

mission consistent with the laws of the Commonwealth.

Section 8. Finances and Contributions.—Funds which may be appropriated by the General Assembly from time to time to assist in <sup>1</sup> financing the Bicentennial shall be appropriated to the Department of Commerce. That department will secure the advice of the commission in preparing requests for such appropriations and in their expenditure.

Section 9. Appropriations.—There is hereby appropriated to the Department of Commerce, to assist the work of the commission, the sum of twenty-five thousand dollars (\$25,000) for the fiscal year July 1, 1968 to June 30, 1969. In addition to this amount, all moneys received from any other sources as contributions to this program shall be paid into the General Fund and credited to this appropriation.

Section 10. Effective Date.—This act shall take effect July 1, 1968.

APPROVED—The 12th day of July, A. D. 1968.

RAYMOND P. SHAFER.

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No. 162

AN ACT

HB 1776

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," further regulating the operation, use and equipment of motorcycles and operators thereof; and further providing for the prevention of noise by vehicle.

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

Section 1. Subsection (a) of section 606, and subsection (b) of section 608, <sup>2</sup> act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," are amended to read:

Section 606. Learner's Permits.—

(a) The department, upon receiving from any person eighteen (18) years of age or over, or upon receiving from any person less than eighteen (18) years of age and more than sixteen (16) years of age, when accompanied by an affidavit of consent of a parent or person in loco parentis, an application for a learner's permit, may, in its discretion, issue such a permit, entitling the applicant while having such permit in his immediate possession to operate a motor vehicle

<sup>1</sup> "financing" in original.

<sup>2</sup> "of the" in original.

or tractor upon the highways for a period of ninety (90) days from date of issue, or for one hundred twenty (120) days if the learner is a high school student enrolled in an accredited driving training course, or if the permit is to operate a motorcycle, motor scooter, or bicycle with motor attached, for a period of ninety (90) days, or until such learner has failed three (3) times, at any time within the ninety-day period or one hundred twenty (120) days, as the case may be, the examination prescribed by the secretary, and when accompanied by [a licensed operator] an operator licensed to operate the type of vehicle being driven, who regularly and frequently engages in the practice of driving and who is actually occupying a seat beside the holder of the learner's permit, except that permittees operating tractors, motorcycles or bicycles with motor attached need not be so accompanied. Permittees operating motorcycles, motor scooters, or bicycles with motor attached shall only operate during daylight hours and shall not carry any riders except that a qualified licensed operator may accompany the applicant at any time for the purpose of giving instruction if the vehicle is equipped in accordance with the provisions of this act for carrying riders.

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Penalty.—Any person violating any of the provisions of subsection (a) or (b) of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 608. Examination of Applicants and Operators.—

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(b) The secretary may issue an operator's license, either unlimited or containing certain restrictions or limitations, as the secretary may deem advisable. The secretary shall not issue an operator's license entitling a licensee to operate a motorcycle until the licensee has demonstrated his ability to operate such motorcycle.

Any operator's license issued by the secretary which permits the licensee to operate a motorcycle in addition to other motor vehicles or tractors, shall be so marked on the operator's card, and any licensee whose operator's card has not been so marked and who operates a motorcycle shall be deemed to be operating a motor vehicle without a valid license. The secretary may, at his discretion, in ac-

cordance with the provisions of this act, issue operators' licenses valid only for the operation of a motorcycle, motor scooter, or bicycle with motor attached, and so mark the operator's card. Any licensee operating a motor vehicle, or tractor with such a license shall be deemed to be operating a motor vehicle without a valid license.

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Section 2. Section 625.1 of the act, added August 13, 1963 (P. L. 771), is amended to read:

Section 625.1. Operators and Others Riding on Motorcycles.—A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto. Such operator shall not carry any other person nor shall any other person ride on a motorcycle, unless such motorcycle is designed to carry more than one person, in which event, a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle in a position to the rear or side of the motorcycle and provided with foot rests and hand grips, or in a side car attached to the motorcycle. Any person operating or riding on a motorcycle shall wear both protective headgear and if such person is not wearing eyeglasses, an eye shield of a type approved by the secretary.

Penalty.—Any person operating or riding a motorcycle in violation of any of the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 3. Section 828 of the act is amended to read:

Section 828. Prevention of Noise.—

(a) No person shall operate a motor vehicle, except fire department and fire patrol apparatus, on a highway unless such motor vehicle is equipped with [a muffler] an exhaust system, in good working order and in constant operation, to prevent excessive or unusual noise.

(b) It shall be unlawful to use a muffler cutout, or a bypass in a muffler, on any motor vehicle, except fire department and fire patrol apparatus. It shall also be unlawful to operate a motorcycle on a highway from which the inner baffles of the muffler have been removed.

(c) No person shall operate a motor vehicle on any highway (1) equipped with a muffler from which the [baffles] baffle plates, screens or other original internal parts have been removed [and not re-

placed;] or altered; (2) equipped with an exhaust system which has been modified in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the [muffler] exhaust system originally installed on the vehicle; (3) equipped with an exhaust system which has been modified or altered in any way from that furnished by the vehicle manufacturer: Provided, however, That equipment equivalent to that originally used may be substituted when parts are replaced, and provided further, that the exhaust system of a commercial motor vehicle, truck tractor, motor bus or motor omnibus may be modified, altered or relocated if the emitted noise is not thereby increased; or (4) equipped with an exhaust system which has been repaired in any manner except for the substitution of like or equivalent parts.

(d) No violation charged under this section for causing excessive noise shall be proved except by the testimony of at least two <sup>1</sup> (2) peace officers who were on the scene of the alleged violation each testifying that in his opinion the noise caused was excessive and each describing such excessive noise.

Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine not to exceed twenty-five dollars (\$25.00), and costs of prosecution, or to undergo imprisonment not to exceed fifteen (15) days, or both.

Section 4. Article VIII of the act is amended by adding after section 847, two new sections to read:

Section 848. Handle Bars and Clip-on Bars on Motorcycles.—No person shall operate a motorcycle on the highways where the highest point on the handle bars on the motorcycle is more than fifteen (15) inches higher than the plane of the saddle or where it is equipped with clip-on bars.

Penalty.—Any person violating the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine not exceeding twenty-five dollars (\$25.00) and costs of prose-

<sup>1</sup>“(2)” not in original.

cution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

Section 849. Fenders on Motorcycles.—No person shall cut or alter a fender on a motorcycle after it has been sold by a manufacturer.

Penalty.—Any person violating any of the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine not exceeding ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 5. Section 1010 of the act is amended to read:

Section 1010. Following Too Closely.—

(a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle, and the traffic upon and condition of the highway.

(b) The operator of any motor bus, motorcycle, motor omnibus, commercial motor vehicle, truck tractor or tractor, not being part of any military convoy in the military service of the United States or of this Commonwealth, when traveling upon a highway outside of a business or residence district shall not follow another such vehicle within five hundred (500) feet, but this shall not be construed to prevent one such vehicle overtaking and passing another such vehicle nor shall this section be construed to prevent operators of motorcycles traveling in groups of not more than four <sup>1</sup> (4) from following each other more closely than the five hundred (500) foot minimum following distance prescribed by this section.

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 ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 6. The act is amended by adding after section 1010 thereof, a new section to read:

Section 1010.1. Operation of Motorcycles Abreast of Each Other.

—Not more than two <sup>2</sup> (2) motorcycles shall be operated abreast of each other in any one <sup>3</sup> (1) lane of motor vehicular traffic.

<sup>1</sup> “(4)” not in original.

<sup>2</sup> “(2)” not in original.

<sup>3</sup> “(1)” not in original.

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 ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 7. This act shall take effect July 1, 1968.

APPROVED—The 15th day of July, A. D. 1968.

RAYMOND P. SHAFER.

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No. 163

AN ACT

HB 713

Amending the act of May 28, 1937 (P. L. 955), entitled, as amended, "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Planning Board, and certain other State officers and departments," authorizing appointment of all members of Authorities in counties of the third class by the county commissioners and in cities of the third class by the mayor with the approval of the majority of the members of council, and providing for removal of Authority members for cause by courts of quarter sessions.

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

Section 1. Sections 5 and 6, act of May 28, 1937 (P. L. 955), known as the "Housing Authorities Law," are amended to read:

Section 5. Appointment of Members of an Authority.—(a) The board of county commissioners for any county upon issuing a certificate declaring the need for an Authority to operate in such county or upon receiving notice of the issuance of such certificate by the Governor, shall appoint five citizens, residents of the county, to be members of the housing authority which is to operate within