

Minor has no right against bank etc., treating with securities as owned by an adult when in fact owned by minor, unless there is written notice or knowledge of fact of minority.

Section 3. A minor, who has transferred a security, received or empowered others to receive dividends, interest, principal, or other payments or distributions, voted or given consent in person or by proxy, or made an election or exercised rights relating to the security, has no right thereafter, as against a bank, broker, issuer, third party, or transfer agent to disaffirm or avoid the transaction, unless prior to acting in the transaction the bank, broker, issuer, third party or transfer agent against whom the transaction is sought to be disaffirmed or avoided had received notice in the office acting in the transaction that the specific security is held by a minor or unless an individual conducting the transaction for the bank, broker, issuer, third party, or transfer agent had actual knowledge of the minority of the holder.

Construction.

Section 4. This act shall be so construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

Short title.

Section 5. This act may be cited as the "Uniform Securities Ownership by Minors Act."

Severability.

Section 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

General repeal.

Section 7. All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Act effective immediately.

Section 8. This act shall take effect immediately.

APPROVED—The 29th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 705

AN ACT

Amending the act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation," changing the compensation of members, providing for the appointment of an executive secretary and other employes, changing the limitations on the filing of claims, increasing the powers of the board, further providing for rules of procedure before the board, providing for appeals, and making an appropriation.

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

Board of Arbitration of Claims.

Section 1. Section 1, act of May 20, 1937 (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation," amended July 19, 1951 (P. L. 1079), is amended to read:

Section 1, act of May 20, 1937, P. L. 728, amended July 19, 1951, P. L. 1079, further amended.

Section 1. Be it enacted, &c., That there is hereby created a departmental administrative board in the Department of the Auditor General, known as the Board of Arbitration of Claims, the duty of which shall be to arbitrate claims against the Commonwealth arising from contracts entered into by the Commonwealth. Such board shall consist of three members appointed by the Governor, one of whom shall be learned in the law and shall be chairman of the board, another of whom shall be a registered civil engineer. The third member of the board shall be a citizen and resident of the Commonwealth not learned in the law or an engineer. Two members of the board shall constitute a quorum. The members shall be appointed for terms of two, four, and six years, and shall serve until their respective successors shall be duly appointed and qualified. Their successors shall each be appointed for a term of six years. In the event any member shall die or resign during his term of office the Governor shall appoint a successor who shall hold office for such unexpired term. Each member of the board shall receive [fifty dollars per diem for each day of eight hours actually employed in his duty as a member of the board, and in proportion for part day service,] *an annual compensation of eleven thousand dollars (\$11,000), except that the chairman who shall receive an annual compensation of thirteen thousand five hundred dollars (\$13,500), and shall also be entitled to all necessary traveling and other expenses [while engaged in the performance of his official duties, said expenses to include mileage at the rate of five cents per mile for each mile actually traveled from the residence of each member to the place of hearing and return, together with subsistence at the rate of fifteen dollars per day while at the place of hearing, which compensation and expenses shall be deemed costs of the proceedings hereunder] incurred by him in the discharge of his official duties.*

Board created to arbitrate claims against the Commonwealth.

Members of board.

Terms.

Salary and expenses.

Section 2 of the act, repealed.

Act amended by adding a new section 2.1.

Executive secretary

Notes of testimony.

Section 4 of the act, amended.

Powers of board.

Sections 6 and 8 of the act, amended June 26, 1939, P. L. 1081, further amended.

Procedure to be followed by the board.

Section 2. Section 2 of the act is hereby repealed.

Section 3. The act is amended by adding, after section 1, a new section to read:

Section 2.1. The board shall appoint an executive secretary and shall have the power to and may, at its pleasure, appoint such employes including lawyers, engineers and stenographers as are needed in the proper exercise of its functions. The executive secretary and each employe of the board for the purposes of the State Employes' Retirement System shall be considered a State employe. The executive secretary and any employe of the board shall receive all necessary traveling and other expenses incurred in the discharge of his official duties elsewhere than in Harrisburg. The board shall maintain its office in Harrisburg. No charge shall be made against the Commonwealth for copies of notes of testimony or other papers furnished to the Commonwealth. The claimant or any other party shall pay the board at such rates as the board may, by rule, determine for copies of notes of testimony furnished at the request of the claimant or any other party.

Section 4. Section 4 of the act is amended to read:

Section 4. [(a)] The Board of Arbitration shall have jurisdiction to hear and determine all claims against the Commonwealth arising from contracts hereafter entered into with the Commonwealth, where the amount in controversy amounts to \$300.00 or more [; (b) such jurisdiction shall also attach in cases arising from contracts heretofore entered into, where the claims, as herein provided, are presented before final payment under such contracts, and where the parties in such contracts heretofore entered into agree to submit the claim to the board under the terms of this act.

The award of the Board of Arbitration shall be final, and no appeal from such award to any court shall be allowed].

Section 5. Sections 6 and 8 of the act, amended June 26, 1939 (P. L. 1081), are amended to read:

Section 6. [No claim shall be entertained by the board, unless the claimant shall, within three months after notice to the claimant of determination by the Commonwealth of the amount of final payment due said claimant under the contract and before final payment is received on said contract, except as provided by section four (b) hereof,] *The board shall have no power and exercise no jurisdiction over a claim asserted against the Commonwealth unless the claim shall have been filed within six months after it accrued. The claimants shall advise the department involved, in writing, of such*

claim, specifying the details thereof, and shall, within the same period, file with the secretary of the board a concise and specific written statement of this claim, signed and verified by the claimant before an officer authorized to administer oaths.

The claimant at the time of filing such statement shall file therewith [two] *six* copies of said statement, and the secretary of the board shall forthwith deliver one copy to the secretary of the department involved and the [other] *others* to the Attorney General.

At the time of filing his statement of claim, the claimant shall pay to the State Treasury, through the secretary of the board, the sum of \$50.00 as a filing fee. All fees so received shall be credited to the General Fund. Filing fee.

Within thirty days after such statement shall be filed with the secretary of the board, and served upon the secretary of the department involved, and the Attorney General, the Commonwealth shall file with the secretary of the board an answer in writing to the averments of the claimant's statement *or other pleading*, which shall be signed and verified by the secretary of the department involved, and shall, at the same time, file two copies of the same, one of which shall be served by the secretary on the Attorney General, and the other forwarded to the claimant.

When the answer of the Commonwealth is filed, the pleadings shall be complete and the case shall be deemed to be at issue, and the secretary of the board shall list such case for hearing before the board at the earliest available date, but not earlier than thirty (30) days after the filing of such answer. Completion of pleading.

All cases shall, as far as practicable, be listed for hearing in the order of the date of the filing of the respective claims, and the secretary shall cause to be served upon all claimants by registered mail thirty (30) days' written notice, which notice shall set forth the time and place of such hearing. Hearing lists.

The board shall have power to order the interpleader or impleader of other parties whenever necessary for a complete determination of any claim or counterclaim. Interpleader.

Section 8. (a) All hearings before the board shall be public and shall be governed by [such rules] *all of the rules of Pennsylvania Civil Procedure* not inconsistent with this act [as shall be adopted and prescribed by the board]. After consideration of the pleadings filed with it and the testimony given at the hearing before it, the board shall either dismiss the claim of the claimant or make an award in favor of the claimant of such sum as it shall determine the claimant is legally and rightfully entitled to receive, and shall enter its said action in a book to be kept by it for that purpose. It shall Hearings.

file a written opinion, setting forth the reasons for its action. [The action of the board dismissing said claim or making an award shall be final and no appeal shall lie therefrom.] The board in dismissing any claim or in making any award shall dispose of all costs of the proceedings by providing for the payment thereof by the Commonwealth or by the claimant, or by providing that such costs shall be shared by the said parties in such proportions as the board in its discretion shall direct.

Appeal.

(b) Within thirty (30) days after dismissing the claim or making an award, any party aggrieved thereby, including the Commonwealth, shall have a right of appeal therefrom. Such appeal shall be taken to the Court of Common Pleas of Dauphin County. Parties interested in such an order including the Commonwealth, jointly, severally or otherwise, may join in an appeal therefrom even though all of the interested parties do not join therein.

(c) The court shall hear the appeal without a jury on the record certified by the board. After hearing, the court shall affirm the order unless it shall find that the same is not in accordance with law. The findings of the board as to the facts, if supported by substantial evidence, shall be conclusive. If the order is not affirmed, the court may set aside or modify, in whole or in part, or may remand the proceeding to the board for further disposition in accordance with the order of the court.

Appropriation.

Section 6. There is hereby appropriated to the Board of Arbitration of Claims the sum of fifty thousand dollars (\$50,000), or as much thereof as is necessary, for the purpose of carrying out the provisions of this act.

Lapsed funds.

Section 7. So much of the appropriation made to the Department of the Auditor General for the administration of the Board of Arbitration of Claims as may be unexpended as of the effective date of this act shall lapse.

Act effective immediately.

Section 8. This act shall take effect immediately.

APPROVED—The 29th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 706

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," permitting motor vehicles owned and used by certain persons engaged in collecting news to be equipped with a warning light.