

month following the month in which the fatality occurred. Reports required by this section shall be made on forms prepared by the Department of Revenue.

Penalty.—Any coroner who shall violate any of the provisions of this section shall, upon summary conviction thereof 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.

APPROVED—The 5th day of July, A. D. 1957.

GEORGE M. LEADER

No. 281

AN ACT

Amending the act of May 1, 1929 (P. L. 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," restricting the provisions relating to the limitations on size of certain vehicles, and further regulating magistrates' reports, and further prescribing enforcement provisions, and clarifying provisions relating to sending of notices by mail.

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

The Vehicle Code.

Section I. Subsection (a) of section 902, act of May 1, 1929 (P. L. 905), known as "The Vehicle Code," amended June 6, 1957 (Act No. 137), is amended to read:

Subsection (a), section 902, act of May 1, 1929, P. L. 905, amended June 6, 1957, Act No. 137, further amended.

Section 902. Size of Vehicles and Loads.—(a) No vehicle, except motor buses, motor omnibuses and fire department equipment, street sweepers, and snow plows, shall exceed a total maximum width, including any load thereon, of ninety-six (96) inches, except that the limitations as to size of vehicle stated in this act shall not

apply to vehicles loaded with hay or straw [, peas, beans, or corn] in bulk [, or farm machinery owned by farmers or farm equipment dealers, when such vehicles are operated on highways other than the Pennsylvania Turnpike. Vehicles loaded with farm machinery shall not exceed a total maximum width including load of one hundred ten (110) inches].

Section 1201 of the act, amended April 20, 1956, P. L. 1502, and May 28, 1956, P. L. 1769, further amended.

Section 2. Section 1201 of the act, amended April 20, 1956 (P. L. 1502), and May 28, 1956 (P. L. 1769), is amended to read:

Section 1201. Limitations of Actions.—

(a) Informations, charging violations of any of the summary provisions of this act *in such detail as the department may prescribe as being necessary for its records*, 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, 1023.1 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, *his operator's license and 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 in such detail as the department may prescribe as being necessary for its records, 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 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 of
the act, amended
July 27, 1955,
P. L. 278, and
May 28, 1956,
P. L. 1769,
reenacted.

Section 3. Subsection (a) of section 1202 of the act, amended July 27, 1955 (P. L. 278), and May 28, 1956 (P. L. 1769), is reenacted 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 or certified 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.

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Subsection (a),
section 1206 of
the act, amended
May 28, 1956,
P. L. 1769,
further amended.

Section 4. Subsection (a) of section 1206 of the act, amended May 28, 1956 (P. L. 1769), is amended to read:

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. 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 *and* 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.

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Section 5. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 5th day of July, A. D. 1957.

GEORGE M. LEADER

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No. 282

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," creating and defining the offense of shoplifting, providing penalties for such offense, creating presumptions arising out of the concealment of goods held for sale by merchants, and providing for the detention of persons guilty of shoplifting.

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

Section 1. The act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended by adding, after section 816, a new section to read:

Act of June 24, 1939, P. L. 872, amended by adding a new section 816.1.

Section 816.1. Shoplifting.—(a) Whoever shall willfully take possession of any goods, wares or merchandise offered for sale by any store or other mercantile establishment, with the intention of converting the same to his own use without paying the purchase price thereof, shall be guilty of shoplifting, and, upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine of not less than twenty-five dollars (\$25) and