

No. 271

AN ACT

Providing for the construction, erection and maintenance of roadside rests adjacent to State highway routes; providing for the acquisition of interests in land by gift, purchase or condemnation; granting powers to and imposing duties upon the Department of Highways, the Secretary of Highways, the Governor and the Department of Property and Supplies; authorizing rules and regulations and providing penalties for violations thereof; and making an appropriation.

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

Roadside rests.

Section 1. In addition to roadside rests provided for by any other act of Assembly, the Department of Highways is hereby authorized and empowered to construct, erect and maintain roadside rests adjacent to State highway routes for the health, safety, welfare and accommodations of the traveling public. The number, location and size of such roadside rests shall be determined by the Secretary of Highways, with the approval of the Governor. At least one such roadside rest shall be erected in each county.

Department of Highways authorized to construct roadside rests adjacent to State highways.

Section 2. The Department of Highways shall have the right and the power to acquire by gift, purchase or condemnation, such easements, right of ways and other rights in real estate as may be necessary for the construction, erection, maintenance and protection from encroachment of such roadside rests. The cost of planning, acquisition, construction and erection of any one rest, shall not exceed eight thousand dollars (\$8,000). The power of eminent domain for the purpose of condemnation of such easements, right of ways or other rights in real estate, shall be exercised in the same manner as is now, or may hereafter be provided by law for the condemnation of property in changing the widths, lines and locations of State highways. When, and if, such easements, right of ways and other rights in real estate are acquired, they shall become part of the highway route on which they are located or to which they are adjacent.

Department of Highways empowered to acquire rights in real estate.

Limitation on costs.

Power of eminent domain.

Section 3. The construction and erection of such roadside rests may be done, either by contract or by employes of the Department of Highways, within the discretion of the Secretary of Highways. Contracts for the construction and erection of such roadside rests shall be entered into the same manner as is now, or may hereafter be provided by law for the construction of State highway routes.

Construction to be performed by contract or department employes.

Section 4. The Department of Highways shall have the right and power to acquire either fiscal, material or labor, gifts or donations from local groups, commercial

Additional authority to receive gifts of any kind and expend the same.

or institutional, towards construction and construction costs of the roadside rests authorized by this act, and towards additional features, costing beyond the eight thousand dollars (\$8,000), limitation upon planning, acquisition, construction and erection of any one roadside rest prescribed by section 3 of this act. The provisions of this section shall not be construed to authorize State expenditure on any one roadside rest beyond the eight thousand dollar (\$8,000) limitation heretofore prescribed by this act.

Purchases to be made through Department of Property and Supplies.

Section 5. Any equipment and facilities which may be determined to be necessary for such roadside rests by the Secretary of Highways, shall be purchased through the Department of Property and Supplies as purchasing agent in the manner provided by law.

Appropriation out of Motor License Fund.

Section 6. The cost of the planning, acquisition, construction, erection and maintenance of such roadside rests shall be paid out of moneys in the Motor License Fund, and such moneys as may be necessary for this purpose are hereby specifically appropriated to the Department of Highways.

Authority to make rules and regulations. Violations thereof. Penalties.

Section 7. The Secretary of Highways shall have authority to adopt and promulgate rules and regulations governing the use of such roadside rests by the public. All persons using such roadside rests shall be subject to such rules and regulations. Any person violating any of the rules and regulations posted on, or in, any such roadside rest shall be guilty of a summary offense, and, upon conviction thereof, shall pay a fine of not less than five dollars (\$5) nor more than two hundred fifty dollars (\$250) and costs of prosecution, together with any amount which may be necessary to reimburse the Department of Highways for the expense of repairing any damage to such roadside rest or its equipment resulting from such violation. Such fines and reimbursement for damages shall be paid into the State Treasury and credited to the Motor License Fund.

Limitation on construction of roadside rests.

Section 8. No roadside rests shall be constructed or erected pursuant to this act, unless surrounded on all sides, except that side which fronts on a State highway, by at least twelve hundred feet of Federal or State-owned lands in which no commercial signs or other advertising media are situated, or authorized, or by privately owned lands, the owners of which have irrevocably agreed in writing with the Commonwealth that no commercial signs or other advertising media or commercial enterprises will be permitted thereon or within twelve hundred feet thereof without the written permission of the Commonwealth or by an area of at least

twelve hundred feet, which is zoned to prohibit the erection of commercial signs or other advertising media or commercial enterprises thereon.

Section 9. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 5th day of July, A. D. 1957.

GEORGE M. LEADER

No. 272

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," authorizing the courts to determine and make orders with respect to visitation rights of parents.

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

Section 1. Section 731, act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended to read:

The Penal Code.

Section 731. Wilful Separation or Nonsupport.—Whoever, being a husband or father, separates himself from his wife or from his children or from wife and children, without reasonable cause, or wilfully neglects to maintain his wife or children, such wife or children being destitute, or being dependent wholly or in part on their earnings for adequate support, is guilty of a misdemeanor, and on conviction thereof, shall be sentenced to imprisonment not exceeding one (1) year, or to pay a fine not exceeding five hundred dollars (\$500), or both. Such fine, if any, may be paid or applied, in whole or in part, to the wife or children, as the court may direct.

Section 731, act of June 24, 1939, P. L. 872, amended.

No such conviction, payment, or fine, or undergoing imprisonment shall in any manner affect the obligation of any order for support theretofore made against the defendant in any competent court.

In any such case, the court may suspend sentence upon and during compliance by the defendant with any order for support as already made or as thereafter modified. If no such order shall have been made, then the court trying the defendant may make such order for the support by the defendant of his wife and children or either of them, which order shall be subject to modification by the court on cause shown, and may suspend sentence upon and during the compliance by defendant with such order upon entry of bond by defendant with surety approved by the court, conditioned on compliance with such order. *The court after hearing the par-*