

Section 410. Trees, Grasses, Shrubs and Vines along Highways; Penalty.—The department may cause trees, grasses, shrubs and vines to be planted and maintained, *and shall cause receptacles for trash and litter to be maintained.* along State highways, within the legal right of way thereof, the same to be paid for as a part of the costs of construction or maintenance of the road. The department may enter into agreements with the Department of Forests and Waters regarding the planting and maintenance of such trees, grasses, shrubs and vines. The Department of Highways shall have the absolute right to trim, cut and remove any trees, grasses, shrubs and vines growing within the legal right of way of any State highway, and to trim and cut away any trees, grasses, shrubs and vines growing on adjacent property in so far as they overhang or encroach upon the legal right of way of any State highway.

It shall be unlawful for any person to cut, trim, remove or otherwise damage any trees, grasses, shrubs or vines growing within the legal right of way of a State highway, which have been planted by any person or agency other than the abutting property owner, without first having obtained the consent of the secretary in writing. Any person who shall cut, trim, remove or otherwise damage such trees, grasses, shrubs or vines without first having obtained such written consent, shall on summary conviction thereof be sentenced to pay a fine of not less than twenty-five dollars (\$25.00), or more than one hundred dollars (\$100.00), for each act of cutting, trimming, removal or damaging. This section shall not be construed to permit the department to interfere with the right of any abutting property owner to establish entrances to his property from State highways at any point or points at which such owner may desire to establish such entrances.

APPROVED—The 30th day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 765

AN ACT

Amending the act of December 27, 1951 (P. L. 1742), entitled, as amended, "An act to provide revenue by imposing a State tax relating to certain documents and transactions; prescribing and regulating the method and manner of evidencing the payment of such tax; conferring powers and imposing duties upon certain persons, partnerships, associations, and corporations, sheriffs, recorders of deeds, and the Department of Revenue; saving certain State and local taxes and authorizing amendments, extensions and supplements to the ordinances and resolutions relating thereto; and providing penalties," redefining documents to exclude certain repossessions following defaults in purchase obligations.

The Realty Transfer Tax Act.

Definition of "Document," section 2, act of December 27, 1951, P. L. 1742, reenacted and amended June 1, 1959, P. L. 322, and amended November 19, 1959, Act No. 551, further amended.

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

Section 1. The definition of "Document" in section 2, act of December 27, 1951 (P. L. 1742), known as "The Realty Transfer Tax Act," reenacted and amended June 1, 1959 (P. L. 322) and amended November 19, 1959 (Act No. 551), is amended to read:

Section 2. The following words when used in this act shall have meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

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"Document." Any deed, instrument or writing whereby any lands, tenements or hereditaments within this Commonwealth or any interest therein shall be granted, bargained, sold, or otherwise conveyed to the grantee, purchaser, or any other person, but does not include wills, mortgages, transfers between husband and wife, transfers between parent and child or the spouse of such a child or between parent and trustee for the benefit of a child or the spouse of such child, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, correctional deeds without consideration, transfers to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed of confirmation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation, leases, a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied residential premises or any transfer from a purchase money mortgagor to the vendor holding the purchase money mortgage whether pursuant to a foreclosure or in lieu thereof.

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APPROVED—The 30th day of December, A. D. 1959.

DAVID L. LAWRENCE