

No. 309

## AN ACT

To amend sections four hundred nine and six hundred three 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 the 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 amended, by providing for change in regulating the registration of foreign motor vehicles and licensing of foreign operators.

The Vehicle Code.

Section 409, act of May 1, 1929 (P. L. 905), as last amended by act of August 15, 1932 (P. L. 47), further amended.

Section 1. Be it enacted, &c., That section four hundred nine 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," which was finally amended by the act approved the fifteenth day of August, one thousand nine hundred thirty-two (Pamphlet Laws, forty-seven), is hereby further amended to read as follows:

## Section 409. Registration by Nonresidents.—

(a) Nonresidents of this Commonwealth, except as otherwise provided in this act, will be exempt from the provisions of this act as to the registration of motor vehicles, trailers, and semi-trailers, for the same time, and to the same extent, as like exemptions are granted residents of this Commonwealth under the laws of the foreign country or state of their residence: Provided, That they shall have complied with the provisions of the law of the foreign country or state of their residence relative to the registration and equipment of their motor vehicles, trailers, and semi-trailers, and shall conspicuously display the registration plates as required thereby, and have in their possession the registration certificate issued to such vehicle.

(b) The owner of a foreign vehicle, operated within this Commonwealth for the transportation of persons [or property] for compensation, either regularly according to schedule, or for a period exceeding [fifteen (15)] *thirty (30)* days in the calendar year, shall register such vehicle and pay the same fees therefor as are required for like vehicles owned by residents of this Commonwealth. [except a foreign vehicle, owned or leased by a non-profit coöperative association, used exclusively for the transportation of agricultural products owned or belonging to the association or its members.]

(c) Every nonresident, including any foreign corporation carrying on business within this Commonwealth and owning and regularly operating in such business any motor vehicle, trailer, or semi-trailer, exclusively within this Commonwealth, shall be required to register each such vehicle, and pay the same fee therefor as is required with reference to like vehicles owned by residents of this Commonwealth.

Penalty. Any person violating any of the provisions of subsection (a) 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. Any person violating any of the provisions of subsection (b) or (c) of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of fifty (\$50) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

Section 2. That section six hundred three of the act approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, nine hundred five), as finally amended by the act approved the fifteenth day of August, one thousand nine hundred and thirty-two (Pamphlet Laws, forty-seven), is hereby further amended to read as follows:

Section 603, as amended by act of August 15, 1932 (P. L. 47), further amended.

Section 603. Nonresidents, When Exempt from License.—

(a) A nonresident who has been duly licensed as an operator under a law requiring the licensing of operators in his home state or country, and who has in his immediate possession a valid operator's license issued to him in his home state or country, shall be permitted, without examination or operator's license under this act, to operate a motor vehicle upon the highways of this Commonwealth, for the same time and to the same extent as like exemptions are granted residents of this Commonwealth under the laws of the foreign state or country.

(b) It shall be unlawful for any nonresident, except as herein provided, whose home state or country does not require the licensing of operators, to operate any motor vehicle upon any highway in this Commonwealth, without first making application for and obtaining a license as an operator, as required under this act, except that any said unlicensed nonresident, who is the owner of a motor vehicle which has been duly registered for the current calendar year in the state or country of which the owner is a resident, may operate motor vehicles upon the highways of this Commonwealth for the same time, and to the same extent, as like exemptions are granted residents of this Commonwealth under the laws of the state or country of the nonresident, without making application for or obtaining an operator's license under this act, upon condition that the nonresident owner has in his immediate possession a registration card evidencing such ownership and registration in his home state or country: Provided, That unlicensed nonresident operators, not the owners of motor vehicles registered in states or countries not requiring an operator's license, may operate any motor vehicle properly registered in their home state or country on any highway within this Commonwealth, without making application for or obtaining an operator's license under this act, upon condition that they may be required at any time or place to prove lawful possession of such motor vehicle and proper identity.

(c) Provided, That nonresident operators, operating motor vehicles within this Commonwealth for the transportation of persons [or property] for compensation, either regularly according to a schedule, or for a period exceeding [fifteen (15)] *thirty (30)* days in the calendar year, shall be required to obtain a Pennsylvania operator's license. [except a nonresident operator of a foreign vehicle, owned or leased by a non-profit cooperative association, used exclusively for the transportation of agricultural products owned or belonging to the association or its members.]

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. This act shall become effective immediately upon final enactment. When effective.

APPROVED—The 2d day of June, A. D. 1933.

GIFFORD PINCHOT

No. 310

AN ACT

To validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens, in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth, and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

Section 1. Be it enacted, &c., That whenever heretofore the council of any city of the third class or of any borough, or the board of commissioners of any township of the first class, of this Commonwealth has authorized, by ordinance, the grading, curbing, guttering, paving, or macadamizing with concrete, brick, stone, or other suitable material of any public street or thoroughfare, or portion thereof, either cartway, footwalk, or gutter, and has caused such improvement to be made, and, in such ordinance, has authorized the advertising for bids therefor and the assessment of benefits upon the property benefited thereby, and subsequent thereto, pursuant to an ordinance passed after the passage and approval of the original ordinance providing for the improvement, has authorized the entering into a contract for the said improvement with the Secretary of Highways of the Commonwealth of Pennsylvania and with the general contractor, who was the successful bidder with the Commonwealth, for the construction of any portion of such streets or highways without any advertising for bids on the part of the city, borough, or township, as provided for in the original ordinance authorizing such improvement, and has subsequent thereto brought proceedings for the appointment of viewers to assess benefits for the said improvement against the property abutting along the line of improvement in accordance with the provisions of the original ordinance authorizing the said improvement, or has by ordinance provided for the assessment against abutting property owners of benefits for such improvement; or whenever heretofore the council of any city of the third class or of any borough, or the board of commissioners of any township of the first

Cities of third class, boroughs and townships of first class.

Public improvements.