

boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as reenacted, without amendment, by the act approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws, seven hundred fifty-one), is hereby amended to read as follows:

Annual registration fee \$10.

Section 702. Motor Vehicles.—The fee for annual registration of motor vehicles, except as provided in this act, [shall be at the rate of forty (40) cents for each horsepower or fractional part thereof: Provided, That the minimum fee payable for such annual registration] shall be ten (\$10) dollars.

Act effective immediately.

Section 2. This act shall become effective immediately upon final enactment, but the registration fee fixed by this act shall first apply to registrations for the registration year commencing the first day of April, one thousand nine hundred forty-three. The registration fee for the registration of any motor vehicle for any period of time prior to the first day of April, one thousand nine hundred forty-three shall remain the same as prior to the passage of this act.

APPROVED—The 18th day of February, A. D. 1943.

EDWARD MARTIN

No. 2

AN ACT

To further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and mis-

cellaneous receipts; making an appropriation and providing for refunds," changing the definition of "chassis", as it applies to certain commercial motor vehicles, thereby changing the classification of such vehicles.

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

Section 1. Section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as last amended by the act, approved the twenty-seventh day of June, one thousand nine hundred and thirty-nine (Pamphlet Laws, one thousand one hundred thirty-five), is hereby further amended to read as follows:

Section 102. Definitions.—The following words and phrases when used in this act, shall, for the purpose of this act, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

"Approved."—Having been favorably passed upon by the secretary as suitable for the purpose designed.

"Auxiliary Driving Lamp."—A complete road illuminating device, in addition to or supplementing the head lamps located upon the front of a motor vehicle.

"Bicycle with Motor Attached."—Every vehicle, except a motorcycle as herein defined, which is self-propelled by an engine not exceeding four (4) horsepower.

"Business District."—The territory contiguous to a highway, when fifty (50) per cent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

“Chassis.”—The chassis of a motor vehicle to be propelled by an internal combustion, or steam engine, shall consist of an assembly of all essential parts, with protective housings, ready for operation on the highway, including as minimum equipment a set of tires attached to wheels, driver’s seat including cab, (*except in the case of commercial motor vehicles designed for a maximum gross weight of five thousand (5,000) pounds, or less, where the cab shall be excluded*), front wheel fenders, running board or mounting step, tool compartment, priming coat on all parts to be painted, pair of front lamps and one rear lamp, license brackets, jack, and a set of tools commonly used for making adjustments and minor repairs on the highway, water, oil, and fuel.

“Clearance Lamp.”—A lamp or lamps so arranged to show white, green or amber to the front, and red to the rear.

“Commercial Motorcycle.”—Every motorcycle, designed to travel on three wheels, in contact with the ground, and designed for carrying freight, merchandise, implements or articles of any kind, or service, in connection with calling for and delivering automobiles to patrons.

“Commercial Motor Vehicle.”—Any motor vehicle designed for carrying freight or merchandise: Provided, however, That a motor vehicle, originally designed for passenger transportation, to which has been added a removable box body without materially altering said motor vehicle, when owned and used by a farmer, shall not be deemed a “commercial motor vehicle” for the purpose of this act: And further provided, That any motor vehicle of the bus type, operated under contract with or owned by any school district of this Commonwealth for the transportation of school children, shall be deemed a “commercial motor vehicle.”

“Crosswalk.”—That portion of a highway ordinarily included within the prolongation of curb and property lines at intersections, or any portion of a highway clearly indicated for pedestrian crossing by lines or other markings on the surface.

“Cushion Rubber Tire.”—A tire molded on a steel base, having a longitudinal cavity, running circumferentially at the center line of the tire, extending from its base, with a height of no less than one-half the overall standing height of the tire; such tires, when new being no less than four and one-half ($4\frac{1}{2}$) inches high overall including steel base.

“Dealer.”—Any person, firm, corporation, or association, engaged in the purchase and sale of motor vehicles, trailers, and semi-trailers, and who has an established place of business, or any person regularly engaged in the business of transporting new vehicles on

their own wheels, and who has an established place of business.

“Department.”—The Department of Revenue of this Commonwealth.

“Emergency Brake.”—The means of applying braking effort to at least two (2) wheels on a motor vehicle normally operated by the operator’s hand: Provided, however, That where there are two (2) brakes, both designed to be operated by the foot, the one (1) equipped with a ratchet or other device for holding the brake in the applied position shall be considered the “Emergency Brake,” and the requirements shall be the same as herein set forth.

“Essential Parts.”—All integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity, or substantially alter the appearance, of the vehicle.

“Explosives.”—Any chemical compound or mechanical mixture, that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that any ignition by fire, by friction, by concussion, by percussion, or by detonator, of any part of the compound or mixture, may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effect on contiguous objects or of destroying life or limb.

“Flammable Liquid.”—Any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tabliabue or equivalent closed cup test device.

“Foreign Vehicles.”—Every motor vehicle, trailer or semi-trailer, which shall be brought into this Commonwealth, otherwise than in the ordinary course of business, by or through a manufacturer or dealer, and which has not been registered in this Commonwealth.

“Gross Weight.”—The combined weight of the vehicle or combination of vehicles and its or their load or loads, exclusive of the operator.

“Headlamp.”—A complete road illuminating device located upon the front of a motor vehicle, the rays from which are projected forward, other than a sidelight, auxiliary driving lamp, searchlight or spot lamp.

“Highway.”—Every way or place, of whatever nature, open to the use of the public as a matter of right, for purposes of vehicular travel. The term “highway” shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities, or other institutions.

“Intersection.”—The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which

join one another at an angle whether or not one such highway crosses the other.

“Jobber.”—Any person, firm, corporation, or association engaged in the purchase and sale of new motor vehicles, trailers, or semi-trailers, and their sale directly to dealers.

“Learner’s Permit.”—A permit issued to any person to learn to operate a motor vehicle or tractor.

“Local Authorities.”—Every county, municipal, and other local board or body, having authority to adopt local police regulations under the Constitution and laws of this Commonwealth.

“Magistrate.”—A mayor, burgess, magistrate, alderman, justice of the peace, or other officer, having the powers of a committing magistrate.

“Manufacturer.”—Every person engaged in the business of manufacturing motor vehicles, trailers, semi-trailers, motors or bodies of such vehicles.

“Mechanical Signal.”—A movable device, operated mechanically, or by the driver, and so constructed and arranged as to give a cautionary or direction signal to the front and rear.

“Metal Tires.”—All tires the surface of which in contact with the highway is wholly or partly of metal or other hard non-resilient material.

“Motor Bus.”—Shall include all motor vehicles operated for the carriage of passengers for hire by individuals, associations, copartnerships, or corporations, required under the laws of this Commonwealth to obtain certificate of public convenience from the Public Utility Commission of the Commonwealth of Pennsylvania before engaging in the carriage of passengers for hire, or by individuals, associations, copartnerships, or corporations who or which were engaged in the business of carrying passengers for hire as common carriers prior to the first day of January, one thousand nine hundred and fourteen.

“Motorcycle.”—Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term “tractor.”

“Motor Omnibus.”—Shall include all motor vehicles operated for the carriage of passengers for hire by individuals, associations, copartnerships, or corporations, who or which were not engaged in the carriage of passengers for hire as common carriers prior to the first day of January, one thousand nine hundred and fourteen, and who or which are not required under the laws of this Commonwealth to obtain from the Public Utility Commission of the Commonwealth of Pennsylvania certificate of public convenience for the carriage of pas-

sengers for hire or motor vehicle of the bus type not operated for the carriage of passengers for hire except as herein provided. This definition shall not include or apply to any motor vehicle operated under contract with any school district of this Commonwealth for the transportation of school children; such motor vehicles to come within the definitions of commercial motor vehicles or motor vehicles.

“Motor Vehicles.”—Every vehicle, as herein defined, which is self-propelled, except tractors, power shovels, road rollers, agricultural machinery, and vehicles which move upon or are guided by a track, or travel through the air.

“New Motor Vehicle.”—Every motor vehicle which is not defined as a reconstructed, rebuilt, or used motor vehicle.

“Nonresident.”—Any person not a resident of this Commonwealth.

“Obscured Registration Plate.”—Every registration plate the characters on which are not legible in daylight at a distance of fifty (50) feet from the front or rear of the motor vehicle on the line of the axis of the vehicle on an approximately level stretch of highway.

“Operator.”—Every person who is in actual physical control of a motor vehicle or tractor upon a highway.

“Operator’s License.”—The license issued to any person to operate a motor vehicle or tractor.

“Overtake.”—A vehicle, or combination of vehicles, shall be deemed to overtake another vehicle, or combination of vehicles, when all of the vehicle and its load, or all of the combination of vehicles and their loads, move so that any part of the vehicle or its load, or any part of the combination of vehicles or their loads, is opposite to or alongside of any other moving vehicle or its load, or* combination of vehicles or their loads, being operated** in the same direction as the overtaking vehicle or combination of vehicles.

“Owner.”—A person or persons holding the legal title of a vehicle; or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof, or other like agreement, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, then such conditional vendee or lessee shall be deemed the owner for the purpose of this act.

“Parking.”—The standing of a vehicle, except police or fire department vehicle or ambulance, whether occupied or not, upon a highway otherwise than temporarily for the purpose and while actually engaged in loading

* “the” in original.

** “is opposite” in original.

or unloading, or in obedience to traffic regulations or traffic signs or signals.

“Parking Lamp or Clearance Lamp.”—A lamp or lamps so arranged to show white, green or amber to the front and red to the rear.

“Pass.”—A vehicle or combination of vehicles shall be deemed to pass another vehicle or combination of vehicles when all of the vehicle and its load, or all of the combination of vehicles and their loads, moves by or in advance of any moving vehicle and its load, or combination of vehicles and their loads, being operated in the same direction as the passing vehicle or combination of vehicles.

“Passenger Seat.”—Each sixteen (16) inches of seating capacity in any motor omnibus or motor bus.

“Peace Officer.”—A sheriff, deputy sheriff, constable, member of the Pennsylvania Motor Police, or other police officer, vested with authority of arrest.

“Pedestrian.”—Any person afoot.

“Person.”—Every natural person, firm, copartnership, association, or corporation.

“Pneumatic Tires.”—All tires inflated with compressed air.

“Private Road or Driveway.”—Every road or drive not open to the use of the public for purposes of vehicular travel.

“Railway Grade Crossing.”—Any set of tracks or rails of any steam, gasoline, or electric railway line, which intersects or crosses any highway at the same level or grade of such highway, except electric railway lines within cities, boroughs, or incorporated towns.

“Rear Lamp.”—A lamp located upon the rear of a motor vehicle, trailer, or semi-trailer, so arranged as to show red to the rear and illuminate the rear registration plate.

“Rebuilt Motor Vehicle.”—Every motor vehicle which shall have been assembled by using new parts and used parts, derived from other motor vehicles of the same make, and rebuilt by the manufacturer thereof.

“Reconstructed Motor Vehicle.”—Any motor vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other motor vehicles or makes of motor vehicles of various names, models, and types, or which, if originally otherwise constructed, shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other motor vehicles or makes of motor vehicles.

“Residence District.”—The territory contiguous to a highway, not comprising a business district, when the frontage on such highway for a distance of three hundred (300) feet or more is closely built up with dwellings, or by dwellings and buildings in use for business.

“Resident.”—Any person who has a regular place of abode or business in the Commonwealth for a period of more than thirty (30) consecutive days in the year, except as otherwise provided in sections four hundred nine and six hundred three.

“Right of Way.”—The privilege of the immediate use of the highway.

“Safety Zone.”—The area of space officially set aside within a highway for the exclusive use of pedestrians, and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

“Secretary.”—The Secretary of Revenue of this Commonwealth.

“Semi-trailer.”—Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

“Service Brake.”—The means of applying braking effort to at least two (2) wheels on a motor vehicle, normally operated by the operator’s foot.

“Side Lights.”—Any lights upon a motor vehicle, other than headlamp or auxiliary driving lamp, or searchlight, or spot lamp, the rays of which project forward.

“Sign.”—Any device, mark, marker, board, plate, or other contrivance, designed for the purpose of guiding traffic or informing of a traffic regulation.

“Signal Lamp.”—A lamp located upon the side or rear of a motor vehicle, so arranged to show red, green or yellow to the rear as a cautionary signal.

“Solid Rubber Tire.”—Every tire made of rubber, other than a pneumatic tire, or a cushion rubber tire.

“Specially Constructed Vehicle.”—Any vehicle which shall not have been originally constructed under a distinctive name, make, model, or type, by a generally recognized manufacturer of vehicles.

“Spot Lamp.”—An auxiliary illuminating device, either fixed or movable, intended to project a powerful concentrated beam of light.

“State.”—A State, territory, organized or unorganized, or district of the United States of America.

“Street Car.”—Every device traveling exclusively upon rails when upon or crossing a highway, other than railroad cars or trains.

“Tractor.”—Every vehicle of the tractor type, as defined in the Tractor Code.

“Traffic.”—Pedestrians, vehicles, and street cars, either singly or together, while using any highway for purposes of travel.

“Traffic Signal.”—Any device using words or colored lights or a combination thereof, either manually or electrically controlled, by which traffic is alternately directed to stop and go.

“Trailer.”—Every vehicle without motive power, designed to carry property or passengers wholly on its own structure, and to be drawn by a motor vehicle.

“Truck Tractor.”—Every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load, other than a part of the weight of the vehicle and load so drawn.

“Used Motor Vehicles.”—Every motor vehicle which has been sold, bargained, exchanged, given away, or title transferred, from the person who first acquired it from the manufacturer or jobber or dealer, and so used as to have become what is commonly known as “second-hand” within the ordinary meaning thereof.

“Vehicle.”—Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting tractors, agricultural machinery, devices moved by human power or used exclusively upon stationary rails or tracks: Provided, That for the purpose of Article X of this act, a bicycle or a ridden animal or a tractor or any other device moving upon wheels on a public highway, except a device moving upon wheels upon stationary rails or tracks on a public highway, shall be deemed a vehicle.

Act effective
immediately.

Section 2. Effective Date.—This act shall become effective immediately upon final enactment.

APPROVED—The 18th day of February, A. D. 1943.

EDWARD MARTIN

No. 3

AN ACT

To amend section one of the act, approved the fifth day of August, one thousand nine hundred forty-one (Pamphlet Laws, eight hundred two), entitled “An act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal; directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employes and expend funds, and making an appropriation,” extending the time within which the commission is required to make its report.

Anthracite Sub-
sidence Com-
mission.
Membership and
appointment of
commission.

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

Section 1. Section one of the act, approved the fifth day of August, one thousand nine hundred forty-one (Pamphlet Laws, eight hundred two), entitled “An act creating a commission to make a study and investigation of the various problems related to the surface subsidence