

centum of the total sum of such odd cents, which tax is hereby imposed and shall be paid by the permit holder to the Department of Revenue for credit to the State Harness Racing Fund.

**Act effective immediately.**

Section 2. This act shall take effect immediately.

APPROVED—The 16th day of July, A. D. 1963.

WILLIAM W. SCRANTON

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No. 135

AN ACT

Repealing the act of April 23, 1870 (P. L. 1258), entitled "An act to divide the borough of Bellefonte into three wards."

**Borough of Bellefonte.**

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

**Specific repeal.**

Section 1. The act of April 23, 1870 (P. L. 1258), entitled "An act to divide the borough of Bellefonte into three wards," is repealed.

APPROVED—The 16th day of July, A. D. 1963.

WILLIAM W. SCRANTON

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No. 136

AN ACT

Amending the act of December 22, 1959 (P. L. 1978), entitled, as amended, "An act providing for and regulating harness racing with pari-mutuel wagering on the results thereof; creating the State Harness Racing Commission as an independent administrative commission and defining its powers and duties; providing for the establishment and operation of harness racing plants subject to local option; imposing taxes on revenues of such plants; disposing of all moneys received by the commission and all moneys collected from the taxes; authorizing penalties; and making appropriations," requiring the secretary to keep a docket containing certain information relative to stockholders; providing that when there is a transfer of stock, the agreement pursuant to which stock is held must be in writing; requiring licensees to furnish the commission with lists of shareholders and to notify the commission of transfers of stock; prohibiting stock to be held in trust, except under certain conditions, and forfeiting stock so held to the Commonwealth; prohibiting public officers, public employes and party officers from having an interest in pari-mutuel racing activities; prohibiting the attendance at harness horse race meetings by minors, and requiring the commission to provide by rule for enforcement of certain provisions of the act.

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

State Harness  
Racing.

Section 1. Section 1, act of December 22, 1959 (P. L. 1978), entitled, as amended, "An act providing for and regulating harness racing with pari-mutuel wagering on the results thereof; creating the State Harness Racing Commission as an independent administrative commission and defining its powers and duties; providing for the establishment and operation of harness racing plants subject to local option; imposing taxes on revenues of such plants; disposing of all moneys received by the commission and all moneys collected from the taxes; authorizing penalties; and making appropriations," amended September 20, 1961 (P. L. 1522), is amended to read:

Section 1, act of  
December 22,  
1959, P. L. 1978,  
amended Septem-  
ber 20, 1961,  
P. L. 1522,  
further amended.

Section 1. State Harness Racing Commission.—The State Harness Racing Commission is hereby created as an independent administrative commission, and it shall have general jurisdiction over all pari-mutuel harness racing activities in the State and the corporations engaged therein. Such commission shall consist of three members who shall be appointed by the Governor, by and with the advice and consent of the Senate. Each commissioner shall hold office for a term of three years. Such commissioners shall receive no salary but shall be reimbursed for expenses incurred in the performance of their official duties. The commission shall appoint such deputies, secretaries, officers, representatives and counsel as it may deem necessary, who shall serve during its pleasure, and shall also appoint such employes it may deem necessary and whose duties shall be prescribed by the commission and whose compensation shall be fixed by the commission within the appropriations available therefor. It shall be the duty of the secretary to keep a full and faithful record of the proceedings of such commission, preserve at the general office of such commission all books, maps, documents, and papers entrusted to his care, prepare for service such papers and notices as may be required of him by the commission, and perform such other duties as the commission may prescribe. *It shall be the duty of the secretary to keep, at the offices of the commission, a docket setting forth the names of all stockholders in all corporations licensed under this act, the number of shares held by each such stockholder, and the date on which each shareholder acquired his stock in the corporate licensee. Such docket shall be open for public inspection.* The commission, or such officers, employes or agents of the commission as may be designated by the commission for such purpose, shall have the power

to administer oaths and examine witnesses, and may issue subpoenas to compel attendance of witnesses, and the production of all relevant and material reports, books, papers, documents, correspondence, and other evidence. Such commission shall, annually, make a full report to the Secretary of Agriculture of its proceedings for the year ending with the first day of the preceding December and such suggestions and recommendations as it shall deem desirable.

Subsection (a),  
section 4 of act,  
amended.

Section 2. Subsection (a) of section 4 of the act, is amended to read:

Section 4. Filing of Information Concerning Stock Transfers; Necessity for Commission's Approval.—(a) Whenever a transfer of stock of any corporation which is licensed under this act, or of any corporation which leases to such licensee the track at which it conducts pari-mutuel harness races or which owns twenty-five per centum or more of the stock of such licensee shall be made, there shall be filed, simultaneously, with the corporation which issued such stock the following:

(1) In duplicate, an affidavit executed by the transferee stating that he is to be the sole beneficial owner thereof, and whether or not he: (i) has been convicted of a crime involving moral turpitude, (ii) has been engaged in bookmaking or other forms of illegal gambling, (iii) has been found guilty of any fraud or misrepresentation in connection with racing or breeding, (iv) has been guilty of any violation or attempt to violate any law, rule or regulation of any racing jurisdiction, for which suspension from racing might be imposed in such jurisdiction, or (v) has violated any rule, regulation or order of the commission. If the transferee is not, or is not to be, the sole beneficial owner thereof, then there shall be annexed to said affidavit of the transferee, and expressly stated in such affidavit to be deemed a part thereof, a true and complete copy [ , or if oral, a complete statement ] of all terms of the agreement [ or understanding ] pursuant to which the stock is to be so held by the transferee, including a detailed statement of the interest therein of each person who is to have any interest therein; and

(2) In duplicate, an affidavit executed by each person for whom the said stock, or any interest therein, is to be held by said transferee, setting forth whether or not the affiant (i) has been convicted of a crime involving moral turpitude, (ii) has been engaged in bookmaking or other forms of illegal gambling, (iii) has been found guilty of any fraud or misrepresentation in connection with racing or breeding, (iv) has been guilty of any

violation or attempt to violate any law, rule or regulation of any racing jurisdiction, for which suspension from racing might be imposed in such jurisdiction, or (v) has violated any rule, regulation or order of the commission. To each of such affidavits shall be annexed, and expressly stated in such affidavit to be deemed a part thereof, a true and complete copy [ , or if oral, a complete statement] of all the terms of the agreement [or understanding] pursuant to which stock is to be so held by the transferee, including a detailed statement of the interest therein of each person who is to have any interest therein. Said corporation shall forthwith file with the commission one of each of said duplicate affidavits.

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Section 3. The act is amended by adding, after section 7, two new sections to read:

Act amended by adding two new sections 7.1 and 7.2.

*Section 7.1. Shareholders.—(a) Each licensee shall provide the commission with a complete list of all its stockholders, indicating the number of shares held by each shareholder.*

*(b) It shall be the duty of each licensee, within ten days after any transfer of stock in such licensee, to notify the State Harness Racing Commission of such transfer.*

*(c) Each certificate of stock issued by a licensee shall have noted on the face thereof that the person whose name is indicated as the owner of the shares of stock represented by such certificate is the sole and absolute owner thereof, and that he is not holding the shares of stock or any portion of the shares of stock represented by said certificate in trust for any person, partnership, firm or corporation whatsoever, who or which is prohibited by this act from owning such shares of stock. If any of the shares of stock represented by a certificate of stock are held subject to the terms of either an inter vivos or testamentary trust for the benefit of any person who could lawfully own such stock in his own name, such fact shall be so noted on the face of the certificate and a copy of the instrument which created the trust shall be attached thereto. A duplicate copy of the instrument which created the trust shall be filed with the commission.*

*(d) No property rights shall exist in any shares of stock of any licensee which are held in trust contrary to the provisions of this section and the same shall be forfeited to the Commonwealth of Pennsylvania, after reasonable notice, and upon hearing and proof thereof in any suit instituted by the Attorney General of Pennsylvania in the Court of Common Pleas of Dauphin County. Upon it being established that such stock is*

subject to \*forfeiture by legal adjudication as herein provided, the State Harness Racing Commission shall sell such forfeited stock, at public sale, upon proper notice, to the highest public bidder. The proceeds from such sale shall be deposited in the General Fund of the Commonwealth of Pennsylvania.

(e) As used in this section, the term "licensee" shall mean any association or corporation which holds any license from the State Harness Racing Commission, or any firm, association or corporation which owns or leases to any licensed association or corporation a race track at which pari-mutuel racing is conducted, or any firm, association or corporation which participates in the management of any association or corporation which holds any license from the commission.

(f) The provisions of this section shall be in effect in addition to the provisions of section 4 of this act.

**Section 7.2. Prohibition of Interest by Public Officers, Public Employes and Party Officers in Pari-mutuel Racing Activities.**—(a) No public officer, public employe or party officer shall:

(1) Hold any license from the State Harness Racing Commission; or

(2) Own or hold, directly or indirectly, any proprietary interest, stock or obligation of any firm, association or corporation (i) which is licensed by such commission to conduct pari-mutuel racing, or (ii) which is licensed to conduct its occupation, trade or business at race tracks at which pari-mutuel race meets are conducted, or (iii) which owns or leases to any licensed association or corporation a race track at which pari-mutuel racing is conducted, or (iv) which participates in the management of any licensee conducting pari-mutuel racing; or

(3) Hold any office or employment with any firm, association or corporation specified in clause (2) of this section; or

(4) Sell (or be a member of a firm or own ten per centum or more of the stock of any corporation which sells) any goods or services to any firm, association or corporation specified in clause (2) of this section.

The provisions of clause (3) of this subsection (a) shall not apply to a public \*\*employe of a political subdivision (other than a police officer or paid \*\*employe of a police department, sheriff's office, district attorney's office or other law enforcement agency) whose compen-

\* "forefeiture" in original.

\*\* "employee" in original.

sation is less than six thousand dollars (\$6000) per annum: Provided, however, That such employment of employes of a political subdivision may be prohibited by ordinance, resolution or local law adopted by the local legislative body or other governing board of such political subdivision.

(b) Notwithstanding any other provision of law and in addition to any other cause of removal provided by law, a knowing and wilful violation of this section shall be cause for removal from public office, public employment or party office. In any such case, such public officer, public employe or party officer, violating this section, shall be removed from office by appropriate authority having the power of removal or at the suit of the Attorney General.

(c) As used in this section, the following terms shall mean and include:

(1) "Public officer." Every person elected to any public office of the Commonwealth or any political subdivision thereof.

(2) "Public employe." Every person employed by the Commonwealth or any political subdivision thereof.

(3) "Party officer." The following members or officers of any political party: (i) a member of a National committee, (ii) a chairman, vice-chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State Committee, (iii) a county chairman, vice-chairman, counsel, secretary or treasurer of a county committee, (iv) a city chairman, vice-chairman, counsel, secretary or treasurer of a city committee.

(d) A public officer, public employe or party officer who owns or holds, directly or indirectly, any proprietary interest, stock or obligation prohibited by subsection (a) of this section as of the effective date of this act shall not be in violation of this section if such interest or obligation is disposed of within one year from the date this act takes effect.

(e) The State Harness Racing Commission shall have the power to refuse to grant or to revoke or suspend a license of any firm, association or corporation which aids or knowingly permits or conspires to permit any public officer, public employe or party officer to acquire or retain any interest prohibited by this section.

Section 4. Section 21 of the act is amended to read:

Section 21 of the act, amended.

Section 21. Prohibition of Wagering by Certain Officials, Employes and Minors; Prohibition of Attendance by Minors.—No commissioner, secretary, deputy, officer,

representative, employe or counsel of the commission shall bet upon the outcome of any harness horse race conducted at a track at which pari-mutuel betting is conducted by any licensee of the commission, and no corporation which is licensed under this act shall permit any person who is actually and apparently under twenty-one years of age to bet at or attend a harness race meeting conducted by it. *This section shall not be construed to prohibit persons under twenty-one years of age, who are legally employed, from being in and upon the race track premises for the purpose solely of engaging in the performance of their duties as employes. The State Harness Racing Commission shall, by rule, provide for enforcement of this section.*

Effective date.

Section 5. This act shall take effect in sixty days.

APPROVED—The 17th day of July, A. D. 1963.

WILLIAM W. SCRANTON

No. 137

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," authorizing the issuance of a fixed number of special permits for oversized vehicles hauling boats or transporting mobilehomes.

The Vehicle Code.

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

Section 905, act of April 29, 1959, P. L. 58, amended by adding a new subsection (c.1).

Section 1. Section 905, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," is amended by adding, after subsection (c), a new subsection to read:

Section 905. Permits for Excessive Size and Weight.—

\* \* \* \* \*

*(c.1) The Secretary of Highways may, in his discretion, issue special permits in writing for any fixed number of movements of vehicles or tractors, or combination thereof, exceeding the maximum widths or lengths, or both, specified in this act, between specified locations along certain highways, transporting boats or mobilehomes while such boats or mobilehomes are in the course of manufacture and only on highways located entirely within the county in which the boats or mobile-*