

No. 278.

AN ACT

To amend section two, article five, chapter seven, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), entitled "An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs."

Boroughs.

Section 1. Be it enacted, &c., That section two, article five, chapter seven, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), entitled "An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs," which reads as follows:—

"Section 2. The borough controller shall receive a fixed annual salary, to be fixed by ordinance, and not to exceed the sum of one thousand dollars per annum," is hereby amended to read as follows:—

Section 2,
article 5,
chapter 7,
act of May 14,
1915 (P. L.
312), cited for
amendment.

Salaries of
controllers.

Section 2. In boroughs having a population of twenty thousand inhabitants or more, the salary of the controller shall be one thousand five hundred dollars. In boroughs having a population of fifteen thousand or more, but less than twenty thousand inhabitants, the salary of the controller shall be twelve hundred dollars. In boroughs having a population of ten thousand or more, but less than fifteen thousand inhabitants, the salary of the controller shall be one thousand dollars. In boroughs having a population of less than ten thousand and not less than five thousand, the salary of the controller shall not exceed seven hundred and fifty dollars. In boroughs having a population of less than five thousand, and not less than two thousand five hundred, the salary of the controller shall not exceed five hundred dollars. In boroughs having a population of less than two thousand five hundred, the salary of the controller shall not exceed three hundred dollars.

APPROVED—The 16th day of May, A. D. 1921.

WM. C. SPROUL.

No. 279.

AN ACT

To amend an act, approved the thirtieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred two), entitled "An act regulating the sale, conveyance, transfer, or disposition of second-hand motor vehicles; requiring the making and filing of sworn descriptions thereof, and statements in relation thereto; regulating the registry of such vehicles; imposing certain duties on the State Highway Commissioner relative to such stolen vehicles; forbidding the removal, defacement, alteration, destruction, obliteration, or concealment of the trade-marks, identification numbers, serial numbers, or other distinguishing marks of motor vehicles, or the having possession of motor vehicles, or parts thereof, on or from which such trade or other distinguishing marks or numbers have been removed, defaced, altered, destroyed, obliterated, or concealed; imposing certain duties upon deputy sheriffs, constables, police officers, and proprietors of public garages; prohibiting the registration of motor vehicles subject to the provisions of this act unless in compliance with its terms; providing for the licensing of the business of dealing in second-hand motor vehicles; and fixing penalties for violation of the provisions of this act; and providing that the making of a false affidavit under the provisions of this act shall be perjury and shall be punishable as such."

Section 1. Be it enacted, &c., That the title of the act, approved the thirtieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred two), entitled "An act regulating the sale, conveyance, transfer, or disposition of second-hand motor vehicles; requiring the making and filing of sworn descriptions thereof and statements in relation thereto; regulating the registry of such vehicles; imposing certain duties on the State Highway Commissioner relative to such stolen vehicles; forbidding the removal, defacement, alteration, destruction, obliteration, or concealment of the trade-marks, identification numbers, serial numbers, or other distinguishing marks of motor vehicles, or the having possession of motor vehicles, or parts thereof, on or from which such trade or other distinguishing marks or numbers have been removed, defaced, altered, destroyed, obliterated, or concealed; imposing certain duties upon deputy sheriffs, constables, police officers, and proprietors of public garages; prohibiting the registration of motor vehicles subject to the provisions of this act unless in compliance with its terms; providing for the licensing of the business of dealing in second-hand motor vehicles; and fixing penalties for violation of the provisions of this act; and providing that the making of a false affidavit under the provisions of this act shall be perjury and shall be punishable as such," which reads as follows:—

"An act regulating the sale, conveyance, transfer, or disposition of *second-hand* motor vehicles; requiring

Used motor
vehicles.
Act of June 30,
1919 (P. L. 702),
amended.

Title cited for
amendment.

the making and filing of sworn descriptions thereof, and statements in relation thereto; regulating the registry of such vehicles; imposing certain duties on the State Highway Commissioner relative to such stolen vehicles; forbidding the removal, defacement, alteration, destruction, obliteration, or concealment of the trade-marks, identification numbers, serial numbers, or other distinguishing marks of motor vehicles, or the having possession of motor vehicles, or parts thereof, on or from which such trade or other distinguishing marks or numbers have been removed, defaced, altered, destroyed, obliterated, or concealed; imposing certain duties upon deputy sheriffs, constables, police officers, and proprietors of public garages; prohibiting the registration of motor vehicles subject to the provisions of this act unless in compliance with its terms; providing for the licensing of the business of dealing in *second-hand* motor vehicles; and fixing penalties for *violation* of the provisions of this act; and providing that the making of a false affidavit under the provisions of this act shall be perjury and shall be punishable as such," is hereby amended to read as follows:—

Title as amended.

An act regulating the sale, conveyance, transfer, or disposition of *used* motor vehicles, *and defining the same*; requiring the making and filing of sworn descriptions thereof, and statements in relation thereto; regulating the registry of such vehicles; imposing certain duties on the State Highway Commissioner relative to such stolen vehicles; forbidding the removal, defacement, alteration, destruction, obliteration, or concealment of the trade-marks, identification numbers, serial numbers, or other distinguishing marks of motor vehicles, or the having possession of motor vehicles, or parts thereof, on or from which such trade or other distinguishing marks or numbers have been removed, defaced, altered, destroyed, obliterated, or concealed; imposing certain duties upon *sheriffs*, deputy sheriffs, constables, police officers, proprietors of public garages, *and dealers in used motor vehicles*; prohibiting the registration of motor vehicles subject to the provisions of this act unless in compliance with its terms; providing for the licensing of the business of dealing in *used* motor vehicles; and fixing penalties for *violations* of the provisions of this act; and providing that the making of a false affidavit under the provisions of this act shall be perjury, and shall be punishable as such.

Section 2. That section one of said act, which reads as follows:—

"Section 1. Be it enacted, &c., That the term 'motor vehicle,' as used in this act, shall include automobiles, motor-bicycles, motor-cycles, trucks, tractors, and all other vehicles which are self-propelled, or designed to be self-propelled, by mechanical power, except those running upon or guided by rails or tracks. The term 'person,' as herein used, shall include the singular and plural numbers, and shall embrace all individuals of either sex, whether acting on their own behalf or as members, officers, employes, agents, or other representatives of any other individual, or of any firm, copartnership, corporation, association, or artificial body of any kind or character whatsoever. The term 'used motor vehicle,' for the purposes of this act, is defined to mean a motor vehicle which has been sold, bargained, exchanged, given away by, or title transferred from, the person who first took title to it from the manufacturer or importer, or the agent of the manufacturer or importer, and is to include all motor vehicles which have been in use in such manner as to have become what are commonly known as 'second-hand' motor vehicles or automobiles within such definition," is hereby amended to read as follows:—

Section 1. cited
for amendment.

Section 1. Be it enacted, &c., That the term "motor vehicle," as used in this act, shall include automobiles, motor-bicycles, motor-cycles, trucks, *truck* tractors, and all other vehicles which are self-propelled, or designed to be self-propelled, by mechanical power, except *traction engines or tractors of the first class, as defined in the tractor and traction engine laws of this Commonwealth,* and those running upon or guided by rails or tracks. The term "person," as herein used, shall include the singular and plural numbers, and shall embrace all individuals of either sex, whether acting on their own behalf, or as members, officers, employes, agents, or other representatives of any other individual, or of any firm, copartnership, corporation, association, or artificial body, of any kind or character whatsoever. The term "used motor vehicle," for the purposes of this act, is defined to mean a motor vehicle which has been sold, bargained, exchanged, given away by, or title transferred from, the person who first took title to it from the manufacturer or importer, or the agent of the manufacturer or importer, and is to include all motor vehicles which have been in use in such manner as have become what are commonly known as "second-hand" motor vehicles or automobiles within such definition.

Definitions.

"Motor vehicle."

"Person."

"Used motor vehicle."

The term "public garage," as herein used, shall include all garages in which motor vehicles are stored or left for repairs or other purposes, including open air garages and all other garages that are commonly

"Public garage."

known as public garages and from which the proprietor receives a revenue.

"Dealer in used motor vehicles."

The term "dealer in used motor vehicles," as herein used, shall include any person engaged in buying, selling, or dealing in used motor vehicles, and those who, in handling new motor vehicles, take in trade and sell used motor vehicles, as well as those who take title to and sell used motor vehicles as incidental to any other business.

Section 3. That section four of said act, which reads as follows:—

Section 4, cited for amendment.

"Section 4. That the *Commissioner of the State Highway Department* of this Commonwealth shall not register any used motor vehicle, or issue any certificate of registration thereof or number tags therefor, unless and until the owner thereof shall have complied with the provisions of this act. The State Highway Commissioner shall cause the statements and descriptions, hereinabove directed to be furnished him, to be recorded in a book to be kept for that purpose, and he shall, upon request, furnish a certificate or certificates of such recording upon payment of the fees receivable by him for similar services. He may prescribe the form of the statements and certificates hereinabove directed to be made, and shall be entitled to receive from the vendee or transferee of each used motor vehicle the sum of two dollars and fifty cents (\$2.50) for each statement and description furnished him in accordance with the provisions of this act," is hereby amended to read as follows:—

Registration.

Section 4. That the *State Highway Commissioner* of this Commonwealth shall not register any used motor vehicle *acquired within or outside the limits of this Commonwealth*, or issue any certificate of registration thereof or number tags therefor, unless and until the owner thereof shall have complied with the provisions of this act. The State Highway Commissioner shall cause the statements and descriptions, hereinabove directed to be furnished him, to be recorded in a book to be kept for that purpose, and shall, upon request, furnish a certificate or certificates of such recording upon payment of the fees receivable by him for similar services. He may prescribe the form of the statements and certificates hereinabove directed to be made, and shall be entitled to receive from the vendee or transferee of each used motor vehicle the sum of two dollars and fifty cents (\$2.50) for each statement and description furnished him in accordance with the provisions of this act.

Recordation of statements.

Certificate.

Fee.

Section 4. That section five of said act, which reads as follows:—

“Section 5. It shall be the duty of the State Highway Commissioner, whenever he may receive a report of the theft of a motor vehicle, whether the same has been registered or not, and whether owned in this or any other State, together with the make and manufacturer’s number thereof, to make a distinctive record thereof, and file the same in numerical order of the manufacturer’s number with the records of the vehicles of such make already registered. In the event of the receipt of an application for the registration of such motor vehicle, he shall immediately notify the rightful owner thereof, and, unless registration has already been issued, shall withhold the issuing of a registration certificate until a proper investigation shall have been made.

Section 5, cited for amendment.

“In the event of the recovery of a stolen vehicle of which the Highway Commissioner has been notified, it shall be the duty of the owner to notify immediately the Highway Commissioner, who shall cause the record of the theft of such vehicle to be removed from the file,” is hereby amended to read as follows:—

Section 5. It shall be the duty of the State Highway Commissioner, whenever he may receive a report of the theft of a motor vehicle, whether the same has been registered or not, and whether owned in this or any other State, together with the make and manufacturer’s number thereof, to make a distinctive record thereof, and file the same in numerical order of the manufacturer’s number with the records of the vehicles of such make already registered. In the event of the receipt of an application for the registration of such motor vehicle, he shall immediately notify the rightful owner thereof, and, unless registration has already been issued, shall withhold the issuing of a registration certificate until a proper investigation shall have been made.

Theft.

Duty of Highway Commissioner.

Recordation.

Notification of owner.

In the event of the recovery of a stolen vehicle of which the Highway Commissioner has been notified, it shall be the duty of the owner to notify immediately the Highway Commissioner, who shall cause the record of the theft of such vehicle to be removed from the file.

Recovery of stolen vehicle.

Notification of commissioner.

It shall be the duty of every sheriff, constable, police officer, member of the State Police Force, or designated officer of the State Highway Department, having knowledge of a stolen car, immediately to furnish the State Highway Commissioner with full information in connection therewith.

Section 5. That section nine of said act, which reads as follows:—

“Section 9. That after the first day of July, one thousand nine hundred and nineteen, it shall be un-

Section 9, cited for amendment.

lawful, and it is hereby forbidden, for any person to carry on or conduct in this Commonwealth the business of buying, selling, or dealing in used motor vehicles unless and until he shall have received a license from the *Commissioner of Highways of the Commonwealth*, authorizing the carrying on or conducting of such business; such license shall be furnished annually by the said commissioner, and shall run from the first day of July, one thousand nine hundred and nineteen, and annually thereafter for each year, beginning on the first day of July. Application for such licenses shall be made not later than the fifteenth day of June of each year. The said applications shall be in such form as may be prescribed by the *said Commissioner of Highways* and subject to such rules and regulations with respect thereto as may be so prescribed by him. Such applications shall be verified by oath or affirmation, and shall contain: A full statement of the name or names of the person or persons applying therefor; the name of the firm or copartnership, with the names and places of residence of all the members thereof, if such applicant be a firm or copartnership; the name and residence of the principal *officer*, if the applicant be a body corporate or other artificial body; the location of the place or all the places at which such business is to be carried on and conducted; and said application shall contain such *other* relevant information as may be prescribed by the *Commissioner of Highways*. It shall be accompanied by an affidavit of two reputable persons of the community in which *such* business is to be *conducted and carried on*, certifying to the good moral character of the person or persons applying for such license. Upon making such application, the person applying therefor shall pay to the State Highway Commissioner a fee of one hundred dollars (\$100.00). A license certificate shall be issued by the State Highway Commissioner in accordance with such application when the same shall be regular in form and in compliance with the provisions of this section, and such license, when so issued, shall entitle the licensee to carry on and conduct the business of buying, selling and dealing in used motor vehicles for a period of one year from the first day of July of the then current year, and they shall be annually renewed. The *Commissioner of Highways* shall have power to make suitable rules and regulations for the issuance of such licenses to expire upon the first of the succeeding July, when the application therefor shall be made during the current year, and upon payment of a proportionate part of the license fee hereinabove provided for," is hereby amended to read as follows:—

Section 9. That after the first day of July, one thousand nine hundred and nineteen, it shall be unlawful, and it is hereby forbidden, for any person to carry on or conduct in this Commonwealth the business of buying, selling, or dealing in used motor vehicles unless and until he shall have received a license from the *State Highway Commissioner*, authorizing the carrying on or conducting of such business; such license shall be furnished annually by the said commissioner, and shall run from the first day of July, one thousand nine hundred and nineteen, and annually thereafter for each year, beginning on the first day of July. Application for such licenses shall be made not later than the fifteenth day of June of each year. The said application shall be in such form as may be prescribed by the *State Highway Commissioner* and subject to such rules and regulations with respect thereto as may be so prescribed by him. Such application shall be verified by oath or affirmation, and shall contain: A full statement of the name or names of the person or persons applying therefor; the name of the firm or copartnership, with the names and places of residence of all the members thereof, if such applicant be a firm or copartnership; the name and residence of the principal *officers*, if the applicant be a body corporate or other artificial body; the location of the place or all the places at which such business is to be carried on and conducted; and said application shall contain such relevant information as may be prescribed by the *State Highway Commissioner*. It shall be accompanied by an affidavit of two reputable persons of the community in which *the principal place of business* is to be located, certifying to the good moral character of the person or persons applying for such license. Upon making such application, the person applying therefor shall pay to the State Highway Commissioner a fee of one hundred dollars (\$100.00). *A separate application shall be made for each such place of business conducted by such person, unless such separate places of business are conducted within the same municipal district, and a separate license shall be issued for each such place, in accordance with the provisions of this act, upon the payment of the license fee of one hundred dollars (\$100.00) for each such place of business.* A license certificate shall be issued by the State Highway Commissioner, in accordance with such application, when the same shall be regular in form and in compliance with the provisions of this section, and such license, when so issued, shall entitle the licensee to carry on and conduct the business of buying, selling, or dealing in used motor vehicles for a period of one year from

Dealing in used motor vehicles.

License.

Duration.

Application.

Form.

Contents.

Affidavits.

Fee

Separate places of business.

Certificate.

Rules for issuance. the first day of July of the then current year, and they shall be annually renewed. The *State Highway Commissioner* shall have power to make suitable rules and regulations for the issuance of such licenses to expire upon the first of the succeeding July when the application therefor shall be made during the current year, and upon payment of a proportionate part of the license fee hereinabove provided for.

Transfer or extension of license. *Any person carrying on or conducting the business of buying, selling, or dealing in used motor vehicles and having received a license therefor, shall, before removing any one or more of his places of business, or before opening any additional places of business within the same municipal district, apply to the State Highway Commissioner for and obtain a transfer or extension of license, for which a fee of ten dollars (\$10) shall be charged.*

Records to be kept by dealers. *Every licensee shall keep a book or record, in such form as may be prescribed or approved by the State Highway Commissioner, in which he shall keep a record of the purchase, sale, and exchange, or receipt for the purpose of sale, of any used motor vehicle, giving a description of such vehicles, together with the name and address of the owner, agent, and purchaser, and of the owner or other persons from whom such vehicle was purchased or received or to whom they were sold or delivered, as the cases may be. Such description shall include the manufacturer's number, motor number, the make of vehicle, and such other identification marks as may be thereon, including the last registration number and State in which it was last registered. This book or record shall be open for inspection of sheriffs, constables, police officials, members of the State Police Force, and representatives of the State Highway Department. Such book or record shall be retained and be available for a period of three years after the entry, but not thereafter.*

Section 6. That section ten of said act, which reads as follows:—

Section 10, cited for amendment.

“Section 10. That the violation of any of the provisions of this act shall constitute a misdemeanor, and, upon conviction thereof, the person or persons so convicted shall be subject to a fine and penalty as set forth hereafter.

“For a violation of section two of this act, to a fine of not less than one hundred (\$100) dollars and not more than two hundred (\$200) dollars, or to imprisonment for not less than three months or more than six months, or both, at the discretion of the court; for a violation of section three of this act, to a fine of not less than three hundred (\$300) dollars and not more than one thousand (\$1,000) dollars, or to imprisonment

for not less than one year or more than three years, or both, at the discretion of the court; for a violation of section six of this act, to a fine of not less than one hundred (\$100) dollars and not more than three hundred (\$300) dollars, or to imprisonment for not less than six months or more than one year, or both, at the discretion of the court; for a violation of section seven of this act, to a fine of not less than one hundred (\$100) dollars and not more than two hundred (\$200) dollars, or to imprisonment for not less than three months or more than six months, or both, at the discretion of the court; for a violation of sections eight and nine of this act, to a fine of not less than three hundred (\$300) dollars and not more than one thousand (\$1,000) dollars, or to imprisonment for not less than one year or more than three years, or both, at the discretion of the court. Any person who shall make any false affidavit, or shall knowingly swear or affirm falsely to any matter or thing required by the terms of this act to be sworn or affirmed to, shall be guilty of perjury, and, upon conviction, shall be punishable by fine and imprisonment as other persons committing perjury are punishable," is hereby amended to read as follows:—

Section 10. That the violation of any of the provisions of this act shall constitute a misdemeanor, and, upon conviction thereof, the person or persons so convicted shall be subject to a fine and penalty as set forth hereafter.

Violations.
Misdemeanor.

For a violation of sections two, three, six, seven, eight, and nine of the act to which this is an amendment, to a fine of not less than three hundred (\$300) dollars and not more than one thousand (\$1,000) dollars, or to imprisonment for not less than one (1) year or more than three (3) years, or both, at the discretion of the court; and the clerk of the court in which conviction is had shall forthwith certify such conviction to the State Highway Commissioner. Any person who shall make any false affidavit, or shall knowingly swear or affirm falsely to any matter or thing required by the terms of this act to be sworn or affirmed to, shall be guilty of perjury, and, upon conviction, shall be punishable by fine and imprisonment as other persons committing perjury are punishable.

Penalties.

Perjury.

Section 7. The provisions of this act, except as hereinafter provided, shall be in force from and after the date of its approval: Provided, however, That section nine of the act of June thirtieth, one thousand nine hundred nineteen, shall be and remain in full force and effect until the first day of July, one thousand nine hundred twenty-one, and the amendment to said section, namely section five of this act, shall be

When effective.

LAWS OF PENNSYLVANIA,

in full force and effect from and after said first day of July, one thousand nine hundred twenty-one.

APPROVED—The 16th day of May, A. D. 1921.

WM. C. SPROUL.

No. 280.

AN ACT

To amend section five hundred ten of the act, approved the fourteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws, eight hundred forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto."

Section 1. Be it enacted, &c. That section five hundred ten of the act, approved the fourteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws, eight hundred forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto," which reads as follows:—

"Section 510. The width of a public road in townships of the first class shall not *exceed eighty feet*," is hereby amended to read as follows:—

Section 510. The width of a public road in townships of the first class shall not *be less than thirty-three feet nor more than one hundred and twenty feet*.

APPROVED—The 16th day of May, A. D. 1921.

WM. C. SPROUL.

No. 281.

AN ACT

Providing for the purchase of land and the erection and improvement of buildings, by counties of the fourth, fifth, sixth, seventh, and eighth classes, for the purpose of providing a home for indigent orphans and certain incorrigible, indigent, dependent, and neglected children; providing for the maintenance, regulation, and management of such homes, and for commitments thereto by juvenile courts, the directors of the poor, and the county commissioners.

Section 1. Be it enacted, &c., That the county commissioners of any county of the fourth, fifth, sixth, seventh, and eighth class, by and with the approval of the grand jury and of the court of quarter sessions of the peace of the county, shall have the authority, and are hereby authorized, to purchase a farm or plot of ground within the county, and erect buildings thereon, or add to and improve buildings already erected, and make improvements thereon and thereto, as may be convenient and necessary for the use and purpose of providing a home within the county for the keeping, care, education, and training of all indigent orphans

Townships of
first class.

Section 510,
act of July 14,
1917 (P. L. 840),
cited for
amendment.

Township
roads.
Width.

Counties of
the fourth,
fifth, sixth,
seventh, and
eighth classes.

Children's
Home.