

- Hills Creek State Park, Tioga County.
Miscellaneous Improvements to Recreational Area.
- Shawnee State Park, Bedford County.
Washhouse (4) with Water Supply and Disposal Systems;
Water Storage Tank and Distribution System.
- Chapman Dam State Park, Warren County.
Bridge and other Miscellaneous Improvements.
- Snow Hill State Forest Picnic Area, Pike County.
Dam-Replacement.
Family Vacation Cabins, various State Parks.
- Other Facilities and improvements as may be required at various locations.

Department of Property and
Supplies \$6,600,000

- Harrisburg, Dauphin County.
Capital Parking;
Completion of Capital Office Building;
Equipment and Furnishings
for Projects \$2,500,000

Section 3. Where any act of Assembly prior to the effective date of this amending act, has authorized the General State Authority to allocate and use certain proceeds of its borrowing capacity for certain specified projects or purposes, any such moneys remaining unexpended, when this amending act becomes effective, shall be freed from the restrictions provided by prior laws, and shall be available and allocated for any of the purposes or projects authorized by the act of March 31, 1949 (P. L. 372), and its amendments.

Unexpended
money freed of
prior restrictions.

APPROVED—The 28th day of May, A. D. 1956.

GEORGE M. LEADER

No. 593

AN ACT

Amending the act of May one, one thousand nine hundred twenty-nine (Pamphlet Laws 905), 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," further regulating magistrates' reports, speed in certain political subdivisions, further prescribing enforcement and penal provisions; and imposing duties on certain pedestrians.

The Vehicle Code.

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

Section 102, act of May 1, 1929, P. L. 905, amended May 18, 1949, P. L. 1412, amended by adding new definitions.

Section 1. Section 102, act of May one, one thousand nine hundred twenty-nine (Pamphlet Laws 905), known as "The Vehicle Code," amended May eighteen, one thousand nine hundred forty-nine (Pamphlet Laws 1412), is amended by adding, at the end thereof, new definitions to read:

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:

* * * * *

"Controlled Access Highway."—Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at points only and in the manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

"Divided Highway."—A highway with separate roadways for traffic in opposite directions.

"Roadway."—That portion of a highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway," as used herein, shall refer to the roadway separately and not to all roadways collectively.

Clause 4, subsection (b), section 1002, act of May 1, 1929, P. L. 905, amended June 27, 1939, P. L. 1135, further amended.

Section 2. Clause 4, subsection (b), section 1002 of the act, amended June twenty-seven, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), is amended to read:

Section 1002. Restrictions as to Speed.—

* * * * *

(b) Subject to the provisions of subsection (a) of this section, speeds in excess of the maximum limits hereinafter provided shall be unlawful:

* * * * *

4. Twenty-five (25) or thirty-five (35) or forty (40) miles an hour speed limit: All vehicles, except those restricted by this act to lower maximum speeds, within business or residence districts, or public park areas, where official signs, erected by the proper authorities, on the right-hand side of the highway facing the traffic to be controlled, or on the left-hand side of one-way streets, are displayed. This limit shall be observed for a distance beyond said sign for not more than one-eighth (1/8) of a mile. An additional sign shall be placed at intervals not greater than one-eighth (1/8) of a mile, and any extension of such limited zone shall be marked by additional signs in like manner. At the end of such limited zone, there shall be an official sign, similarly placed as to traffic, indicating the end of the limited zone.

* * * * *

Penalty.—Any person violating any of the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 3. Subsection (d), section 1002 of the act, amended June twenty-seven, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), is amended to read:

Section 1002. Restrictions as to Speed.—

* * * * *

(d) (1) When the rate of speed of any vehicle is timed on any highway within a business or residence district, where official speed limit signs are erected, as provided in this section, for the purpose of ascertaining whether or not the operator of such vehicle is violating a speed provision of this act, such time [shall] *may* be taken by not less than two (2) peace officers, one of whom shall have been stationed at each end of a measured stretch, and no conviction shall be had upon the unsupported evidence of one (1) peace officer, except as hereinafter provided, and no such measured stretch shall be less than one-eighth (1/8) of a mile in length; [Under all other] *or, under any* conditions, the rate of speed [shall] *may* be timed, for a distance of not less than one-quarter (1/4) mile, by a peace officer using a motor vehicle equipped with a speedometer tested for accuracy within a period of thirty (30) days prior to the alleged violation. An official certificate from an official speedom-

Subsection (d),
section 1002, act
of May 1, 1929,
P. L. 905,
amended June 27,
1939, P. L. 1135,
further amended.

eter testing station, showing such test was made, that the speedometer was adjusted for accuracy, *if necessary*, the date thereof, and the degree of accuracy of such speedometer [after adjustment], shall be competent and prima facie evidence of the fact that such certificate was issued by an official speedometer testing station appointed by the secretary, and of the accuracy of the speedometer, in every proceeding where an information is brought charging a violation of this section.

(2) The secretary shall have the authority to appoint official stations for testing speedometers, and may prescribe regulations as to the manner in which such tests shall be made, and shall issue to such stations official inspection certificate forms.

* * * * *

Penalty.—Any person violating any of the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 1201, act of May 1, 1929, P. L. 905, amended August 24, 1951, P. L. 1368, subsection (a), amended August 19, 1953, P. L. 1084, further amended.

Section 4. Section 1201 of the act, amended August twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 1368), subsection (a), amended August nineteen, one thousand nine hundred fifty-three (Pamphlet Laws 1084), is amended to read:

Section 1201. Limitations of Actions.—

(a) Informations, charging violations of any of the summary provisions of this act, shall be brought before the nearest available magistrate within the city, borough, incorporated town, or township in the county where the alleged violation occurred, except informations charging any such violations upon any turnpike or highway under the supervision of the Pennsylvania Turnpike Commission, which shall be brought before the available magistrate within the county where the alleged violation occurred who is nearest to the first exit from that part of the turnpike or highway where the alleged violation occurred; where there is no substantial difference between the respective distances from the place where the alleged violation occurred or the exit from a turnpike to the offices of more than one magistrate, any such prosecution may be brought before any one of such magistrates, or if there is no person holding the office of magistrate in such city, borough, incorporated town, or township, then such information shall be brought before such nearest available magistrate in any adjoining city, borough, incorporated town, or township in the county, within fifteen (15) days after the commission of the alleged offense and not thereafter, except that

where an information is filed against a person prima facie guilty of a summary offense, and it subsequently appears that a person other than the person named in the information was the offender, an information may be filed against such other person within fifteen (15) days after his or her identity shall have been discovered, and excepting further, that informations charging violations of the provisions of sections 205, 207, 210, 212, 213, 406.1, 506 (a), 511, 610.1, 620 (b), (c), (j), 813, 823.1 and 1025 (d) of this act may be brought within fifteen (15) days after it is discovered that a violation of any of these sections has been committed.

(b) Where the offense committed is designated a felony or misdemeanor, information may be filed as now provided by law.

**(c) Any salaried police officer, excluding any person compensated solely or in part by fees, who shall be a member of a police department organized and operating under the authority of cities of the first, second and third class, borough, incorporated town or township of the first class, when in uniform and exhibiting his badge or other sign of authority, whenever a summary offense as described in this act is committed in his presence, shall be vested with the authority to stop and present to the alleged offender a printed notice to appear before the nearest available magistrate or in cities of the first class, any magistrate sitting in the central traffic court. The notice shall have the full force and effect of a summons issued in the name of the Commonwealth. The notice to appear shall bear the name and address of the alleged offender, the license number and type of vehicle or other means of identification, if a pedestrian, the nature of the offense charged, the location, date and time when and where the alleged offense took place, and shall be signed by the police officer issuing the notice, and shall bear his number, and date and time for the appearance of the offender before the nearest available magistrate having jurisdiction over summary offenses as defined by this act. The date and time for appearance shall be not less than five (5) days nor more than fifteen (15) days of the date of the alleged offense. Within twenty-four hours after presenting to the alleged offender, the printed notice, as provided herein, the police officer shall file a sworn information, charging the violation of the specific summary provisions of this act, with the court having jurisdiction under this act.*

(d) Any person who receives from a police officer a notice to appear, as provided in subsection (c) of this section, has the privilege of paying the prescribed fine to such magistrate before or within the time specified

* "(c)" omitted in original.

in the notice to appear by entering a plea of guilty and waiving appearance in court. The court, upon accepting the fine, shall issue a receipt to such person acknowledging payment thereof, and shall immediately record the payment upon the docket.

(e) A failure to respond to the notice to appear, provided in subsection (c) of this section, shall have the same effect as a failure to appear in cases wherein the proceedings are commenced by the filing of information under this act.

Subsection (a), section 1202, act of May 1, 1929, P. L. 905, amended June 29, 1937, P. L. 2329, further amended.

Section 5. Subsection (a), section 1202 of the act, amended June twenty-nine, one thousand nine hundred thirty-seven (Pamphlet Laws 2329), is amended to read:

Section 1202. Proceedings by Information and Warrant.—

(a) Summary proceedings under this act may be commenced *as provided in section 1201 (c) or* by the filing of information, which information must be filed in the name of the Commonwealth; and, within the period of seven (7) days after information has been lodged, the magistrate shall send by registered mail, to the person charged, at the address shown by the records of the department, a notice in writing of the filing of the information, together with a copy thereof and a notice to appear within ten (10) days of the date of the written notice.

1. If the person named in the information *or in the notice provided for in section 1201 (c)* shall not voluntarily appear within ten (10) days of the date of the written notice *or at the date and time stated in the notice provided for in subsection (c) of section twelve hundred one of this act*, a warrant shall then issue and may be served by a peace officer having authority to serve warrants in the county in which the alleged violation has been committed.

If the person charged cannot be served within such county, then the magistrate shall deputize a peace officer, having authority to serve warrants in the county wherein the person charged resides, or may be found, to serve such warrant.

2. The peace officer serving such warrant shall take the defendant before a magistrate, within the city, borough, incorporated town, or township in which the defendant is found, or if there is no person holding the office of magistrate in such city, borough, incorporated town, or township, then the defendant shall be taken before a magistrate in any adjoining city, borough, incorporated town, or township, who shall take bail, either for the defendant's appearance before the magistrate who issued the warrant, or for his appearance for trial in the proper court, if a summary hearing is waived.

Section 6. Subsection (a) of section 1206 of the act, amended June twenty-nine, one thousand nine hundred thirty-seven (Pamphlet Laws 2329), is amended to read:

Subsection (a), section 1206, act of May 1, 1929, P. L. 905, amended June 29, 1937, P. L. 2329, further amended.

Section 1206. Report of Conviction.—

(a) Every magistrate in this Commonwealth shall keep, for a period of at least two (2) years, a full report of every case in which a person is charged with a violation of any provision of this act, and such records shall be open for inspection by any peace *officer or department employe. Every magistrate shall make a monthly report *to the department*, not later than the tenth day of the following month, of the disposition of every case where *an information has been filed charging a violation of any provision of this act*, **where a notice charging a violation of the provisions of this act has been sent to a person, or where such person has been arrested on view, or with a warrant, charging a violation of any of the provisions of this act. [But this requirement] *These requirements* shall not be deemed to make such a court a court of record. Abstracts *and reports* required by this section shall be made upon forms prepared by the department, and shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, the amount of the fine or forfeiture, and other information deemed necessary *by the department*; and every such abstract *or report* shall be certified by the magistrate as a true abstract *or report* of the record of the court.

* * * * *

Section 7. Subsection (a) and the penalty clause of section 1218 of the act, the penalty clause, amended August twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 1368), are amended to read:

Subsection (a) and the penalty clause, section 1218, act of May 1, 1929, P. L. 905, the penalty clause, amended August 24, 1951, P. L. 1368, further amended.

Section 1218. Signals and Investigations By Officers.—

(a) The operator of any vehicle *or, except in any city of the first class, any pedestrian charged with a violation of any summary provision of this act*, shall stop upon request or signal of any peace officer, who shall be in uniform, and shall exhibit his badge or other sign of authority, and shall, upon request, exhibit his registration card, or operator's license card, or learner's permit, *or other means of identification if a pedestrian*, and shall write his name in the presence of such peace officer, if so required for the purpose of establishing his identity.

* * * * *

* "office" in original.

** "and" omitted in original.

Penalty. Any person failing to comply with the signals or requests of peace officers or department employes, as provided in this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

APPROVED—The 28th day of May, A. D. 1956.

GEORGE M. LEADER

No. 594

AN ACT

To further amend the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws 149), entitled, as amended, "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are practically, and commercially suitable for use in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by imposing a tax on fuels used for the generation of power in aircraft and aircraft engines; further regulating the collection, disposition and refund thereof, and the licensing of distributors.

The Liquid Fuels
Tax Act.

Section 2, act of
May 21, 1931,
P. L. 149, as
amended, further
amended.

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

Section 1. The definition of "Distributor" in section two of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws 149), entitled, as amended, "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are practically, and commercially suitable for use in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on