

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.—

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(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.

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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:

- (a) The defamatory character of the communication;
  - (b) Its publication by the defendant;
  - (c) Its application to the plaintiff;
  - (d) The recipient's understanding of its defamatory meaning;
  - (e) The recipient's understanding of it as intended to be applied to the plaintiff;
  - (f) Special harm resulting to the plaintiff from its publication;
  - (g) Abuse of a conditionally privileged occasion.
- (2) In an action for defamation, the defendant has the burden of proving, when the issue is properly raised:
- (a) The truth of the defamatory communication;
  - (b) The privileged character of the occasion on which it was published;
  - (c) The character of the subject matter of defamatory comment as of public concern.

Act effective immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

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

JOHN S. FINE

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No. 364

AN ACT

To further amend the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by further providing for filling of vacancies in certain offices, and for notice and publication of fire protection codes and ordinances; authorizing borrowing by cities in anticipation of current revenue and for permanent improvements without issuance of bonds; increasing the criminal jurisdiction of the mayor as an alderman; authorizing appropriations of council to cover certain contracts which may be awarded without additional advertising; authorizing certain street construction and improvement by city employes, and the sale of real estate by the city at public sales; providing for payment by the city of certain costs in connection with shade trees; and further regulating purchases and contracts.

"The Third Class City Code."

Sections 801, 802 and 1014, act of June 23, 1931, P. L. 932, as reenacted and amended by act of June 28, 1951, P. L. 662, further amended.

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

Section 1. Sections 801, 802 and 1014 of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," as reenacted and amended by the act, approved the twenty-eighth day of June, one thousand nine hundred fifty-one (Pamphlet Laws 662), are hereby further amended to read as follows: