

No. 314.

AN ACT

To amend sections one thousand four and one thousand eight of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred and eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws."

Insurance.

Section 1004 of act of May 17, 1921 (P. L. 682), amended.

Section 1. Be it enacted, &c., That section one thousand four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred and eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," is hereby amended to read as follows:

Contents of declaration to be filed.

Section 1004. Declaration To Be Filed with Insurance Commissioner; Contents.—Such subscribers, so contracting among themselves, shall, through their attorney, file with the Insurance Commissioner of this Commonwealth a declaration, verified by the oath of such attorney, setting forth:

(a) The name or title of the office at which such subscribers propose to exchange such indemnity contracts; such name or title shall not be so similar to any other name or title previously adopted by a similar exchange or association or by any insurance company as, in the opinion of the Insurance Commissioner, is calculated to result in confusion or deception;

(b) The kind or kinds of insurance to be effected or exchanged;

(c) A copy of the form of policy, contract, or agreement under or by which such insurance is to be effected or exchanged;

(d) A copy of the form of power of attorney, or other authority of such attorney, under which such insurance is to be effected or exchanged;

(e) The location of the office or offices from which such contracts or agreements are to be issued;

(f) That applications have been made for indemnity upon at least one hundred (100) separate risks, aggregating not less than one and one-half million (\$1,500,000) dollars, as represented by executed contracts or bona fide applications to become concurrently effective, or, in case of *employers' liability* or compensation insurance, covering a total payroll of not less than one and one-half million (\$1,500,000) dollars;

(g) That there is [on deposit with] *in the possession of such attorney*, and available for the payment of losses, a sum of not less than [twenty-five thousand (\$25,000)] *one hundred thousand (\$100,000)* dollars.

Section 2. That section one thousand eight of said act is hereby amended to read as follows:

Section 1008
amended.

Section 1008. Reserves.—There shall at all times be maintained as a reserve a sum in cash, or in securities of the character permitted by the laws of the State under which the exchange is organized for the investment of the capital and funds of an insurance company, equal to fifty per centum (50%) of the aggregate net annual deposits collected and credited to the account of the subscribers on policies having one year or less to run, and pro rata on those for longer periods. Net annual deposits shall be construed to mean the advance payments of subscriber, after deducting therefrom the amounts specifically provided in the subscribers' agreements for expenses. [Said sum shall at no time be less than twenty-five thousand (\$25,000) dollars; and if, at any time, fifty per centum (50%) of the aggregate deposits so collected and credited shall not equal that amount, then the subscribers, or their attorneys for them, shall make up any deficiency under penalty of a revocation of the license.] *If said reserves at any time do not amount to one hundred thousand (\$100,000) dollars, then there shall be maintained on deposit at the exchange at all times additional funds in cash or such securities which together with said reserves will equal one hundred thousand (\$100,000) dollars. In calculating the foregoing reserves, the funds or amounts provided for in sub-section (g) section one thousand four, shall be included as part thereof. There shall also be maintained as a claim or loss reserve, cash or such securities, as authorized, sufficient to discharge all liabilities on all outstanding losses arising under policies issued. If at any time the amounts on hand are less than the foregoing requirements the subscribers or their attorney for them*

Reserves.

shall make up the deficiency under penalty of a revocation of the license. Such advances shall be repaid only out of the surplus funds of the exchange.

APPROVED—The 12th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 315.

AN ACT

Relating to private roads; prescribing the time within which approved private roads must be physically opened; invalidating proceedings for opening of such roads unopened within the prescribed time; and providing for the reversion of any land proposed to be taken therefor.

Private roads.

Shall be opened within five years.

Section 1. Be it enacted, &c., That whenever proceedings have been heretofore or may hereafter be begun in any court of quarter sessions of this Commonwealth for the opening and laying out of any private road in any township in this Commonwealth, such private road shall be physically opened upon the ground for use by the parties petitioning for the laying out of such road within the period of five years next after the entry of the final decree confirming said road and not thereafter.

If not so opened proceedings to be void and land to revert to owners.

Section 2. In the event that the proceeding for the opening and laying out of a private road referred to in the preceding section shall have been completed, and a final decree confirming said road shall have been made, and such proposed road shall not have been physically opened upon the ground, and shall have remained or shall remain unopened to use for a continuous period of five years next after the entry of the final decree confirming said road, then such proceedings shall be deemed to be void and of no effect, and the land proposed to be taken shall revert to the owners of the land, as in the case of the vacation of a public road, free of any easement or right of the petitioner or petitioners for such road to use the same: Provided, That in all proceedings heretofore had and in which the final decree shall have been made for a period of four years and upwards prior to the passage of this act, then in that case the proceeding shall not be deemed void for a period of one year from the approval hereof.

Proviso.

APPROVED—The 12th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 316.

AN ACT

To amend an act, approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred and seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act, approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act, approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals'; and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved the twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by further defining public service companies subject to the jurisdiction of the commission so as to include certain persons and corporations not furnishing service within the State, but whose rates, charges, facilities, or service affect the rates, charges, facilities, or service of certain persons or corporations furnishing service within this State; and by authorizing the commission to hold joint investigations and hearings, and to issue joint