

Section 5. This act shall become effective immediately upon final enactment. When effective.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 460

AN ACT

Providing for the qualifications, examination, appointment, term of office, and removal of Anthracite Mine Inspectors; conferring powers and imposing duties in connection therewith upon the Governor, the Anthracite Mine Inspectors' Examining Board, the Department of Mines, and the courts; and imposing penalties.

Section 1. Be it enacted, &c., That the Anthracite Mine Inspectors' Examining Board shall meet upon the call of the chairman thereof, at such times and places as the chairman shall designate, and at such times and places as the board may by rule designate.

Meetings of the Anthracite Mine Inspectors' Examining Board.

Section 2. The said examining board shall prepare questions and formulate rules to be used in conducting and governing the examinations given to applicants for the office of anthracite mine inspector. The members of the board, upon assuming office, shall each take and subscribe to, before any officer authorized to administer the same, the following oath, namely—

“I do solemnly swear that I will perform the duties of examiner of applicants for the office of mine inspector to the best of my ability, and that in recommending or rejecting said applicants I will be governed by the evidence of their qualifications to fill the position, and not by any consideration of political or personal favor, and that I will certify all applicants who may be found qualified, and no others, according to the true intent and meaning of the law.”

Oath of office of members of Anthracite Mine Inspectors' Examining Board.

The oaths of the members of the examining board shall be filed in the Department of Mines.

Filed in Department of Mines.

Section 3. Public notice of an examination shall be given at least two weeks prior thereto in a newspaper published in each of the following counties: Luzerne, Lackawanna, Schuylkill, and Northumberland. The board shall meet at the time and place set forth in said notice, and examine the applicants for the office of anthracite mine inspector. The qualifications of applicants shall be certified to the board, and be as follows:

Public notice of examination.

(a) They shall be citizens of this Commonwealth and residents of the anthracite region, of temperate habits, of good repute, of personal integrity, in good physical condition, and not under thirty or over fifty years of age.

Qualifications for anthracite mine inspector.

Every applicant shall furnish to the examining board a service statement. Such statement shall show the length of time served at each class of work at which the applicant has been employed in and about the mines, and be certified to by the superintendent or other responsible official under whom such applicant was employed. The owner, operator, or superintendent of every mine or colliery is hereby required to furnish such a statement to every applicant.

(b) They shall give to the board satisfactory evidence of having had at least ten (10) years of practical experience in the anthracite coal mines of this Commonwealth, five (5) years of which they shall have served as qualified coal miners possessing miners' certificates engaged in the actual practice of cutting and blasting coal or rock at the face of a gangway, airway, breast, pillar, or other working place in a mine, and in performing such other work in such working places as is necessary for the extraction of coal.

(c) They shall give to the board satisfactory evidence of having had practical experience with explosive gases and other dangerous and noxious gases found in coal mines.

(d) They shall give to the board satisfactory evidence of having a general practical knowledge of mines, mining, and machinery.

(e) They shall give to the board satisfactory evidence of having a general practical and comprehensive knowledge of the chemistry of gases generally found in coal mines.

(f) They shall give to the board satisfactory evidence of having a knowledge of the methods of administering first aid to the injured, and of the work and requirements of rescue corps.

(g) They shall give to the board satisfactory evidence of having a knowledge of the science of electricity as applied to coal mining, and they shall, in addition, give evidence of having a sufficient knowledge of the science of mining engineering to enable them to read and understand the mine workings of any mine as shown on mine maps which may be presented at such examinations, and they shall be able to make a cross section of a mine from said maps.

(h) They shall give to the board satisfactory evidence of having a theoretical and practical knowledge of the different systems of mining and ventilating anthracite coal mines, and of their fitness and capability to perform the duties of the office of a mine inspector.

Written  
examination.

Section 4. The examination shall be in writing, and the applicants who have attained an average of at least eighty per cent, including proper allowances for experience, shall be deemed successful, but in no case shall the

allowances for experience be more than twenty-five per cent.

Allowance for experience.

Section 5. The manuscripts and all other papers of the applicants in the examination, together with the tally sheets and the correct solution of each question as prepared by the board, shall be filed in the Department of Public Instruction. The board, or at least four members thereof, shall certify to the Governor, and also to the Secretary of Mines, the names and percentages of all successful applicants who are properly qualified under the provisions of this act to fill the office of anthracite mine inspector. A certificate of qualification shall be issued to each successful applicant. A certificate so issued shall remain in force for a period of four years only, unless the holder thereof has received an appointment as anthracite mine inspector, and has served as such for a period of four (4) years, in which case the certificate shall become permanent.

Department of Public Instruction.

Certificate of qualification.

Certificate for four years.

Section 6. The anthracite mine inspectors holding office on the date this act becomes effective shall continue to serve until the expiration of their respective terms, and such persons shall thereafter be eligible for reappointment as anthracite mine inspectors without examination, provided they have served as anthracite mine inspectors for a period of four (4) years or longer. Such reappointment shall not be governed by the provisions of section seven of this act.

Present anthracite mine inspectors.

Section 7. When a vacancy occurs in the office of anthracite mine inspector by death or otherwise, the Governor shall appoint, from the list of successful applicants certified to him by the Anthracite Mine Inspectors' Examining Board, a person to fill such vacancy.

Vacancies filled by Governor, from list

Section 8. When there remain upon the list of successful applicants certified to the Governor less than three names as a result of appointments made therefrom, or as a result of the expiration of the certificates of qualification of persons named therein, or from any other cause, the Governor shall call the Anthracite Mine Inspectors' Examining Board to meet and proceed to conduct an examination for the purpose of supplying a new list of eligible applicants.

New eligible lists.

Section 9. The tenure of office of anthracite mine inspectors appointed under this act shall be during good behavior, subject to the provisions of section twelve of this act, and the Constitution of this Commonwealth.

Tenure of office.

Section 10. In case an inspector becomes incapacitated to perform the duties of his office, or is granted a leave of absence by the Secretary of Mines for sixty (60) days or more, it shall be the duty of the Governor, at the request of the Secretary of Mines, to appoint, temporarily, to the office a person on the eligible list of applicants. The temporary inspector shall act until the regu-

Temporary appointments from eligible list.

lar inspector is able to resume the duties of his office, and shall be paid in the same manner as provided for the payment of regular inspectors.

Conflicting  
occupations.

Section 11. No anthracite mine inspector under this act shall act as manager of any anthracite coal mine, or be interested in the operation of any anthracite coal mines in this Commonwealth.

Removal from  
office.

Section 12. Upon a petition signed by not fewer than fifteen reputable citizens, who shall be miners or operators of mines, and with the affidavit of one or more of said petitioners attached, setting forth that any inspector of mines is holding office illegally, or is neglectful, or is incompetent or unable to perform the duties of his office, or that he is guilty of malfeasance in office, or upon petition of the Secretary of Mines setting forth any of the above charges, the court of common pleas of the county, in which the inspector is acting and is a resident, shall issue a citation in the name of the Commonwealth to the said inspector to appear at not less than ten (10) days' notice on a day fixed before said court, and the court shall then proceed to inquire into and investigate the allegations of the petitioners. If said charges are sustained, the court shall declare the office of said inspector vacant, and shall so certify to the Governor who shall proceed in compliance with the provisions of this act to fill the vacancy. If said charges are not sustained, and the court believes there was sufficient ground for said charges the costs shall be placed on the county.

Penalties.

Section 13. Any anthracite mine inspector violating the provisions of section eleven of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than five hundred dollars (\$500.00) or undergo imprisonment in the county jail for a period of not less than ninety (90) days, or both, at the discretion of the court.

Any person or persons who shall give any false or forged evidence of any kind to the Anthracite Mine Inspectors' Examining Board, or to any member thereof, in obtaining a certificate of qualification, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than three hundred dollars (\$300.00) or to undergo imprisonment in the county jail for a period of not less than three (3) months, or both, at the discretion of the court.

Any person or persons found to be in collusion with any member or members of such examining board, or who shall use any undue influence or attempt to bribe any member or members of such board for the purpose of procuring certificates for applicants, or who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be sentenced

to pay a fine of not less than five hundred dollars (\$500.00) or undergo imprisonment in the county jail for a period of not less than six (6) months, or both, at the discretion of the court.

Section 14. This act shall become effective immediately upon its final enactment.

When  
effective.

Section 15. The act approved the seventeenth day of May, one thousand nine hundred twenty-one, (Pamphlet Laws, eight hundred thirty-one), entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth; prescribing the qualifications, defining the powers and duties, and fixing the compensation of such examiners; providing for the appointment and removal of inspectors of anthracite mines; prescribing their qualifications, and regulating their salaries and term of office; and abolishing the terms of office of the present mine inspectors of the anthracite mines," is hereby repealed.

Act of May 17,  
1921 (P. L. 831),  
repealed.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 461

AN ACT

Relating to motor vehicles, new and used; creating a motor vehicle dealers' commission; establishing its jurisdiction, powers and duties; and creating and providing for approved motor vehicle appraisers; establishing their powers and duties; regulating the sale, trade-in allowance, appraisals and information furnished the Commonwealth on motor vehicles, new and used, and establishing regulations concerning speedometers; authorizing the commission to establish periodical prices for used motor vehicles, either sold or traded, in establishing the appraisal value of motor vehicles, new or used, either for sale or used trade-in allowances; providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers, and the payment of fees therefor; authorizing examination of the business papers and affairs of, and requiring the filing of reports by, licensees; authorizing and empowering the commission to hold hearings and to issue rules and orders, and the issuance of subpoena by the commission or its agents; and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission; providing for appeals to the courts from decisions of the commission; imposing penalties; and making appropriation.

#### PREAMBLE

Whereas, Unsafe, unfair, unjust, destructive, demoralizing, and uneconomic trade practices have been and are now carried on in the sale and resale of motor vehicles, new and used, in this Commonwealth, whereby the motor vehicle industry in the Commonwealth, and