

No. 207

AN ACT

HB 2103

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," extending the time for hearings in cities of the first class.

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

Section 1. Subsection (c) of section 1201, act of April 29, 1959 (P.L.58), known as "The Vehicle Code," amended November 9, 1965 (P.L.667), is amended to read:

Section 1201. Limitation of Actions.—

* * *

(c) Any salaried police officer, excluding any person compensated solely or in part by fees, who shall be a member of a police department organized and operating under the authority of cities of the first, second and third class, or a borough, incorporated town or township of the first class, when in uniform and exhibiting his badge or other sign of authority, whenever a summary offense as described in this act is committed in his presence, shall be vested with the authority to stop and present to the alleged offender a printed notice to appear before the nearest available magistrate or in cities of the first, second or third class, any magistrate sitting in the central traffic court. The notice shall have the full force and effect of a summons issued in the name of the Commonwealth. The notice to appear shall bear the name and address of the alleged offender, the license number and type of vehicle or other means of identification, if a pedestrian, the nature of the offense charged, the location, date and time when and where the alleged offense took place, and shall be signed by the police officer issuing the notice, and shall bear his number, and date and time for the appearance of the offender before the nearest available magistrate having jurisdiction over summary offenses as defined by this act. The date and time for appearance shall be not less than five (5) days nor more than fifteen (15) days of the date of the alleged offense. Within seventy-two (72) hours after presenting to the alleged offender the printed notice, as provided herein, the police officer shall file a sworn information, charging the violation of the specific summary provisions of this act with the court having jurisdiction under this act. *In any city of the first class the date and time for appearance shall be no less than five (5) days nor more than sixty (60) days of the date of the alleged offense and the police officer shall file a certification charging the violation of the specific summary provisions of this act with the court having jurisdiction under*

this act within forty-eight (48) hours after presenting to the alleged offender the printed notice.

* * *

Section 2. Subsection (a) of section 1202 of the act is amended to read:
Section 1202. Proceedings by Information and Warrant.—

(a) Summary proceedings under this act may be commenced as provided in section 1201 (c) or by the filing of information, which information must be filed in the name of the Commonwealth, and, within the period of seven (7) days *and in any city of the first class within thirty (30) days* after information has been lodged, the magistrate *or municipal court judge* shall send by registered or certified mail, to the person charged, at the address shown by the records of the department, a notice in writing of the filing of the information, together with a copy thereof and a notice to appear within ten (10) days, *and in any city of the first class within thirty (30) days* of the date of the written notice.

(1) If the person named in the information or in the notice provided for in section 1201 (c) shall not voluntarily appear within ten (10) days *and in any city of the first class within sixty (60) days* of the date of the written notice or at the date and time stated in the notice provided for in subsection (c) of section 1201 of this act, a warrant shall then issue and may be served by a peace officer having authority to serve warrants in the county in which the alleged violation has been committed.

If the person charged cannot be served within such county then the magistrate shall deputize a peace officer, having authority to serve warrants in the county wherein the person charged resides, or may be found to serve such warrant.

(2) The peace officer serving such warrant shall take the defendant before a magistrate, within the city, borough, incorporated town, or township in which the defendant is found, or if there is no person holding the office of magistrate in such city, borough, incorporated town, or township, then the defendant shall be taken before a magistrate in any adjoining city, borough, incorporated town, or township, who shall take bail, either for the defendant's appearance before the magistrate who issued the warrant, or for his appearance for trial in the proper court, if a summary hearing is waived.

* * *

Section 3. This act shall take effect immediately.

APPROVED—The 24th day of July, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly
No. 207.

A handwritten signature in cursive script, appearing to read "Joseph P. Kelly, Jr.", written in black ink.

Secretary of the Commonwealth.