

respect to vehicles purchased after December 31, 1955, the annual depreciation charge shall not exceed seven hundred dollars (\$700). In no case shall the Commonwealth make annual payments on account of the depreciation of any vehicle totaling an amount exceeding the cost of the vehicle, as approved by the Department of Public Instruction, nor more than a total of fifteen payments.

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APPROVED—The 10th day of February, A. D. 1956.

GEORGE M. LEADER

No. 324

AN ACT

Amending the act of July two, one thousand nine hundred thirty-seven (Pamphlet Laws 2821), entitled "An act to regulate the sale, and advertising for sale, of goods, wares, and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent, assignees, receivers, trustees, removal, or closing-out sale, or sale of goods damaged by fire, smoke, or water, in cities and certain boroughs of this Commonwealth; and to prevent fraudulent practices in connection therewith, and providing penalties for the violation thereof, and for the imposition of licensee fees for permission to conduct the same," making the provisions of the act *effective in municipalities and townships; further regulating statements of inventories; further regulating the issuance, renewal, denial, revocation and refusal of licenses and the conduct of sales; designating certain actions as violations of the act; authorizing appeals from refusal or denial to issue licenses.

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

Section 1. The title and sections one and two, act of July two, one thousand nine hundred thirty-seven (Pamphlet Laws 2821), entitled "An act to regulate the sale, and advertising for sale, of goods, wares, and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent, assignees, receivers, trustees, removal, or closing-out sale, or sale of goods damaged by fire, smoke, or water, in cities and certain boroughs of this Commonwealth; and to prevent fraudulent practices in connection therewith, and providing penalties for the

The title and sections 1 and 2, act of July 2, 1937, P. L. 2821, amended.

* "affective" in original.

violation thereof, and for the imposition of license fees for permission to conduct the same," are amended to read:

AN ACT

Title. To regulate the sale and advertising for sale of goods, wares and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent, assignees, receivers, trustees, removal or closing-out sale, or sale of goods damaged by fire, smoke or water, in [cities and certain boroughs of this Commonwealth] *municipalities and townships*; and to prevent fraudulent practices in connection therewith, and providing penalties for violation thereof, and for the imposition of license fees for permission to conduct the same.

After July 1,
1937.

In municipalities
or townships of
this Common-
wealth.

Section 1. Be it enacted, &c., That from and after the first day of July, one thousand nine hundred and thirty-seven, it shall be unlawful for any person, partnership, association, or corporation, in [the cities] *municipalities or townships* of this Commonwealth [and in boroughs having a population of more than two thousand five hundred inhabitants,] to advertise or hold out by any means that any sale of goods, wares, and merchandise is an insurance, bankruptcy, mortgage, insolvent, assignees, receivers, trustees, removal, or closing-out sale, or a sale of goods damaged by fire, smoke, or water, unless a license is first obtained to conduct such sale from the treasurer of the city or borough or from the council of the town or board of commissioners or board of supervisors of the township in which it is to be held.

Information to be
disclosed in ap-
plication under
oath.

Section 2. (a) Upon application for such license, the applicant shall make a full disclosure, under oath, of the following information: The true name of the owner of the goods to be offered for sale, the name of the operator of the sale if a person other than the true owner, a full and complete, *detailed and itemized*, inventory of the quantity, kind, *brand, name* and character of the goods to be offered for sale, *and the source from which the goods, wares and merchandise were secured, together with the names and addresses of the last previous owners thereof*, which shall be prepared in the following manner: First, a listing of all goods which have been in stock for a period of fifteen days or longer prior to the application for the license; second, a listing of all goods received in stock within the fifteen days immediately preceding the application for the license; third, a listing of all goods which have been ordered and will be placed in stock during the pendency of the sale, the method by which the applicant for the license or the true owner of the goods, if a different person, acquired title to the same, and the reason for the urgent

and expeditious disposal thereof. [The said treasurer may require any further information necessary to inform him as to whether such license should be granted, and if any defect appears in the title to the goods, or any false representation is made in such application, the said treasurer may refuse the license.] *Upon receipt of the application, the treasurer of any city or borough, the council of the town or board of commissioners or board of supervisors of the township, may, in his or their discretion, make or cause to be made an examination, audit or investigation of the applicant, and all of the facts contained in the application and inventory in relation to the proposed sale. A license shall be denied or refused, if any defect appears in the title to the goods or wares represented, or any false representation is made in the application or inventory, or if the inventory contains goods, wares or merchandise purchased by the applicant on consignment except if the goods, wares or merchandise has been damaged while in the consignee's possession.*

Application for a license except a license for sale of goods damaged by fire within one year of a previous sale for the same type of business shall be presumptive evidence that the sale for which the license is sought is not bona fide and the license may be refused.

(b) Any applicant for a license who is aggrieved by the denial, refusal or revocation of a license may appeal within twenty days from the date of denial, refusal or revocation to the court of common pleas of the county in which the license is sought. The appeal shall be upon petition of the applicant for a license, who shall serve a copy thereof upon the city or borough treasurer, the town council or the board of commissioners, or board of supervisors of the township who or which has refused or denied the license. The court shall hear the application for license de novo expeditiously at a time as it shall fix of which notice shall be given to the city or borough treasurer, the town council or the board of commissioners, or board of supervisors of the township from whose refusal or denial of a license the appeal has been taken. The court shall either sustain the denial or refusal of the license or order the issuance of the license to the applicant.

Section 2. The act is amended by adding, after section two, four new sections to read:

Section 2.1. After a license has been granted and it is established that the licensee has violated any provisions of this act, the license shall be revoked immediately.

Section 2.2. No merchandise shall become the subject of any license pursuant to this act, if it has not been

Act of July 2,
1937, P. L. 2821,
amended by add-
ing four new
sections 2.1, 2.2,
2.3 and 2.4.

Revocation of
license upon
violation.

listed in the application for the license as goods, wares or merchandise in stock or in transit.

Section 2.3. No merchandise shall become the subject of any sale licensed pursuant to this act, if it has previously been the subject of a licensed sale, unless the original licensee conducts the subsequent sale under a subsequent license.

Section 2.4. Reopening of a business similar to the one for which the sale licensed pursuant to this act was conducted, except the licensed sale of goods damaged by fire by the person, partnership, association or corporation who or which conducted the sale upon the same premises upon which the business for which the sale was conducted within thirty days of the sale, shall constitute presumptive evidence of a violation of this act. Every day on which business is conducted within the prohibited period of thirty days shall constitute a separate violation of this act.

Section 3, act of July 2, 1937, P. L. 2821, amended.

Section 3. Section three of the act is amended to read:

Section 3. It shall be the duty of each such licensee to post a copy of the said application *and inventory* in the sales room or place where the goods are to be sold, so that the public may be informed of the facts in relation to the goods before purchasing the same.

Section 4, act of July 2, 1937, P. L. 2821, amended April 15, 1943, P. L. 52, further amended.

Section 4. Section four of the act, amended April fifteen, one thousand nine hundred forty-three (Pamphlet Laws 52), is amended to read:

Section 4. Any person conducting or being responsible for any sale, as set forth in section one [hereof,] *as herein amended*, without first having obtained the license, or any person making or being responsible for any misrepresentation in connection with the goods so offered for sale or sold, or continuing the same business at the same location after the expiration of a license issued for conducting a removal or closing-out sale, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than one hundred dollars (\$100), or to imprisonment for a term of not exceeding thirty days. *Each day any sale is conducted in violation of this section shall be a separate violation of this act.* The right to appeal from such conviction shall exist as in other cases of summary convictions.

Section 5, act of July 2, 1937, P. L. 2821, amended.

Section 5. Section five of the act is amended to read:

Section 5. Any license so granted, as aforesaid, shall be good for no more than a period of [ninety days, and shall not be renewable] *thirty consecutive calendar days (Sundays and legal holidays excluded), and may be re-*

newed for two consecutive periods not exceeding thirty consecutive calendar days each (Sundays and legal holidays excluded): Provided, That a revised inventory is filed with each application for renewal of a license showing the items listed on the original inventory remaining unsold and that no goods, wares or merchandise not included in the original inventory is in stock [nor shall any other such license be granted to the same person within the same city or borough for a period of one year succeeding the expiration of a previous license]. The treasurer of the city or borough or the council of the town or board of commissioners or board of supervisors of the township shall receive from the applicant for such license, upon the granting thereof, or the renewal thereof, a license fee which shall be twenty-five dollars (\$25).

Proviso.

APPROVED—The 10th day of February, A. D. 1956.

GEORGE M. LEADER

No. 325

AN ACT

Amending the act of May fifteen, one thousand nine hundred thirty-nine (Pamphlet Laws 134), entitled, as amended, "An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks, except in certain cases; authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania State Police, sheriffs, police officers and constables; and providing penalties," authorizing the issuance of permits for and the use of fireworks in connection with raising and protecting crops.

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

Section 1. Section four, act of May fifteen, one thousand nine hundred thirty-nine (Pamphlet Laws 134), entitled, as amended, "An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks, except in certain cases; authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania State Police, sheriffs, police officers and constables; and providing penalties," is amended to read:

Section 4. Nothing in this act shall be construed to prohibit any resident wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited, or the sale of any kind of fireworks, provided the same are to be shipped directly out of state, or are to be used by a person holding a permit from any municipality at the display covered by such permit, *or when used as*

Section 4, act of
May 15, 1939,
P. L. 134,
amended.

Where act does
not apply.