

shall fail, neglect or refuse to comply with the requirements of a peace officer given pursuant to the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of one hundred dollars (\$100.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than thirty (30) days, and in addition to the foregoing penalty, the secretary may suspend the operating privilege of the operator for a period of thirty (30) days. Any operator of a tractor who shall fail, neglect or refuse to comply with the requirements of a peace officer, given pursuant to 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.

APPROVED—The 27th day of August, A. D. 1965.

WILLIAM W. SCRANTON

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No. 214

AN ACT

HB 764

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," providing for adjustment of positions of loads on vehicles or combinations of vehicles and making editorial changes.

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

Section 1. Section 904, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," amended December 17, 1959 (P. L. 1920), is amended to read:

Section 904. Officers May Weigh Vehicles or Tractors and Require Removal of Excess Load.—(a) Any peace officer who shall be in uniform, and shall exhibit his badge or other sign of authority, having reason to believe that the gross weight of a vehicle or combination of vehicles or a tractor or the weight upon any axle or pair of axles thereof is unlawful, is authorized to weigh the same, either by means of a portable

or stationary [scales] scale, or may require that such vehicle or combination of vehicles or tractor be driven to the nearest stationary [scales] scale in the event such [scales are] scale is within a distance of two (2) miles.

(b) If the gross weight or weight upon any axle or pair of axles shall exceed the maximum weight allowed therefor, the peace officer may and, if such excess in the case of a vehicle or combination of vehicles is more than three (3) percent or in the case of a tractor is more than ten (10) percent of such maximum weight allowed, [he] the peace officer shall require the operator to reduce or adjust the position of the load so as to bring the gross weight or weight upon an axle or pair of axles to not more than the maximum weight allowed [except as herein provided for special permits].

(c) If the gross weight of a vehicle or combination of vehicles shall not exceed the maximum weight allowed therefor but the weight upon any axle or pair of axles thereof shall be more than three (3) percent in excess of the maximum weight allowed, therefor, the operator shall be allowed four (4) hours to adjust the position of the load and bring the weight upon all axles to not more than the maximum weights allowed therefor and if he does so no arrest shall be made or prosecution brought for violation of subsection (f), section 903 of this act.

(d) Notwithstanding the provisions of subsections (b) and (c) hereof, a peace officer shall not require an operator to reduce or adjust the position of any load if the gross weight or weight upon any axle or pair of axles does not exceed the maximum weights allowed therefor by special permit issued pursuant to section 905 of this act and exhibited to the peace officer.

Penalty.—Any operator who shall fail, neglect or refuse to comply with the requirements of a peace officer given pursuant to the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of one hundred dollars (\$100.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than thirty (30) days. In addition to the foregoing penalty, the secretary may suspend the operating privilege

of the operator for a period of thirty (30) days: Provided, however, That any person while operating a tractor, who refuses to unload excess weight when so ordered, 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.

APPROVED—The 27th day of August, A. D. 1965.

WILLIAM W. SCRANTON

No. 215

AN ACT

SB 69

For the protection of the public health, and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and possession with intent to sell, of adulterated or deleterious ice cream, frozen custard, french ice cream, french custard ice cream, sherbet, fruit sherbet, ice milk, ice water, ice quiescently frozen confections, quiescently frozen dairy confections, milk shakes, including coated ice cream and similar products and the coating thereof, fixing standards for ice cream, frozen custard, french ice cream, french custard ice cream, sherbet, fruit sherbet, ice milk, ice water, ice quiescently frozen confections, and quiescently frozen dairy confections, and milk shakes, and to prevent sale of imitation of such products, providing for licensing, authorizing and regulating the manufacture and sale of artificially sweetened ice cream and ice milk for diabetics, conferring powers and imposing duties upon the Department of Agriculture, prescribing penalties, providing for the enforcement thereof, and making repeals.

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

Section 1. Definitions; Essential Requisites of Products.—(a) Except where otherwise indicated, it is expressly declared to be the intent of the Legislature in the passage of this act that Pennsylvania law substantially conform with the Federal regulations promulgated under the authority of the United States Secretary of Health, Education and Welfare in so far as prescribing definitions and standards for frozen desserts published pursuant to section 701, 52 Stat. 1055 (21 USC 371). It is further intended that provisions of this act be construed in a manner similar to the corresponding Federal regulation aforesaid.

(b) For the purpose of this act, "ice cream" is defined as any frozen sweetened milk product which is stirred during the process of freezing and includes every such frozen milk product which contains no less than twenty percent by weight of milk fat, milk solids not fat, or milk fat and milk solids not fat and which in any manner simulates the texture or characteristics of ice cream no matter under what coined or trade