

No. 489

AN ACT

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," requiring the erection of certain warning signs on State Highways.

The Vehicle
Code.

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

Section 1025, act
of April 29,
1959, P. L. 58,
amended.

Section 1. Section 1025, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," is amended to read:

Section 1025. Throwing Material from Motor Vehicle.—No person shall throw, or permit to be thrown, from a motor vehicle, any garbage, bottles, cans, rubbish, wire, glass or cardboard or wood cartons or boxes.

In any prosecution under this section the throwing of garbage, bottles, rubbish, wire, glass or cardboard or wood cartons or boxes from a motor vehicle shall be prima facie evidence that they were thrown, or permitted to be thrown, from the motor vehicle by the operator.

If at any hearing or proceeding the operator shall testify under oath or affirmation, that he did not throw garbage, bottles, rubbish, wire, glass or cardboard or wood cartons or boxes from the motor vehicle, and shall submit himself to an examination as to who did the throwing and reveal the name of such person, if known to him, or, if the information is made in a court other than that of his own residence, shall forward to the magistrate an affidavit setting forth these facts, then the prima facie evidence arising as above set forth shall be overcome and removed and the burden of proof shifted.

The Secretary of Highways shall erect and maintain signs warning of the penalty for the violation of this section. At least five (5) signs shall be erected in each county for every one hundred (100) miles of State highway located within the county.

Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

*Limitation.—The provisions of this section are subject to the limitation of actions as set forth in section 1201 of this act.

APPROVED—The 9th day of November, A. D. 1959.

DAVID L. LAWRENCE

* "Limitations" in original.