

APPROVED—The 9th day of October, A. D. 1967.

RAYMOND P. SHAFER

No. 175

AN ACT

SB 822

Amending the act of February 28, 1956 (P. L. 1154), entitled, as amended, "An act relating to the administration and distribution of incompetents' estates, both as to real and personal property, and the appointment of guardians of the persons of incompetents, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases; the appointment, bond, removal and discharge of guardians of such estates, their powers, duties and liabilities, the rights of persons dealing with such guardians, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning the determination of incompetency and the powers, duties and liabilities of foreign guardians; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and the common pleas court relating to incompetents' estates," providing for temporary guardians and further regulating transfers of bank accounts.

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

Section 1. Section 301, act of February 28, 1956 (P. L. 1154), known as the "Incompetents' Estates Act of 1955," reenacted and amended July 11, 1957 (P. L. 794), is amended by adding after subsection (b) a new subsection to read:

Section 301. Petition and Hearing.—

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(c) Temporary Guardian. Notwithstanding the provisions of subsections (a) and (b) hereof, the court, upon petition and a hearing at which good cause is shown, may appoint a temporary guardian or guardians of the person or estate of a person alleged to be incompetent, when it appears that failure to make such appointment will result in irreparable harm to the person or estate of the alleged incompetent. The provisions of subsections (a) and (b) hereof shall be applicable to such proceedings, except that only such notice of the petition and hearing shall be required as shall appear to the court to be feasible in the circumstances, and need not be given at such times or to such persons as would be required by the provisions of subsections (a) and (b) hereof in a proceeding for the appointment of

a guardian. A temporary guardian so appointed for the person or estate of an alleged incompetent shall only have and be subject to such powers, duties and liabilities and serve for such time as the court shall direct in its decree.

Section 2. The introductory paragraph of section 701 and section 702 of the act reenacted and amended July 11, 1957 (P. L. 794), are amended to read:

Section 701. In General.—A foreign guardian may institute proceedings in the Commonwealth (subject to the conditions and limitations imposed on nonresident suitors generally) and may exercise all the other powers of a local guardian. Except in the case of powers with respect to securities and bank accounts, for which special provision is made in section 702, the maintenance of a proceeding or the exercise of any other power by a foreign guardian shall be subject to the following additional conditions and limitations:

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Section 702. [Security Transfers] Powers With Respect to Securities and Bank Accounts.—(a) Securities. When there is no guardianship in the Commonwealth, a foreign guardian, or similar fiduciary, upon submission of a certificate of his appointment, shall have all the powers of a [similar] local guardian with respect to stocks, bonds and other securities of a Pennsylvania corporation or a Federal corporation located in Pennsylvania and shall not be required to comply with the conditions and limitations of section 701.

(b) Bank Accounts. When there is no guardianship in the Commonwealth, a foreign guardian, or similar fiduciary, upon submission to the financial institution of (i) a certificate of his appointment, and (ii) an affidavit stating that after diligent search and inquiry the incompetent is not to his knowledge, or so far as he has been able to discover, indebted to any person in the Commonwealth and that any taxes owing to the Commonwealth or any subdivision thereof have been paid or provided for shall have all the powers of a local guardian with respect to money deposited or invested in a financial institution located in Pennsylvania and shall not be required to comply with the conditions and limitations of section 701. For the purpose of this subsection “financial institution” shall mean a bank, a bank and trust company, a trust company, a savings and loan association, a building

and loan association, a credit union, a savings bank, a private bank and a national bank.

Section 3. This act shall take effect immediately.

APPROVED—The 9th day of October, A. D. 1967.

RAYMOND P. SHAFER

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No. 176

AN ACT

SB 1065

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," prohibiting any person from hindering or preventing or attempting to hinder or prevent any fireman from performing his functions, powers or duties as a fireman.

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

Section 1. The act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended by adding after section 325, a new section to read:

Section 325.1. Hindering Firemen.—Whoever intentionally hinders or prevents or attempts to hinder or prevent any fireman from performing his functions, powers or duties as a fireman is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding one (1) year, or both.

Section 2. This act shall take effect immediately.

APPROVED—The 9th day of October, A. D. 1967.

RAYMOND P. SHAFER

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No. 177

AN ACT

HB 120

Amending the act of April 12, 1951 (P. L. 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating