annulment shall be void. The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurer for payments made on account of any accident, claim, or suit involving a breach of the terms, provisions, or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits designated in this act, the insurer may plead against a judgment creditor of the insured, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured. Any such policy may further provide for the pro-rating of the insurance thereunder with other applicable, valid and collectible insurance.

(b) The policy, the written application therefor, if any, and any rider or endorsement which shall not conflict with the provisions of this act, shall constitute the entire contract between the parties.

(c) The insurer shall, upon the request of the insured, deliver to the insured for filing, or at the request of the insured shall file direct, with the secretary an appropriate certificate for the purpose of furnishing proof of the assured's financial responsibility, as provided by this act.

(d) Any insurer authorized to issue motor vehicle operator's policies or motor vehicle liability policies as provided in this act may, pending the issuance of such a policy, execute an agreement, to be known as a binder, or may, in lieu of such a policy, issue an endorsement to an existing policy, each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy. The provisions of this section shall apply to such binders and endorsements.

(e) This act shall not be construed to prevent any insurance carrier from granting any lawful coverage in excess of or in addition to the coverage required by this act as proof of financial responsibility, or from embody-

ing in such policy any agreements, provisions, or stipulations not contrary to the provisions of this act and not otherwise unlawful.

Section 7. Proof of Financial Responsibility Required When Operator's License or Operating Privilege Has Been Revoked or Suspended, or Become Subject to Revocation or Suspension.—Whenever the secretary shall revoke or suspend [an] *the operator's license of a resident* or shall suspend the operating privilege of a nonresident [for violation of the laws regulating the operation of motor vehicles on the highways, as may now or hereafter be provided by law] *under the mandatory provisions of any law now in effect or hereafter enacted*, such license or operating privilege shall not be renewed unless and until the former holder of the license or privilege has furnished proof of financial responsibility; and *whenever the secretary shall, in the exercise of his discretion, revoke or suspend the operator's license of a resident or the operating privilege of a nonresident; or whenever the secretary [for any such violation] has the right in his discretion to revoke or suspend an operator's license of a resident or the operating privilege of a nonresident but is disposed in the exercise of his discretion not to do so, [he may, nevertheless, suspend such license or operating privilege until the holder thereof has furnished proof of financial responsibility] he may require the holder of the license or operating privilege to furnish proof of financial responsibility before such license or operating privilege shall be renewed or reinstated or continued.*

Section 8. Proof of Financial Responsibility Required as Condition Precedent to Issuance or Renewal of Operators' Licenses to Persons Having Certain Accident Record; *Penalty.*—(a) Until proof of financial responsibility has been furnished to the secretary, an operator's license shall not be issued or renewed to a person who, within [the] *any* twelve months' period, [next preceding such person's application therefor] while operating a motor vehicle either within or outside of this State, had [two] *one* or more accidents, caused wholly or partially by his negligence, which caused injury to persons or damage to property, excluding injury to himself and damage to motor vehicles operated by such person, amounting in the aggregate to more than [two] *one* hundred dollars [(\$200)] (\$100), *except that where an operator by his negligence has caused one (1) or more accidents within any twelve (12) months' period resulting in injury to persons or damage to property, excluding injury to himself and damage to motor vehicles operated by himself, amounting in the aggregate to more than one hundred (\$100) dollars, and such operator or other person or insurer has paid all the*

*claims arising from such accidents, then such operator shall be exempt from the provisions of this section. The amount of damages caused by accidents in which the applicant was involved will be deemed to have been the amounts paid in settlement of claims of other persons, if all such claims have been settled, and if such claims have not been paid, then the amounts claimed by persons injured and by the persons entitled to recover for the death of persons killed and by the owners of property damaged, or judgments obtained by such other persons.*

(b) For the purposes of this section, *where all claims have not been paid*, the happening of an accident while a person is operating a motor vehicle shall be prima facie evidence that it was caused wholly or partly by such person's negligence; but the secretary may, upon application of such person, conduct an inquiry into the circumstances under which the accident occurred and thereupon find that the accident occurred without any negligence on the part of such person. *Damages may be deemed to be claimed only if the defendant has received a notification of the amount of damages claimed from the person injured, the person entitled to recover for the death of the person killed, or the owner of property damaged, which notification shall be subscribed to and verified by the oath or affirmation of such person, and a copy of the receipted bill or a copy of the bill rendered, or a copy of the estimate of the probable cost, prepared by a qualified person and subscribed to and verified by oath or affirmation of the person acknowledging payment, rendering the bill or preparing the estimate.*

(c) The secretary's findings or such notification shall not be admissible in evidence in any court proceeding for damages instituted either by or against such person or in any criminal proceeding arising out of such accident.

(d) *Any person making a misstatement of fact in notification required under subsection (b) of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment for not more than one year, or by a fine not exceeding one thousand dollars (\$1,000), or both, in the discretion of the court.*

Section 10. Penalty for Failure to Furnish Correct Accident Record.—Any person who [knowingly] fails to give correctly the information required of him by the secretary in connection with an application for the issuance or renewal of an operator's license shall be ineligible to operate a motor vehicle within this State for a period of two years from the date when the secretary ascertains that the information was not correctly given.

If such person at that date holds an operator's license, it shall forthwith be revoked and shall not be renewed under any circumstances until the two-year period has expired. If such person does not hold an operator's license, such license shall not be issued to him until the expiration of the two-year period. Upon the expiration of the two-year period, such person shall not receive an operator's license until he has furnished proof of financial responsibility.

Section 11. Proof of Financial Responsibility Required of Persons Who Fail to Satisfy Judgments Arising Out of Motor Vehicle Accidents; Operator's License and Registration Certificates to Be Suspended Until Satisfaction of Judgment.—If, within [fifteen] *twenty* days after it [becomes final] *has been recorded*, any person fails to satisfy any judgment rendered against him by a court of competent jurisdiction in this or any other State, or the District of Columbia, or any province of the Dominion of Canada, or by a District Court of the United States, for damages on account of personal injury, or of damage to property, in excess of *five dollars and thirty-three cents (\$5.33)*, [two hundred dollars (\$200)] resulting from the operation, subsequent to the effective date of this act, by him, his agent or any other person with his express or implied consent, of a motor vehicle owned by him, or the operation by him or his agent of a motor vehicle not owned by him, his operator's license and all of his registration certificates shall be forthwith suspended by the secretary upon receiving a certified copy of such final judgment from the court in which the same was rendered, and shall remain suspended and shall not be renewed, nor shall any other motor vehicle be thereafter registered in his name, while such judgment remains unsatisfied and subsisting and until he has furnished proof of financial responsibility for future accidents.

If such person is not a resident of this State, he shall not be permitted to operate any motor vehicle in this State, and it shall not be lawful for any other person, knowing that such operation is not permitted, to operate in this State any motor vehicle owned by such non-resident, while such judgment remains unsatisfied and subsisting and until such nonresident has furnished proof of financial responsibility for future accidents.

If, after such person has satisfied such judgment within the meaning of this act and has furnished proof of financial responsibility, any other such judgment shall be recovered against him for any accident occurring before such proof was furnished, his operator's license and registration certificates shall again be and remain suspended while such other judgment remains unsatisfied and subsisting.



Section 13. Courts to Certify Motor Vehicle Accident Judgments to Secretary of Revenue; Secretary to Forward Certificates to Proper Officer of Other State if Debtor Is Nonresident; *Penalty*.—(a) It shall be the duty of the prothonotary or clerk of any court of this State in which any judgment for damages resulting from the operation of a motor vehicle is rendered to forward immediately to the secretary a certified copy of such judgment or a transcript thereof, *and the address of the judgment creditor and debtor*.

(b) In the event the defendant is a nonresident, it shall be the duty of the secretary to transmit to the Commissioner of Motor Vehicles, or other proper officer, of the state of which the defendant is a resident, a certified copy of such judgment.

(c) *Any person who violates any of the provisions of subsection (a) of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or by imprisonment of not less than six (6) months and not more than three (3) years, or both, in the discretion of the court.*

Section 15. Suspension of Operator's License or Registration Certificates upon Cancellation of Insurance or Surety Bond.—Whenever the secretary is notified of the cancellation of [a] *any* policy of insurance mentioned in a certificate furnished as evidence of ability to respond in damages, or of a surety bond furnished as such evidence, he shall forthwith suspend the operator's license and registration certificates, if any, in connection with the issuance, *continuance*, or renewal of which such evidence was furnished *or policy of insurance continued*, and such cancellation shall remain effective until other proof of financial responsibility has been furnished to the secretary.

Section 16. Proof of Financial Responsibility Once Required to Be Maintained.—(a) Whenever in accordance with the provisions of this act a person has furnished proof of financial responsibility for the purpose of obtaining an operator's license or the registration of a motor vehicle owned by him, it shall be obligatory upon such person thereafter to maintain such proof until he shall have been relieved by the secretary of the duty of maintaining such proof as hereinafter provided, and in the event that such proof lapses or becomes diminished in security or amount, it shall be the duty of the secretary to suspend the operator's license and certificates, if any, in connection with which such proof was furnished, until proof sufficient in amount has again been furnished.

(b) The secretary may relieve a person [who has

previously been required to furnish proof of financial responsibility] of the duty of maintaining or furnishing such proof at any time after three years shall have elapsed since such proof was first required or furnished, if, during the three years' period immediately preceding, such person shall not have committed any violation of the [laws regulating the operation of motor vehicles on the highways] law because of which the secretary revoked or suspended or would have had the right to revoke or suspend such person's operator's license, and if, within said three years' period, such person shall not have had, while operating a motor vehicle either within or outside of this State, [two] one or more accidents, caused wholly or partially by his negligence, which resulted in injury to persons or damage to property, excluding motor vehicles operated by such person, amounting in the aggregate to more than [two] one hundred dollars [(\$200.00)] (\$100.00), and if there shall not be any pending claim or unsatisfied judgment against such person for damages resulting from the operation or ownership of a motor vehicle by such person during the three years' period.

Section 17. Penalty for Operating Motor Vehicle [Contrary to Provisions of this Act] *After Suspension or Before Reinstatement of Operator's License or Operating Privilege.*—Any person who operates a motor vehicle within this State after his operator's license or operating privilege has been suspended or withdrawn, [under the provisions of this act and while such license remains suspended] and before such license or privilege has been reinstated, and any person, a nonresident of this State, who operates a motor vehicle within this State [contrary to the provisions of this act] after his operating privilege has been suspended or withdrawn, and before such operating privilege has been reinstated, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment for not more than one (1) year, or by fine not exceeding one thousand dollars (\$1000), or both, in the discretion of the court.

Section 2. That after section twenty-one of the said act the following new sections are hereby added:

Section 22. *Right of Appeal to Court from Suspension or in Lieu of Suspension.*—Any person whose motor vehicle registration, operator's license, or learner's permit has been suspended or revoked by the secretary under the provisions of this act, or any person who has been required to establish proof of financial responsibility in lieu of a suspension or revocation, shall have the right to file a petition, within thirty (30) days thereafter, for a hearing de novo in the matter in the court of common pleas of the county in which the operator

or pernitee resides, or of the county of Dauphin in appeals filed by persons who are nonresidents of this Commonwealth, and such court is hereby vested with jurisdiction, and it shall be its duty to set the matter down for a hearing upon thirty (30) days written notice to the secretary, and thereupon to take testimony and examine into the facts of the case, and to determine whether the petitioner is subject to suspension or revocation, or either of them, of motor vehicle registration, operator's license, or learner's permit under the provisions of this act.

*Section 23. Payment of Judgment in Installments.—* A judgment debtor to whom this act applies may, for the sole purpose of giving authority to the secretary to authorize the judgment debtor to operate a motor vehicle thereafter, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying such judgment in installments, and the court, in its discretion, and without prejudice to any other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments. While the judgment debtor is not in default in the payment of such installments, the secretary, upon his giving proof of ability to respond in damages for future accidents as herinbefore provided, may, in his discretion, restore or refrain from suspending his license and registration certificates, but such license and certificates shall be suspended, as hereinbefore provided, if and when the secretary is satisfied that the judgment debtor has failed to comply with the terms of the court order.

*Section 24. Rates of Premium Shall Be Uniform; Penalty.—*No insurer or corporate surety company, or agent or officer thereof on its behalf, shall, because of the race or color of any person, refuse to issue or execute a policy of insurance or bond establishing the financial responsibility of such person, as required in this act, and no insurer or corporate surety company, or agent or officer thereof on its behalf, shall, because of the color or race of any person, charge or receive from such person otherwise in the same risk classification a premium for a policy of insurance or bond at a rate in excess of the rate charged any other person.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than two hundred dollars (\$200.00), or shall undergo imprisonment for not more than one (1) year, or both, in the discretion of the court.

*Section 25. Restrictions to Be Stated on Operator's Card; Removal of Restrictions; Penalty.—*(a) When a certificate of a motor vehicle liability policy of insur-

ance has been furnished as compliance with the requirements of proof of financial responsibility as prescribed in this act, and such liability policy extends only to designated vehicles, the operator shall surrender his operator's card to the secretary, and the secretary shall designate, by explicit description or appropriate reference, the vehicle described or identified in such certificate of motor vehicle liability policy upon the operator's license card of the person whose operator's privilege is so limited, and return such card to the operator.

(b) In the event a person establishes proof of financial responsibility by means of a motor vehicle liability policy of insurance, and, during the time that such proof is required to be maintained, desires to be relieved of the limitations prescribed in the policy and be permitted to operate any motor vehicle, he may have such restrictions removed upon filing a certificate of the insurer showing that there has been issued to him a motor vehicle operator's policy.

(c) No person who has furnished a motor vehicle liability policy of insurance, or on whose behalf a certificate of motor vehicle liability policy of insurance has been furnished as compliance with the requirements of this act, or who has retained or received an operator's license under a motor vehicle liability policy of insurance, shall operate in this Commonwealth any vehicle not covered by such insurance, or shall operate a motor vehicle without having in his possession his operator's card, designating by explicit description or appropriate reference such vehicle.

(d) Whenever a motor vehicle liability policy for any vehicle explicitly described or identified by appropriate reference on an operator's card is cancelled or lapses, such operator shall immediately return the operator's card to the secretary and notify the secretary of such cancellation or lapse, and such operator shall not operate any vehicle on the highways of this Commonwealth until he has received from the department a corrected operator's card.

(e) No person who is an owner of or in possession or control of a vehicle shall permit or direct any other person, required to establish proof of financial responsibility, to operate such vehicle in violation of any of the provisions of this act.

*Penalty.*—Any person who violates any of the provisions of subsections (a), (c), (d) or (e) of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment for not more than one (1) year, or by a fine not exceeding one thousand (\$1,000) dollars, or both, in the discretion of the court.

*Section 26. Reports Required of Insurance Companies; Penalty.*—(a) Every insurer engaging in the business of

writing insurance against automobile liability, automobile property damage, or automobile collision insurance risks in this Commonwealth shall, under oath or affirmation, on a form and in a manner prescribed by the secretary, on or before the first day of every September, notify the secretary of—

1. The number of commercial vehicles and noncommercial vehicles registered in this Commonwealth in the previous calendar year for which policies of automobile insurance have been issued.

2. The number of commercial vehicles and noncommercial vehicles for which policies of automobile insurance have been issued under the provisions of this act, and the number of applications for such insurance that have been refused in the previous calendar year, together with the name and address of the applicant for such insurance.

(b) Every insurer engaging in the business of writing insurance against automobile liability, automobile property damage, or automobile collision insurance risks in this Commonwealth, shall require each of its brokers or agents or representatives in this Commonwealth, and it shall be the duty of such brokers, agents or representatives, upon refusing to accept an application for automobile insurance of any person required to establish proof of financial responsibility, to notify the insurer immediately of the name and address of such person: Provided, That where such broker, agent or representative is employed by, or represents more than, one insurer, the giving of a notice herein required to any one insurer, and the transmittal of such notice by such insurer to the Department of Revenue, shall be sufficient compliance with the requirements of this section.

Any insurer who fails to comply with any of the provisions of this section, or who makes a misstatement of fact, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000).

Any broker, agent or representative in this Commonwealth of an insurer engaging in the business of writing insurance against automobile liability, automobile property damage, or automobile collision risks in this Commonwealth, who violates any of the provisions of subsection (c)\* of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

The provisions of this section shall continue in effect for a period of five years from the effective date of this act.

\* (c) renumbered (b), but not changed here.

Sections 22, 23,  
24, and 25,  
amended.

Section 3. That sections twenty-two, twenty-three, twenty-four, twenty-five, and twenty-six\* of the said act are hereby amended to read as follows:

Section 27. *The secretary shall have the authority to make regulations, not inconsistent with this act, for the efficient administration and enforcement of this act.*

Section [22] 28. Constitutionality.—If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and, to this end, the provisions of this act are declared to be severable.

Section [23] 29. Uniformity of Interpretation.—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section [24] 30. Short Title.—This act may be cited as the "Uniform Automobile Liability Security Act."

Section [25] 31. Repeal.—All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

When effective.

Section 4. The provisions of this act shall become effective immediately upon its final enactment.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 423

AN ACT

To further amend sections six,† ten and twenty-nine of an act, approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State High-

\* Section 26 eliminated during the passage of this act.

† Section 6 not amended.