

court shall appoint counsel if satisfied that the petitioner has no means to procure counsel.

Section 13. <sup>1</sup> Repealer.—Those provisions of the act of May 15, 1951 (P. L. 415), entitled “An Act relating to habeas corpus; conferring jurisdiction upon the judges of the courts of common pleas; prescribing venue; defining procedure in all cases; authorizing service to be made upon persons anywhere in the Commonwealth; providing for the imposition of costs; allowing appeals; specifying the appellate court to which appeals may be taken; and repealing inconsistent legislation, including that conferring jurisdiction on courts of quarter sessions,” which relate to prisoners under sentence are hereby repealed.

Section 14. <sup>2</sup> Effective Date.—This act shall take effect March 1, 1966.

APPROVED—The 25th day of January, A. D. 1966.

WILLIAM W. SCRANTON

---

No. 555

AN ACT

HB 1773

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 the order of the payment of proceeds of the sale of vehicles or combinations of vehicles or loads thereon in overweight cases.

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

Section 1. The penalty clause of section 903, act of April 29, 1959 (P. L. 58), known as “The Vehicle Code,” amended August 13, 1963 (P. L. 761), is amended to read:

Section 903. Weight of Vehicles, Tractors and Loads.—

\* \* \*

Penalty.—Any person operating any vehicle or combination of vehicles, upon any highway, with a gross weight or with weight on any axle or wheel exceeding by more than three (3) percent the maximum weight

---

<sup>1</sup> “Repealer” not in original.

<sup>2</sup> “Effective Date” not in original.

allowed in that particular case, shall, upon summary conviction before a magistrate, be sentenced to pay the costs of prosecution and a fine for all excess above the maximum weight allowed according to the following schedule :

If the excess is	The fine shall be
Not over 3,000 pounds,	\$ 60.00
Over 3,000 pounds, but not over 3,500 pounds,	120.00
Over 3,500 pounds, but not over 4,000 pounds,	140.00
Over 4,000 pounds, but not over 4,500 pounds,	240.00
Over 4,500 pounds, but not over 5,000 pounds,	270.00
Over 5,000 pounds, but not over 5,500 pounds,	400.00
Over 5,500 pounds, but not over 6,000 pounds,	440.00
Over 6,000 pounds, but not over 6,500 pounds,	600.00

If the excess is over six thousand five hundred (6,500) pounds, the fine shall be six hundred dollars (\$600.00) plus fifty dollars (\$50.00) for each additional five hundred (500) pounds, or part thereof, over such six thousand five hundred (6,500) pounds: Provided, That in any case in which the gross weight of a combination of vehicles exceeds by more than three (3) percent the seventy-one thousand one hundred forty-five (71,145) pound maximum gross weight allowed therefor, the fine shall be double the amount determined as hereinabove prescribed for other weight violations: And provided further, That in any case, in which there shall be concurrent violations of more than one (1) of the subsections of this section prescribing maximum weights, the penalty imposed shall be for violation of that subsection which produces the greatest fine, but no penalty shall be imposed for violation of any other such subsection.

In default of payment of any fine and costs of prosecution imposed, pursuant to the foregoing provisions of this penalty clause, the magistrate shall impound the vehicle, or combination of vehicles, and order the arresting officer, or other peace officer, to seize them. The magistrate shall, forthwith, notify the sheriff of the county wherein the violation occurred, who shall store the impounded vehicle, or combination of vehicles. The sheriff's costs, storage costs, and all other costs incident to impounding, shall be deemed additional costs of prosecution. The sheriff shall give immediate notice by telegram and registered mail, return receipt requested, of the impoundment and location of the vehicle, or combination of vehicles, to the owner of said vehicle, or combination

of vehicles, and the owner of the load if said owners' names and addresses are known or can be ascertained by the sheriff. .

The title to the load shall remain in the owner thereof, and he shall be entitled to repossess it at any time upon presentation of proof of such ownership to the sheriff. If the load shall spoil during possession by the Commonwealth, the loss shall be upon the owner thereof, subject to any right of recovery of damages at common law that he may have against the owner of the vehicle or combination of vehicles and the cost of disposition thereof shall be deemed an additional cost of prosecution. In case any vehicle or combination of vehicles impounded, or the load thereon as aforesaid, shall remain unredeemed, in the case of the vehicle or combination of vehicles and unclaimed, in the case of a load, for a period of sixty (60) days after notice of impoundment is given as aforesaid, the same shall be deemed to be abandoned and shall be disposed of by the sheriff upon order of the magistrate, in accordance with the procedures outlined in section 4 of the act, approved the 3rd day of July, A. D. 1941 (Pamphlet Laws 263), with the exception that the reference to a court therein contained for the purposes of this act, shall be construed to mean magistrate: And provided further, That the proceeds of such sale shall first be applied to the payment of costs, and after the payment of encumbrances shall be applied to the payment of [fine and costs] the fine, and the balance thereof shall be remitted to the owner.

Any person operating a vehicle or combination of vehicles in violation of subsection (g) of this section, shall, upon summary conviction before a magistrate, be sentenced to pay the costs of prosecution and a fine of twenty-five dollars (\$25.00).

Any person operating a tractor in violation of subsection (h) of this section, shall, upon summary conviction before a magistrate, be sentenced to pay the costs of prosecution and a fine of fifty dollars (\$50.00), and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

For the enforcement of this section all peace officers shall have the power to arrest on view for violation of any of the provisions of this section.

APPROVED—The 25th day of January, A. D. 1966.

WILLIAM W. SCRANTON