

All other acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

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

JOHN S. FINE

No. 362

AN ACT

To further amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 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," by changing the penalties for operating a motor vehicle, trailer or semi-trailer that has not been inspected.

"The Vehicle Code."

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

Subsection (h) and the penalty clause of section 823, act of May 1, 1929, P. L. 905, as last amended by act of May 21, 1943, P. L. 317, further amended.

Section 1. Subsection (h) and the penalty clause of section 823 of the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 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," as last amended by the act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 317), are hereby further amended to read as follows:

Section 823. Official Inspections.—

\* \* \* \* \*

(h) It shall be unlawful to operate any motor vehicle, trailer, or semi-trailer on a highway (1) during an inspection period, unless the motor vehicle, trailer, or semi-trailer has been inspected during the present or last preceding inspection period, and (2) after the close of any inspection period, unless it has been inspected during the last preceding inspection period, and (3) a certificate for the proper period furnished and displayed.

\* \* \* \* \*

Penalty.—Any person violating any of the provisions of subsections (d), (e), (g), (h), (j) or (k) of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not more than 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 the provisions of subsection (h) of this section shall be given by the arresting officer a ticket, whereon shall be indicated the date, time and place of arrest, and such person shall not be proceeded against more than one time within any twenty-four hour period for the violation of said subsection.*

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

JOHN S. FINE

No. 363

AN ACT

Relating to the burden of proof in actions of defamation.

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

Actions of  
defamation.

Section 1. Burden of Proof.—(1) In an action for defamation, the plaintiff has the burden of proving, when the issue is properly raised: