

Section 8. This act shall take effect in ninety days.

APPROVED—The 20th day of July, A. D. 1968.

RAYMOND P. SHAFER.

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No. 209

AN ACT

SB 1541

Amending the act of July 19, 1935 (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," transferring jurisdiction of administering and enforcing the provisions thereof from the Department of Internal Affairs to the Department of Mines and Mineral Industries.

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

Section 1. The title of the act of July 19, 1935 (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," is amended to read:

AN ACT

To regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of [Internal Affairs] Mines and Mineral Industries; and providing penalties.

Section 2. Section 1 of the act, amended May 15, 1945 (P. L. 563), is amended to read:

Section 1. Be it enacted, &c., That the term "solid fuel," when used in this act, shall mean anthracite, semi-anthracite, bituminous, semi-bituminous, or lignite coal, briquettes, boulets, coke, gas-house coke, petroleum coke, carbon, charcoal, or any other natural, manufactured, or patented fuel not sold by liquid or metered measure.

The term "person," when used in this act shall be construed to include any individual, partnership, unincorporated association, corporation, association, agent, firm, representative, or employe thereof.

The term "licensed weighmaster," when used in this act, shall include a person licensed to weigh solid fuel by this Commonwealth or by a bordering state issuing such licenses and recognizing licenses and weigh certificates issued by such licensees in this Commonwealth.

The word "department," when used in this act shall mean the Department of [Internal Affairs] Mines and Mineral Industries of the Commonwealth.

The word "weighmaster," when used in this act shall mean a weighmaster licensed under this act by the Department of [Internal Affairs] Mines and Mineral Industries, or an unexpired license heretofore issued by the Department of Internal Affairs.

The word "purchaser," when used in this act, shall mean (a) the ultimate consumer to whom the solid fuel is delivered for the purpose of consumption; (b) coal yard or dealer to whom solid fuel is delivered for the purpose of unloading for storage or resale where coal must be weighed before resale.

The word "vehicle," when used in this act shall be construed to include the skid or other similar portable device upon which a lot of solid fuel may be placed prior to weighing, and on which said lot of fuel shall remain continuously thereafter until delivered to the purchaser thereof: Provided, however, That the use of such skids or other similar portable devices shall be subject to approval of the [Secretary of Internal Affairs] Department of Mines and Mineral Industries: And provided further, That when such skids or other portable devices are used for the delivery of solid fuel, it shall not be necessary to weigh the truck, tractor, trailer or other moving equipment upon which such skids or other portable devices may be transported.

Section 3. Subsection (1) of section 3 of the act, amended May 8, 1947 (P. L. 173), is amended to read:

Section 3. (1) No person shall sell, transport over a public highway, deliver, or cause to be delivered, or to be started out for delivery, any solid fuel in a lot or lots in amounts of exceeding one hundred (100) pounds without each lot, in each separate compartment of any vehicle or vehicle and trailer, being accompanied by a weighmaster's certificate for each lot issued by a licensed weighmaster of the Commonwealth of Pennsylvania: Provided, That this section shall be inapplicable to a producer of solid fuel, who furnishes proof satisfactory to the Department, or an Inspector of Weights and Measures, that the solid fuel being transported comes from his own mine, is his own property, and is being transported for a purpose other than for sale, or that the vehicle is accompanied by a valid certificate of transportation permitting such transportation without a weighmaster's certificate, as provided for by the rules and regulations as promulgated by the Department of [Internal Affairs] Mines and Mineral Industries.

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Section 4. Section 8.2 of the act, added June 24, 1941 (P. L. 152), is amended to read:

Section 8.2. The Secretary of [Internal Affairs] Mines and Mineral Industries shall have power to adopt and promulgate such rules and regulations not inconsistent with the provisions of this act as may be deemed necessary to carry into effect the intent and purpose of this act.

All previous rules and regulations adopted and promulgated by the Secretary of Internal Affairs remain in full force and effect until new or amended rules and regulations are adopted by the Secretary of Mines and Mineral Industries.

Section 5. This act shall take effect immediately.

APPROVED—The 20th day of July, A. D. 1968.

RAYMOND P. SHAFER.

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No. 210

AN ACT

SB 1542

Amending the act of March 10, 1937 (P. L. 59), entitled,<sup>1</sup> as amended "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners; imposing duties and liabilities upon operators; and imposing penalties," vesting jurisdiction in the Department of Mines and Mineral Industries over unmarked coal cars, the rendering of reports thereon, and enforcement of penalties for violations.

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

Section 1. Sections 2 and 6, act of March 10, 1937 (P. L. 59), entitled,<sup>1</sup> as amended "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners; imposing

<sup>1</sup> "as amended" not in original.