

approval by a duly authorized official inspection station, shall become effective with application for registration for the year one thousand nine hundred and thirty-three, and thereafter.

(b) All other provisions of this act shall be effective immediately upon the approval of this act by the Governor.

APPROVED—The 22d day of June, A. D. 1931.

GIFFORD PINCHOT

No. 264

AN ACT

To amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand five), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration, and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by further regulating the registration of tractors and trailers, their operation on the highway, and the licensing of operators; making certain changes in fees; modifying penalties, and procedure for enforcement; and affecting the powers, duties and rights of political subdivisions of the Commonwealth, and their officers, the Department of Highways, the Department of Revenue, and the courts.

Section 1. Be it enacted, &c., That the following definition appearing in section 102 of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand five), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration, and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof,

The Tractor Code.

Amended.

Section 102, act of May 1, 1929 (P. L. 1005), definitions amended.

owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," is hereby amended to read as follows:

"Tractor."—Every vehicle of the tractor type which is selfpropelled, [equipped with metal-tired wheels or crawlers, operated or propelled by any form of engine, motor or mechanical power,] excepting power shovels, road rollers, *concrete mixers, ditch diggers,* [selfpropelled engines which move or are operated upon or are guided by an immovable track, tractors,] or vehicles used exclusively upon stationary rails or tracks. [Agricultural implements such as grass mowers, binders, manure spreaders, hay loaders, hay rakes, grain drills, or potato planters, to be used exclusively by any person upon the farm or farms he owns or operates, or upon highways connecting by the most direct route any farms or portions of farms under the single ownership or operation of such person.]

And the following new definition is hereby added:

"Vehicle."—Every device in, upon, or by which any person or property is or may be transported or drawn, or which may draw devices upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Section 2. That sections two hundred one, two hundred two, two hundred three, two hundred eight, three hundred five, four hundred two, four hundred three, four hundred seven, five hundred two, five hundred six, five hundred eight, five hundred eleven, five hundred twelve, five hundred thirteen, six hundred two, six hundred seven, six hundred eight, six hundred ten, seven hundred one, seven hundred two, seven hundred three, seven hundred four, seven hundred eight, and seven hundred twelve of said act are hereby amended to read as follows:

Section 201. Registration of Tractors and Trailers Required.—Except as hereinafter provided, no tractor or trailer shall be operated or driven upon any highway of this Commonwealth until the said tractor or trailer shall have been registered with the department as hereinafter provided, and the registration plate that has been issued for the vehicle for the current year is received and displayed as required by this act.

Tractors and trailers used exclusively by any person upon the farm or farms he owns or operates, or upon highways connecting by the most direct route any farms or portions of farms under the single ownership or

operation of such person, shall be exempt from registration.

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 (\$10) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 202. [Registrations,] *Application for Registration and Duplicates.*—[and Renewals.—]

(a) Application for registration of a tractor [or trailer] shall be made upon a form *prescribed and furnished* by the department, and shall [be sworn to before a notary public or other officer empowered to administer oaths, and shall] contain the [actual or bona fide address and name of the owner, together with a brief description of the tractor, the name,] *make*, manufacturer's number, character of the motive power, [and the gross maximum] weight, [as given and certified to by the manufacturer] and [in the case of a trailer, the gross weight of the chassis and body, and also] such other *information* [description of the tractor or trailer] as the [secretary] *department* may require.

Application for registration of a trailer shall be made upon a form prescribed and furnished by the department, and shall contain the make, and the combined weight of the chassis and body, if so constructed, or the gross weight of the trailer exclusive of the load to be transported, and such other information as the department may require.

The application shall be sworn to before a notary public or other officer empowered to administer oaths, and shall contain the full name and the actual or bona fide address of the owner or owners. The application shall be signed by the owner, if a natural person, and, in the case where the owner is a corporation, copartnership, or association, by an executive officer thereof, or some person specifically authorized by said corporation, copartnership, or association to sign the same. [and shall be accompanied by the fee provided in this act.]

(b) Upon receipt of the application and the fee provided in this act, the secretary shall register the tractor or trailer therein described and the owner thereof in suitable books, or in index cards, maintaining suitable records of all registrations issued.

(c) The secretary, upon registering a tractor or trailer, shall issue to the owner a registration card, which shall bear thereon the registration number assigned to the owner and to the tractor or trailer, the name and address of the owner, also a description of the vehicle, and such other statement of facts as may be determined by the secretary. The owner, upon receiving the registration card, shall sign the usual sig-

nature or name of such owner with pen and ink in the space provided.

(d) In the event of a lost, destroyed or illegible registration card, application shall be made to the department, within forty-eight (48) hours of the discovery of the loss of such registration card, for a duplicate registration card, upon a form furnished by the department, and accompanied by the fee provided in this act. Thereupon the department shall issue a duplicate registration card to the owner.

(e) No owner or operator of a tractor or trailer shall be subject to a fine for the reason that registration card is missing, if the owner or operator makes affidavit that the same was lost or stolen within the period of twenty (20) days preceding, and that application for new registration card was made within forty-eight (48) hours as required in this section.

(f) The registration card issued for a tractor or trailer required to be registered shall, at all times while the vehicle is being operated upon a highway, be in the possession of the operator thereof or carried in the tractor or trailer.

Penalty.—Any person violating any of the provisions of subsections (c), (d) or (f) of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of five (\$5) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than three (3) days.

Section 203. Classification.—Tractors, for the purposes of this act, shall be divided into two classes:

(a) First class.—Tractors used exclusively for agricultural purposes, road grading, *well drilling*, and [transporting] *transportation of supplementary machinery and appliances*. [which, when at rest, operate with their own power, and shall exclude tractors used for hauling of freight of any kind.]

(b) Second class.—Tractors used for [freighting, which shall include] *industrial purposes and for all hauling [upon the public] on any highway*, [excepting] *except such hauling as is specified in subsection (a) of this section*.

Section 208. Transfer of Registration.—

(a) Upon transfer of ownership, or the destruction of any tractor or trailer the registration shall expire.

(b) [Upon transfer of] *When transferring registration from one [tractor or trailer] vehicle to another [tractor or trailer,] vehicle owned by the same person*, application shall be made immediately, [to the department,] upon a form *prescribed and furnished by the department*, [upon] *with payment of the transfer fee as herein provided*. [In this act, when the tractor or trailer is of equal or lower classification than that

originally registered, or upon payment of the transfer fee provided in this act and the difference between the fee originally paid and that due, if the tractor or trailer be properly registered in a higher classification.]

(c) The application shall [be sworn to before a notary public, or other officer empowered to administer oaths, and shall] contain the full name and the actual or bona fide address of the owner *or owners*, [together with the name, manufacturer's serial number, engine number, in the case of tractors the gross weight of the chassis as given and certified to by the manufacturer, in the case of trailers the gross weight of the chassis and body as given and certified to by the manufacturer, and also such description of the tractor or trailer, including lamps and other equipment, as the secretary shall require. The application] *and* shall be signed by the owner, if a natural person, and, in the cases where the owner is a corporation, copartnership or association, by an executive officer thereof, or some person specifically authorized by said corporation, copartnership or association to sign the same.

(d) When a transfer of registration is made, the owner shall be given a transfer registration card, and new registration number, if transfer is made to another classification.

(e) When a transfer of registration is made, after a vehicle has been registered for the succeeding year, and the transfer application has been received and completed by the department prior to January first of such succeeding year, the transfer fee provided in this act shall not be required.

Penalty.—Any person violating any of the provisions of subsection (b) of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 305. Transfer of Registration Plate.—

(a) Upon the transfer of ownership, or destruction of any tractor or trailer, the owner shall remove the registration plate therefrom.

(b) In the event of the transfer of registration plate to a tractor or trailer of the same classification as that originally registered, the owner shall be assigned the registration plate previously issued to him, unless such registration plate has been lost or destroyed.

(c) If transfer of registration plate is from [one] tractor [or trailer] classification to [another tractor or] trailer classification, *or from trailer classification to tractor classification*, the owner shall be issued a new registration plate. Upon receipt of new registration plate, the original registration plate shall be returned

to the department immediately for cancellation, unless such registration plate has been destroyed or lost.

Penalty.—Any person violating any of the provisions of subsections (a) or (b) of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 402. Persons Exempt from License.—

(a) Every person in the service of the Federal Government, when furnished with a driver's permit, and when operating an official tractor in such service, shall be exempt from operator's license under this act.

(b) Every person operating a tractor, not required to have registration under this act, shall be exempt from operator's license under this act.

(c) *Every person licensed as an operator of motor vehicles.*

Section 403. Persons Not to be Licensed.—The secretary may, in his discretion, refuse to issue an operator's license to any applicant because of lack of physical or mental ability, or of prior improper conduct in the operation of a motor vehicle or tractor. [or who is under the age of sixteen (16) years.]

Section 407. Operator's License.—[Cards]

(a) The department shall issue to every person licensed as an operator an operator's license card.

(b) Every such operator's license card shall bear thereon the operator's license number, the name, [residence,] address, and such other information as may be required, also a space for the signature of the licensee.

Section 502. Trailers.—Trailers, [whether] equipped with pneumatic [cushion rubber,] or solid rubber or *cushion rubber tires approved by the Secretary of Highways*, shall be divided into seven (7) classes, and the fee for annual registration of such [trailer,] *trailers*, in each of the respective classes, based on the [gross] *combined weight of chassis and body, if so constructed, or the gross weight of the trailer exclusive of the load to be transported,* [as given and certified to by the manufacturer,] shall be as follows:

Two-Wheeled Class	Trailer Weight [of Trailer] in Pounds	Fee		
		Pneu- matic	Cushion	Solid
A..Less than 1000,		\$5.00	\$6.00	\$8.00
B..1000 and over, but less than 2000,		8.00	10.00	15.00
C..2000 and over, but less than 3000,		15.00	20.00	25.00
D..3000 and over, but less than 4000,		25.00	30.00	35.00
E..4000 and over, but less than 5000,		30.00	40.00	50.00
F..5000 and over, but less than 6000,		45.00	60.00	75.00
G..6000 and over,		75.00	85.00	100.00

Four-Wheeled (2 Axles) Class	Trailer Weight in Pounds	Fee		
		Tire Equipment		
		Pneu- matic	Cushion	Solid
A..Less than 1000,		\$5.00	\$6.00	\$8.00
B..1000 and over, but less than 2000,		8.00	10.00	15.00
C..2000 and over, but less than 3000,		15.00	20.00	25.00
D..3000 and over, but less than 4000,		25.00	30.00	35.00
E..4000 and over, but less than 5000,		30.00	40.00	50.00
F..5000 and over, but less than 6000,		45.00	60.00	75.00
G..6000 and over,		75.00	85.00	100.00

Six-Wheeled (3 Axles) Class	Trailer Weight in Pounds	Fee		
		Tire Equipment		
		Pneumatic	Cushion	Solid
AZ..Less than 3000,		\$40.00	\$45.00	\$50.00
BZ..3000 and over, but less than 4000,		45.00	50.00	60.00
CZ..4000 and over, but less than 5000,		50.00	60.00	70.00
DZ..5000 and over, but less than 6000,		60.00	75.00	90.00
EZ..6000 and over, but less than 7000,		75.00	100.00	125.00
FZ..7000 and over, but less than 9000,		85.00	110.00	135.00
GZ 9000 and over,		100.00	125.00	150.00

*Section 506. Operator's Licenses; Duplicate Registration or Operator's License Card.—

(a) The fee for issuing an operator's license shall be two (\$2.00) dollars.

(b) The fee for a duplicate operator's license card, or duplicate registration card, shall be fifty (50) cents.

Section 508. Transferring Registration.—The fee for transfer of registration shall be two (\$2.00) dollars, when tractor or trailer is of equal or less [horsepower or] classification than that originally registered, or, upon payment of a fee of two (\$2) dollars and the difference between the fee originally paid and that due, if the tractor or trailer be properly registerable in a higher classification.

Section 511. Special Hauling Permits.—The fee for a special hauling permit shall be five (\$5) dollars and two (\$0.02) cents per ton of two thousand (2000) pounds, or fraction thereof, of gross weight of vehicle and load for each mile, or fraction thereof, of length of haul, payable to the authorities issuing such permit.

Section 512. Exemptions from Fees.—

(a) No fee shall be charged for the registration of tractors and trailers owned and used by (a) the Federal Government, (b) any State other than Pennsylvania which issues registrations to this Commonwealth without charge, (c) the Commonwealth of Pennsylvania, (d) any city, borough, incorporated town, township, county, poor or school district of the Commonwealth, (e) hospital, or any duly authorized volunteer fire force; but all such vehicles, except those owned and used by the Federal Government, shall be registered

* This section is a reenactment of the original section of the act of May 1st, 1929 (P. L. 1005), without change. All proposed amendatory matter was eliminated in the passage of the bill.

and shall display registration plates as this act provides for privately owned tractors and trailers.

(b) [No fee shall be charged for operator's licenses issued to employes of this Commonwealth engaged in the operation of tractors owned by this Commonwealth.]

[(c)] No fee shall be required for replacement or substitution of registration card, registration plate or operator's license, when satisfactory proof is furnished the secretary of loss of same in the mails.

[(d)] (c) No fee shall be charged for certified copy, or certified photostat copy, of any department record furnished to Federal, State, county, or municipal authorities.

[(e)] (d) No fee shall be charged for special hauling permits issued to this Commonwealth or any city, borough, incorporated town, township, county, poor or school district, of this Commonwealth.

[(f)] (e) No fee shall be required for transfer of registration for the succeeding year, when such transfer has been received and completed by the department prior to January first of such succeeding year.

Section 513. No Other Taxes or Fees to be Imposed.— [The fees herein set forth shall be in lieu of any other fees or taxes to be imposed by this Commonwealth, or any subdivision thereof, and no] No city, borough, incorporated town, township or county shall require or collect any registration or operator's license fee or tax for any tractor, trailer or license from any operator thereof.

Section 602. [Wheels] Cleats, Guide Bands, [Et Cetera.] *Grouser, Chains, and Tires.*—

(a) [A steam tractor shall not be operated upon any highway equipped with cleats less than one (1) inch in width at the surface at the point of contact with the highway, nor more than two (2) inches in height; all other tractors shall not be operated upon highways equipped with cleats less than three-eighths (3/8) inch in width or more than one-half (1/2) inch in width at the surface at the point of contact with the highway, or more than two (2) inches in height. The front or guiding wheels shall be equipped with guide bands not less than two (2) inches in width nor more than one and one-half (1½) inches in height.] *It shall be unlawful for any person to operate or move, or for the owner to cause or knowingly permit to be moved, on any highway, any tractor or trailer which is not so constructed or equipped as required in this act.*

(b) [The drivers or driving wheels of all tractors of the second class may be smooth-faced, or with flat cleats not less than two and one-half (2½) inches wide at point of contact with the highway, and not over two (2) inches high. When placed diagonally across the entire

face of the driver, or when placed in two (2) sections similar to the letter "V," the cleats shall not be spaced over nine (9) inches apart from the center to center measured at right angles to the cleats. When the cleats are placed on the drivers in two (2) sections, known as the standard type of cleat, they shall not be spaced over fifteen (15) inches apart from center to center measured at right angles to the cleats.] *Tractors, except caterpillar or crawler type, shall not be used or operated on any highway with cleats or guide bands, which come in contact with the highway, of greater height or of lesser width than the size or measurement specified for the several classes and gross weights as follows:*

Class	Gross Weight in Pounds	Cleats		Guide Bands	
		Maximum Height	Minimum Width	Maximum Height	Minimum Width
1st.	Less than 12000	2 Inches	$\frac{3}{8}$ Inch	1½ Inches	2 Inches
	12000 and over	2 Inches	1 Inch	1½ Inches	2¼ Inches
2nd.	Less than 7500	2 Inches	1 Inch	1½ Inches	2 Inches
	7500 and over, but less than 12000	2 Inches	1½ Inches	1½ Inches	2 Inches
	12000 and over	2 Inches	2 Inches	1½ Inches	2¼ Inches

(c) [No boltheads, nuts, or rivet heads shall be allowed to project either on the guide wheels or on the drivers; and ice picks or spuds projecting beyond the cleats shall be prohibited, except on roads which are not macadamized or paved.] *When cleats are placed diagonally across the face of the driving surface, or when placed in two (2) sections similar to the letter "V," the cleats shall not be spaced to exceed nine (9) inches apart from center to center measured at right angles to the cleats. When the cleats are placed on the driving surface in two (2) sections, known as standard type of cleat mounting, the sections shall not be spaced to exceed seven and one-half (7 1/2) inches apart from center to center measured at right angles to the cleats. All cleats and guide bands shall have a flat surface with rounded edges.*

(d) [The caterpillar or crawler type of tractor may be operated, with such modifications as the Secretary of Highways of this Commonwealth may prescribe, with cleats at right angles to the axis of the machine, five (5) or more cleats to be in road contact at the same time. The height of cleats must not be more than two (2) inches, and the base width not less than two and one-half (2½) inches, and the point of contact with the highway to have either a flat surface equal to the base with rounded edges or a rounded surface with a radius of not less than one-half (½) inch.

The provisions of this act, as to cleats and guide bands, shall not apply to any tractor of the first class in use in this Commonwealth prior to January first, one thousand nine hundred and twenty:

Provided, however, That if upon examination of any tractor, requiring registration or exempt from registra-

tion under this act, it is found that it is doing unusual damage, in the opinion of the Secretary of Highways of this Commonwealth, the secretary shall have power to compel such alterations as to him may seem expedient.] *Tractors of the caterpillar or crawler type shall not be used or operated on any highway with cleats or grousers or guide bands, which come in contact with the highway, of greater height or lesser width than the size or measurement specified for the several classes and gross weights as follows:*

Class	Gross Weight in Pounds	Cleats or Grousers		Guide Bands	
		Maximum Height	Minimum Width	Maximum Height	Minimum Width
1st.	Less than 7500	2 Inches	1 Inch	1½ Inches	2 Inches
	7500 and over, but less than 12000	2 Inches	1½ Inches	1½ Inches	2 Inches
	12000 and over	2 Inches	2 Inches	1½ Inches	2¼ Inches
Class	Gross Weight in Pounds	Cleats or Grousers		Guide Bands	
		Maximum Height	Minimum Width	Maximum Height	Minimum Width
2nd.	Less than 5000	2 Inches	1 Inch	1½ Inches	2 Inches
	5000 and over, but less than 7500	2 Inches	1½ Inches	1½ Inches	2 Inches
	7500 and over, but less than 12000	2 Inches	2 Inches	1½ Inches	2 Inches
	12000 and over	2 Inches	2½ Inches	1½ Inches	2¼ Inches

Cleats or grousers on caterpillar or crawler type tractor shall have a flat surface with rounded edges and shall be placed at right angles to the axis of the tractor, so arranged that five (5) or more cleats on each traction surface shall be in road contact at all times. The length of a cleat at the surface, at the point of contact with the highway, shall not be less than three-fourths (3/4) the width of the tread or driving surface.

(e) *No tractor, equipped with boltheads, lugs, nuts, ice picks or spuds, shall be operated or moved upon any highway with an improved surface, except where it is not possible to operate said tractor along the unimproved surface of the highway.*

(f) *Every tractor or trailer equipped with rubber tires, moved on any highway, shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery. It shall be permissible to use tire chains, consisting of not less than five (5) cross chains, or which do not project more than one (1) inch upon the outside surface of the periphery of the wheel, on any tractor when required for safety because of snow, ice, or other conditions tending to cause a tractor to slide or skid.*

(g) *The width of rubber tires, for the purpose of this act, shall be ascertained by measuring the width of tire at the base of channel or between the flanges of the metal rim, except pneumatic tires—the width of which shall be determined by measuring the greatest width of tire casing. The width of metal tires or traction surface shall be determined by measuring the width of contact of tire or tread with the road surface.*

(h) *The provisions of this act as to cleats and guide bands shall not apply to any tractor of the first class in use in this Commonwealth prior to the effective date of this section:*

Provided, however, That if, upon examination of any tractor, requiring registration or exempt from registration under this act, it is found that it is doing unusual damage, in the opinion of the Secretary of Highways of this Commonwealth, the secretary shall have power to compel such alterations as to him may seem expedient.

Penalty.—Any person violating any of the provisions of this section shall, upon summary conviction before a magistrate for a first offense, be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days; and for the second offense, fifty (\$50) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days, and for the third and any subsequent offense, thirty (30) days imprisonment and costs of prosecution.

Section 607. Size of Vehicles and Load.—

(a) No tractor, *except street sweeper, road grader, and snow removal equipment*, shall exceed a total maximum width, including any load thereon, of one hundred and ten (110) inches.

(b) No trailer, *except fire department equipment*, shall exceed a total maximum width, including load thereon, of ninety-six (96) inches, except that the limitations as to size of trailers in this act shall not apply to such vehicles loaded with hay or straw in bulk.

(c) No tractor or trailer, *except fire department equipment*, shall exceed a total maximum length, including load thereon, of three hundred and ninety-six (396) inches, and no combination of vehicles coupled together shall exceed a total maximum length of [eighty-five (85)] *seventy (70)* feet.

1. No tractor of the second class shall be operated upon any highway drawing or having attached thereto more than one (1) other vehicle.

2. The draw-bar or other connection between a tractor or trailer shall not exceed fifteen (15) feet in length from tractor to the trailer. Whenever the connection consists of a chain, rope, bar or cable, there shall be displayed upon such connection a flag not less than twelve (12) inches both in length and width.

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 (\$10) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 608. Weight of Tractor, Trailer and Load.—

LAWS OF PENNSYLVANIA,

(a) Tractors shall not be operated or moved upon any highway with gross weight in excess of twenty-eight thousand (28,000) pounds.

(b) The width of tires on the wheels of tractors or trailers shall be sufficient so that, including the load on the tractor or trailer, the weight shall not be in excess of eight hundred (800) pounds on any wheel for each nominal inch of width of tire on each wheel.

(c) Trailers shall not be operated or moved upon any highway with gross weight exceeding those specified for the several classes [and weights of chassis] as follows:

<i>Two-Wheeled</i> Class	<i>Trailer</i> [Chassis] Weight in Pounds	<i>Maximum</i> Gross Weight in Pounds
A..Less than 1000,		3000
B..1000 and over, but less than 2000,		6000
C..2000 and over, but less than 3000,		10000
D..3000 and over, but less than 4000,		[16000] 12000
E..4000 and over, but less than 5000,		[20000] 14000
F..5000 and over, but less than 6000,		[24000] 16000
G..6000 and over,		[26000] 18000

<i>Four-Wheeled (2 Axles)</i> Class	<i>Trailer</i> Weight in Pounds	<i>Maximum</i> Gross Weight in Pounds
A..Less than 1000,		3000
B..1000 and over, but less than 2000,		6000
C..2000 and over, but less than 3000,		10000
D..3000 and over, but less than 4000,		16000
E..4000 and over, but less than 5000,		20000
F..5000 and over, but less than 6000,		24000
G..6000 and over,		26000

<i>Six-Wheeled (3 Axles)</i> Class	<i>Trailer</i> Weight in Pounds	<i>Maximum</i> Gross Weight in Pounds
AZ..Less than 3000,		12000
BZ..3000 and over, but less than 4000,		15000
CZ..4000 and over, but less than 5000,		20000
DZ..5000 and over, but less than 6000,		26000
EZ..6000 and over, but less than 7000,		30000
FZ..7000 and over, but less than 9000,		34000
GZ..9000 and over,		36000

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 fifty (\$50) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

Section 610. Permits for Excessive Size and Weight.—

The Secretary of Highways of this Commonwealth and local authorities, in their respective jurisdictions, may, at their discretion, upon application in writing accompanied by the fee provided in this act and good cause being shown therefor, issue a special permit, in writing, authorizing the applicant to operate or move a tractor or trailer of a size and weight, exceeding the maximum specified in this act, upon any highway under the jurisdiction of, and for the maintenance of which the authorities granting the permit are responsible. Every such permit shall be issued for a single trip, and

shall designate the route to be traversed, *subject to such rules and regulations* and [contain] any other conditions or restrictions, *including the obligation on the part of the permittee to restore or replace any section of highway or bridge damaged as a result of such movement, whether or not the same was attributable to negligence on the part of the permittee, as shall be deemed necessary* by the authorities granting such permit. Every such permit shall be carried in the vehicle to which it refers, and shall be open to inspection by any peace officer or person having collision with the tractor or trailer.

Penalty.—Any person operating or moving a tractor or trailer and its load, of a size or weight exceeding the maximum specified in this act, without first having obtained a permit or permits so to do, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of fifty (\$50) dollars, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

Section 701. [Information for Arrests.] *Limitations of Actions.*—

(a) Information, charging violations of any of the *summary* provisions of this act, [except in cases where the offense is designated a felony or misdemeanor,] shall be brought *before a magistrate within the city, borough, incorporated town, or township where the alleged violation occurred,* within fifteen (15) days after the commission of the alleged offense and not thereafter, **except that**, where an information is filed against a person *prima facie* guilty of an offense and it subsequently appears that a person other than the person named in the information was the offender, an information may be filed against such other person within fifteen (15) days after his or her identity shall be discovered.

(b) [Prosecutions for offenses defined in this act, except as otherwise herein provided, shall be brought under this act, and not under any local ordinance, rule or regulation.]

Where the offense committed is designated a misdemeanor, information may be filed as now provided by law.

[(c) Prosecutions brought under any local ordinance, rule, or regulation, which are based on a violation for which there is a specific penalty provided in this act, shall be deemed and considered as having been brought under this act.]

Section 702. Proceedings by Information and Warrant.—

(a) Summary proceedings under this act [or any violation of a local ordinance, rule or regulation enacted under the authority thereof, except as hereinafter provided, shall] *may* be commenced by the filing of information, which information must be filed in the name of

the Commonwealth; and within a period of seven (7) days after information has been lodged, a magistrate shall send, by registered 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 of the date of the written notice.

1. If the person named in the information shall not voluntarily appear within ten (10) days of the date of the written notice, a warrant shall then issue, and may be served by a peace officer having authority to serve warrants.

If the person charged cannot be served within such county, then the magistrate shall depute 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 [the nearest available] a magistrate, *within the city, borough, incorporated town, or township* [of the county] in which the defendant is found, 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.

(b) Where the offense committed is designated a misdemeanor, information may be filed and warrant served as now provided by law.

Section 703. Arrests on View or With Warrant.—

(a) Peace officers may arrest, when in uniform and displaying a badge or other sign of authority, upon view, any person violating any of the provisions of this act, [where the offense is designated a felony or a misdemeanor, and in cases causing or contributing to an accident resulting in injury or death to any person.] and such officers shall forthwith make and file with the magistrate, before whom the arrested person is taken, an affidavit setting forth in detail the offense complained of, and at once furnish a copy thereof to the person arrested. [When a peace officer is unable to arrest upon view any person violating any of the provisions of this act, where the offense is designated a felony or misdemeanor, or in cases causing or contributing to an accident resulting in injury or death to any person, information may be filed and warrant served as now provided by law.]

(b) If the defendant is unable to give bail, as provided in this act, for a hearing, or for his appearance at court, the magistrate shall accept as bail any article of sufficient value, or, if the defendant is the owner thereof, shall hold in custody the tractor or trailer found in his possession, and the court or magistrate, after the trial of the defendant, or when bail according to law has been

given, shall make such order as to the disposition of such tractor or trailer, or other articles accepted as bail, as shall seem just and proper.

Section 704. Appeals; Waiving Hearings.—

(a) Any person convicted in any summary proceeding under this act shall have the right of appeal as in other cases of summary conviction.

(b) Any person accused of violating any of the *summary* provisions of this act [other than felonies and misdemeanors,] may waive summary hearing, and give bond in a sum equal to double the amount of the fine that might be imposed, for appearance for trial before a judge of the court of quarter sessions, or in the county court, or in the municipal court in counties wherein such courts exist, and thereupon the magistrate shall, within fifteen (15) days, return the complaint or information to the said court.

(c) If any person so accused, having waived a hearing, shall be convicted in such court of the offense charged, he shall be sentenced to pay the fine and costs of prosecution, or suffer imprisonment, provided in this act for the offense committed. If on a waived hearing or the hearing of an appeal from a summary conviction under this act before a judge of such court, the defendant is found not guilty, and the defendant has paid a fine, or fine and costs, following the sentence on which he appealed, such court, upon acquitting the defendant, shall decree a restitution of the said fine or fine and costs to the defendant, and, upon presentation of a certified copy of said decree, it shall be the duty of the magistrate, or other officer to whom such fine or fine and costs has been paid, to refund same to the defendant: Provided, however, If the fine shall have been returned by such magistrate according to this act to the treasurer of any city or borough or incorporated town or township, such treasurer shall refund to the defendant such fine upon presentation of claim: And further provided, That if the fine shall have been returned by such magistrate, according to this act, to the department, refund shall be made as provided in [article VIII of] this act. In no case where the defendant is found not guilty, shall any costs of prosecution be imposed upon him in a summary proceeding under this act, whether heard by a magistrate or a court of record.

*Section 708. Civil Actions for Damages.—

All civil actions for damages arising from the use and operation of any tractor or trailer may, at the discretion of the plaintiff, be brought before any magistrate, alderman or justice of the peace in the county wherein the alleged damages were sustained, if the plaintiff has had

* This section is a reenactment of the original section of the act of May 1st, 1929 (P. L. 1005), without change. All proposed amendatory matter was eliminated in the passage of the bill.

said damages repaired and shall produce a receipted bill for the same properly sworn to by the party making such repairs or his agent; or said action may be brought in the court of common pleas of said county, and service of process in either case may be made by the sheriff of the county where the suit is brought deputizing the sheriff of the county wherein the defendant or his registered agent resides, or where service may be had upon him under the existing laws of this Commonwealth, in like manner as process may now be served in the proper county. No action involving more than one hundred (\$100.00) dollars shall be brought before any magistrate, alderman or justice of the peace.

Section 712. Powers of Local Authorities.—

(a) *Prosecutions for offenses defined in this act, except as otherwise herein provided, shall be brought under this act and not under any local ordinance, rule or regulation.*

(b) *Prosecutions brought under any local ordinance, rule or regulation, which are based on a violation for which there is a specific penalty provided in this act, shall be deemed and considered as having been brought under this act.*

(c) Local authorities, except as expressly authorized by this act, shall have no power or authority to enact, enforce or maintain any ordinance, rule or regulation contrary to, or inconsistent with, the provisions of this act.

When effective.

Section 3. Schedule of Effective Dates.—

The amendments to section six hundred two of the act amended by this act shall become effective on January first, one thousand nine hundred and thirty-two; and the amendments to sections two hundred two, two hundred eight, five hundred two, and six hundred eight of the act amended by this act shall become effective on August first, one thousand nine hundred and thirty-one. All other provisions of this act shall be effective immediately upon the approval of this act by the Governor.

APPROVED—The 22d day of June, A. D. 1931.

GIFFORD PINCHOT