

dollars (\$1000), or undergo imprisonment for a term of not less than one (1) month, nor more than six (6) months, or both, in the discretion of the court.

Section 14. Section 2541 of said act, as last amended by the act, approved the tenth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 283), is hereby further amended by adding, at the end thereof, a new clause to read as follows:

Section 2541, said act, as last amended by act of May 10, 1951, P. L. 283, further amended by adding, at end thereof, a new clause (6).

Section 2541. Payments on Account of Pupil Transportation.—School districts shall be paid by the Commonwealth for every school year on account of pupil transportation which, and the means and contracts providing for which, have been approved by the Department of Public Instruction, in the cases hereinafter enumerated, an amount to be determined by multiplying the cost of approved reimbursable pupil transportation incurred by the district by the district standard reimbursement fraction. In addition thereto, the Commonwealth shall pay to school districts which own their own vehicles, an annual depreciation charge of ten per centum (10%), to be calculated on the basis of the certified cost at which the district acquired the vehicle for which depreciation is claimed.

Such payments for pupil transportation shall be made in the following cases:

\* \* \* \* \*

(6) *To all school districts for pupils transported to and from area technical schools.*

Section 15. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 21st day of August, A. D. 1953.

JOHN S. FINE

No. 343

AN ACT

Regulating bondsmen and sureties; defining and providing for the registration and licensure of professional bondsmen; imposing powers and duties on courts of quarter sessions, district attorneys and the Insurance Commissioner; and providing penalties.

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

Bondsmen and sureties.

Section 1. Professional Bondsmen Defined.—A professional bondsman is any person, other than a fidelity or surety company or any of its officers, agents, attorneys, or employes, authorized to execute bail bonds or to solicit business on its behalf, who

(1) engages in the business of giving bail, giving or soliciting undertakings, or giving or soliciting indemnity or counter-indemnity to sureties on undertakings; or

(2) within a period of thirty days has become a surety, or has indemnified a surety, for the release on bail of a person, with or without a fee or compensation, or promise thereof, in three or more cases not arising out of the same transaction.

Section 2. Registration and Licensure Required.—No professional bondsman shall hereafter become surety on any undertaking, and no person shall hereafter engage in or continue to engage in business as a professional bondsman, until he has been registered and licensed as a professional bondsman by the Insurance Commission as hereinafter provided.

Section 3. Applications; Forms.—Every application for registration and licensure as a professional bondsman shall be made in writing upon forms prescribed and issued by the Insurance Commissioner.

Section 4. Licenses.—(a) The Insurance Commissioner, upon receipt of

(1) An application for registration and licensure as a professional bondsman, and

(2) An annual license fee of fifty dollars (\$50), shall, if he approves the application, register the applicant as a professional bondsman and issue him a license.

(b) Each license shall be valid for one year following the date of issue.

(c) No license issued under this act shall be assigned or transferred.

Section 5. Office.—No license shall be issued to, and no privileges or rights conferred by any license issued under the provisions of this act shall be exercised by, any professional bondsman, unless such professional bondsman has and shall thereafter maintain an office in the county in which he conducts or intends to conduct his business.

Section 6. Refusal to Grant or Renew License; Appeal.—(a) The Insurance Commission, upon the written request of any applicant for a license or for renewal thereof whose application therefor has been refused, shall afford such applicant an opportunity to be heard by giving such applicant five (5) days' notice by mail.

(b) If any applicant who has appeared before the Insurance Commissioner in any such case is aggrieved by the refusal of the Insurance Commissioner to issue or renew a license, he may appeal, within twenty (20) days from the date of refusal, to the court of quarter sessions of the county in which the applicant has or intends to have his place of business. Such appeal shall be upon petition of the applicant, who shall serve a copy thereof upon the Insurance Commissioner. Whereupon, a hear-

ing shall be held upon the petition by the court, upon ten (10) days' notice to the Insurance Commissioner, who shall be represented in the proceeding by the district attorney of the proper county. The court shall hear the application de novo, at such time as it shall fix, of which notice shall be given to the Insurance Commissioner. The court shall either sustain the refusal of the Insurance Commissioner, or order the issuance of the license to the applicant. There shall be no further appeal. Any appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise.

Section 7. Suspension or Revocation of License; Appeal.—(a) Upon application of the district attorney of the said county or by any interested person for a rule to show cause why the license issued to any licensee should not be suspended or revoked, a rule shall issue out of the court of quarter sessions of the said county, returnable not less than ten (10) days after the issuance thereof. It shall be sufficient service of the said rule upon any licensee to leave a copy thereof at the address given by the said licensee to the Insurance Commissioner in the application for license.

(b) Any license issued under the provisions of this act may be suspended, by any court of quarter sessions issuing a rule as aforesaid, for a period less than the unexpired portion of the period for which such license shall have been issued, or may be revoked for a good cause, or for any one or more of the following causes:

- (1) Violation of any of the provisions of this act.
- (2) For fraudulently obtaining a license under the provisions of this act.
- (3) Upon conviction for any criminal offense under the laws of this Commonwealth or under the laws of the United States or any other state or commonwealth.
- (4) Upon being adjudged a bankrupt or insolvent.
- (5) For failing to pay any judgment or decree rendered on any forfeited undertaking in any court of competent jurisdiction.
- (6) For any interference or attempted interference with the administration of justice.

Section 8. Statements by Fidelity or Surety Companies.—\*Any fidelity or surety company, authorized to act as surety within this Commonwealth, may execute an undertaking as surety by the hand of an officer, employe, agent, or attorney, authorized thereto by a resolution of its board of directors, a certified copy of which, under its corporate seal, shall be filed with the undertaking. Fidelity or surety companies engaged in the business of entering bail shall file, with the clerk of the court of quarter sessions and with the district attorney of each county in which bail is entered, a statement,

\* "and" in original.

quarterly, on which shall appear a summary of all bail entered by such company during the previous quarter, together with the compensation charged therefor.

Section 9. Premiums.—No professional bondsman shall charge a premium or compensation for acting as surety on any undertaking in excess of ten per centum (10%) for the first one hundred dollars (\$100), and five per centum (5%) for each additional one hundred dollars (\$100) of such undertaking.

In any action brought to recover an overcharge by a professional bondsman, where such overcharge is proved the professional bondsman shall be liable to pay treble damages therefor.

Section 10. Penalties.—(a) Any person who engages in business as a professional bondsman without being registered and licensed in accordance with the provisions of this act, or who engages in such business while his license is suspended or revoked, is guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1000), or to undergo imprisonment not exceeding one (1) year, or both.

(b) Any person charging or receiving directly or indirectly any greater compensation for acting as a professional bondsman than is provided by this act is guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1000), or to undergo imprisonment not exceeding six (6) months, or both.

(c) Any person who accepts any fee or compensation for obtaining a bondsman or a recognizance is guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or to undergo imprisonment not exceeding six (6) months, or both.

(d) Any person who violates any section of this act for which no specific penalty other than suspension or revocation of license is provided is guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or to undergo imprisonment not exceeding six (6) months, or both.

(e) Any law enforcement officer, employe of a penal institution, alderman, justice of the peace, employe of an alderman or justice of the peace, officer of any court, or employe of any public office performing duties for the courts of oyer and terminer and general jail delivery

and the quarter sessions of the peace, who has, directly or indirectly, any pecuniary interest in or derives any profit from the bonding business or activity of a professional bondsman shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or to undergo imprisonment not exceeding six (6) months, or both.

(f) Any professional bondsman who solicits business in any of the courts or on the premises of any of the courts of this Commonwealth, including the courts of magistrates, aldermen and justices of the peace, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or to undergo imprisonment not exceeding six (6) months, or both.

APPROVED—The 21st day of August, A. D. 1953.

JOHN S. FINE

**No. 344**

**AN ACT**

Exempting owners, operators and licensees of radio or television stations and their agents, servants and employes from liability for publication of defamatory matter in certain cases.

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

Section 1. Liability shall be denied and no recovery shall be allowed against the owners, licensees and operators of any visual or sound radio and television station or network of stations or against the agents, servants or employes of such owner, licensee or operator, for the publication, utterance or broadcasting of any defamatory matter, where the publication, utterance or broadcasting thereof is not subject to their censorship or control by reason of any Federal statute or any regulation, ruling or order of the Federal Communications Commission.

Section 2. All actions for damages which have accrued in cases in which liability is denied, as set forth in section one of this act, shall be commenced within sixty days after the effective date of this act; and if not so commenced, shall thereafter be completely barred.

Section 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Section 4. The provisions of this act shall become effective immediately upon its final enactment.

APPROVED—The 21st day of August, A. D. 1953.

JOHN S. FINE

Radio and television stations.

Owners, operators and licensees of such stations exempt from liability for publication of defamatory matter in certain cases.

Actions for damages.

Inconsistent acts repealed.

Act effective immediately.