

rule, order, or process, any person known to have violated or who is suspected of having violated any of the provisions of this act.

Section 2. This act shall become effective the first day of June, one thousand nine hundred forty-three.

APPROVED—The 28th day of April, A. D. 1943.

EDWARD MARTIN

No. 63

AN ACT

To further amend the title and certain sections of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, four hundred fifty), entitled, as amended "An act relating to fires and fire prevention; imposing duties and conferring powers upon the Pennsylvania Motor Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to the Pennsylvania Motor Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the Pennsylvania Motor Police, and the enforcement of its orders; and prescribing penalties," by imposing upon the Pennsylvania State Police the duty of administering and enforcing the act.

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

Section 1. The title of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, four hundred fifty), entitled, as amended "An act relating to fires and fire prevention; imposing duties and conferring powers upon the Pennsylvania Motor Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to the Pennsylvania Motor Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance\* of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the Pennsylvania Motor Police, and the enforcement of its orders; and prescribing penalties," as amended by the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand four hundred three), is hereby further amended to read as follows:

Title and sections 1, 2, 3, 4, 5, 7, 9, 11, 12, 13 and 15, act of April 27, 1927, P. L. 450, as last amended by act of June 29, 1937, P. L. 2403, further amended.

\* "circumstances" in original.

## AN ACT

Relating to fires and fire prevention; imposing duties and conferring powers upon the Pennsylvania [Motor] State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to the Pennsylvania [Motor] State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the Pennsylvania [Motor] State Police, and the enforcement of its orders; and prescribing penalties.

Section 2. Sections one, two, three, four, five, seven, nine, eleven, twelve, thirteen and fifteen of said act, as amended by the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet\* Laws, two thousand four hundred three), are hereby further amended to read as follows:

Commissioner of Pennsylvania State Police may appoint local officers as assistants.

Section 1. Be it enacted, &c., That the Commissioner of the Pennsylvania [Motor] State Police may appoint and remove the chief of the fire department of any county, city, borough, town, or township, where a fire department is established, or, where no such fire department exists, the burgess or constable of any borough or town, or constable or the president or chairman of the board of supervisors of any townships, as assistants to the department, and, when so appointed, shall be subject to the obligations imposed by this act and to the authority of the Pennsylvania [Motor] State Police.

Appointment of individual citizens as assistants.

The Commissioner of Pennsylvania [Motor] State Police may also appoint individual citizens as assistants to the Pennsylvania [Motor] State Police, who shall be subject to the obligation aforesaid and to the directions of the Pennsylvania [Motor] State Police.

Regulations governing combustible materials.

The Pennsylvania [Motor] State Police may adopt and enforce rules and regulations governing the having, using, storage, sale, and keeping of gasoline, naphtha, kerosene, or other substance of like character, blasting powder, gunpowder, dynamite, or any other inflammable or combustible chemical products or substances or materials. The Pennsylvania [Motor] State Police may also adopt and enforce rules and regulations requiring the placing of fire-extinguishers in buildings.

Fire extinguishers in buildings.

Inquiry into origin of fires.

Section 2. Each of the aforesaid assistants shall inquire into the origin, cause, and other circumstances of every fire by which any property or life has been destroyed, damaged, or endangered, occurring within the territorial limits of their respective cities, boroughs,

\* "pamphlet" in original.

towns or townships, and shall make every effort to determine whether such fires were of incendiary origin or the result of design, carelessness, or accident.

Upon the occurrence of any fire, such assistant shall report the same to the Pennsylvania [Motor] State Police within five days after its occurrence. If the fire appears to the assistant making such inquiry to be of such character and origin as shall require thorough and exhaustive investigation, he shall immediately notify the Pennsylvania [Motor] State Police and shall, when directed by the Pennsylvania [Motor] State Police, assist in the making of such investigation. The reports of any such fire shall be made in writing, and in the manner and form prescribed by the Pennsylvania [Motor] State Police, on the blanks furnished for that purpose. Such reports shall, in every case, contain a statement of: (a) All the facts relating to the cause of such fire that can be ascertained; (b) the extent of the loss and damage to each property; (c) the loss of life and personal injuries caused thereby or resulting therefrom; (d) the amount of insurance upon each property destroyed or damaged; and (e) such other information as may be required by the Pennsylvania [Motor] State Police.

Assistant to report fire to Pennsylvania State Police.

Contents of reports.

The assistant shall notify the Pennsylvania [Motor] State Police immediately, by telephone or telegraphic message of not more than ten words, of the occurrence of any incendiary fire.

Notice of incendiary fire.

The duties hereinabove\* prescribed to be performed by the said assistant may be limited by the Pennsylvania [Motor] State Police so as to reasonably accord with their pre-existing public duties.

Duties of assistants may be limited.

Any of the aforesaid assistants who shall neglect or refuse to report to the Pennsylvania [Motor] State Police, or who shall neglect or refuse to make reports or investigations of fires as provided in this section, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding fifty dollars, or to undergo imprisonment not exceeding thirty days, or both.

Violations by assistants.

Penalty.

Section 3. The Pennsylvania [Motor] State Police, or its assistants, upon the complaint of any person, or whenever it or they shall deem it necessary, shall inspect the buildings and premises within their jurisdiction. Whenever any of the said officers shall find any buildings or structures which, for want of repairs or by reason of age or dilapidated condition or accumulation of waste, rubbish, debris, explosive or inflammable substance in any buildings or on premises, constituting a fire menace or hazard, or for any other cause, making it especially liable to fire, and endangering property, and so situated

Inspection of buildings and premises.

Order for removal or remedy of fire menace.

\* "hereinbefore" in original.

as to endanger other property, it or they shall order the same to be removed or remedied, if the same is reasonably practicable, thereby lessening the danger of fire. Whenever such officer shall find, in any building, combustible or explosive matter, or inflammable conditions, which are in violation of any law or ordinance applicable thereto, or are dangerous to the safety of such buildings, thereby endangering other property, it or they shall order the same to be removed or remedied, and such order shall contain a notice that an appeal therefrom may be taken, and shall forthwith be complied with by the owner or occupant of such premises or buildings. If such order is made by any assistant to the Pennsylvania [Motor] *State Police*, such owner or occupant may, within five days, appeal to the Pennsylvania [Motor] *State Police*, which shall, within ten days, review such order and file its decision thereon, and unless by its authority the order is revoked or modified, it shall remain in full force and be obeyed by such owner or occupant. Any owner or occupant, who feels aggrieved by any order of the Pennsylvania [Motor] *State Police*, or by any decision upholding or modifying any order of any of its assistants, may, within five days after the same has been made or filed by the Pennsylvania [Motor] *State Police*, file his petition with the court of common pleas of the proper county, praying a review of such order, and it shall be the duty of the court to hear the same at the first convenient day and to make such order in the premises as right and justice may require.

The service of any such order shall be made upon the owner or occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally, or by delivering the same to and leaving it with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to, and leaving with, the said person a true copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.

Any owner or occupant refusing or neglecting to comply with any final order or notice issued by the Pennsylvania [Motor] *State Police*, or under its direction by any inspector or member of the Pennsylvania [Motor] *State Police*, shall, upon conviction thereof under summary proceedings instituted before any magistrate, alderman, or justice of the peace in the county where such violations occur, be sentenced to pay a fine of not less than fifty *dollars* (\$50.00) [dollars], nor more than two hundred *dollars* (\$200.00) [dollars], and in default

Appeal to Penn-  
sylvania State  
Police from  
order of  
assistant.

Appeal to court  
from order of  
Pennsylvania  
State Police.

Service of order  
on owner or  
occupant of  
premises.

Service on  
owner.

Refusal or  
neglect of owner  
or occupant to  
comply with  
order.

of the payment of such fine and costs, to be imprisoned in the county prison one day for each dollar of fine and costs unpaid. Upon conviction after hearing, the sentences provided in this act shall be imposed and shall be final unless an appeal be taken in the manner prescribed by law.

All fines collected under this act shall be paid into the General Fund in the State Treasury through the Department of Revenue.

Disposition  
of fines.

Section 4. The Pennsylvania [Motor] *State Police* or its assistants, in addition to the investigation made by any of the assistants, may at any time investigate the origin or circumstances of any fire occurring in this Commonwealth. The Pennsylvania [Motor] *State Police*, or its assistants, shall have the power to summon witnesses, and compel them to attend before them, or either of them, and to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any books, papers, or documents deemed pertinent or necessary to the inquiry, and shall have the power to administer oaths and affirmations to any person appearing as a witness before them. Such examination may be public or private as the officers conducting the investigation may determine.

Investigation by  
Pennsylvania  
State Police.

Summoning of  
witnesses.

No person shall be excused from attending before the Pennsylvania [Motor] *State Police*, or its assistants, when summoned so to attend, nor, when ordered so to do, shall he be excused from testifying or producing any books, papers, or documents before such Pennsylvania [Motor] *State Police* upon any investigation, proceeding, or inquiry instituted under the provisions of this act, upon the ground or for the reason that the testimony or the evidence, documentary or otherwise, required of him may tend to convict him of a crime, or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have been required so to testify or produce evidence, documentary or otherwise; and no testimony so given or produced shall be received against him upon any criminal investigation or proceedings. If, after any such examination the Pennsylvania [Motor] *State Police*, or any of its assistants, is of the opinion that the facts in relation to such fire indicate that a crime has been committed, it or he shall present the testimony taken on such examination, together with any other data in his possession, to the district attorney of the proper county, with the request that he institute such criminal proceedings as such testimony or data may warrant.

No person  
excused from  
testifying.

Testimony to be  
presented to  
district attorney.

The Pennsylvania [Motor] *State Police* or its assistants may, at all reasonable hours, enter any building or

premises within its or their jurisdiction for the purpose of making an inspection, which, under the provisions of this act, it or they may deem necessary to be made.

Contempt.

Section 5. Any witness who refuses to obey a summons of the Pennsylvania [Motor] State Police or its assistants, or who refuses to be sworn, or to testify, or who disobeys any lawful order of the Pennsylvania [Motor] State Police or its assistants in relation to any investigation instituted by it or them, or who fails or refuses to produce any books, papers, or documents touching any matter under investigation or examination, or who is guilty of any contempt after being summoned to appear before it or any of them to give testimony in relation to any matter or subject under examination or investigation as aforesaid, may be punished as for contempt of court. For this purpose application may be made to any court within whose jurisdiction the contempt in question took place, and for which purpose the courts of common pleas of this Commonwealth are hereby given jurisdiction.

Application to court.

School text books to be prepared.

Section 7. It shall be the duty of the Pennsylvania [Motor] State Police to prepare, in consultation with the Superintendent of Public Instruction, books of instruction for use, in the public and private schools, of students of all grades, with regard to the dangers of fire and the prevention of fire waste. It shall be the duty of the Superintendent of Public Instruction, and of the principals or other persons in charge of the various schools of this Commonwealth, to provide for the instruction and training of pupils of such schools by means of drills, so that they may in sudden emergencies be able to leave the school buildings in the shortest possible time without confusion or panic. Such drills shall be held at least once a month when the schools are in session. Books of instruction with regard to the dangers of fire and the prevention of fire waste, as above specified, shall be published at the expense of the State, under the direction of the Superintendent of Public Instruction, and shall be distributed in sufficient quantities for the use of the school as herein provided; and the curriculum of such schools shall include some regular and continuous study of such subjects during the entire school year.

Drills in schools.

Publication of books.

Compensation of assistants.

Section 9. The assistants to the Pennsylvania [Motor] State Police, not receiving a salary for the performance of public duties, shall receive, upon the audit of the Pennsylvania [Motor] State Police, fifty cents for each report of each separate fire reported to the Pennsylvania [Motor] State Police under this act, and, in addition thereto, shall be paid the sum of fifteen cents for each mile traveled to the place of fire and, in the discretion of the Pennsylvania [Motor] State Police, where an investigation has been made, a sum not to exceed three

dollars (\$3.00) [(3) dollars] for each day's service spent in such investigation.

Section 11. Every fire insurance corporation or association transacting business in this State shall file with the Pennsylvania [Motor] State Police, through an actuarial bureau of any board of fire underwriters or through the secretary or other officer of the insurance corporation or association, a monthly report of fire losses showing: (a) The name of the insured; (b) location of property burned; (c) date of the fire; (d) the class of occupancy and construction; (e) the probable cause of the fire; (f) the sound valuation; (g) total insurance; (h) the total loss paid.

Fire insurance companies to report losses to Pennsylvania State Police.

Such corporation or association shall also file through officers an annual report of all fires on which losses have been paid during the preceding calendar year, designating the amount of insurance written on such risk by the corporation or association, the amount of probable loss, the character of the property destroyed or damaged, and the supposed cause of the fire.

Annual reports.

In all cases where such corporation or association receives evidence or information indicating that any fire was of incendiary origin, a report of such fire and of such evidence or information shall be immediately communicated to the Pennsylvania [Motor] State Police.

Report of incendiary fire.

The monthly report hereinbefore required shall be made in writing and sent by registered mail to the Pennsylvania [Motor] State Police, addressed to its office in the city of Harrisburg, on or before the tenth day of each month, as to all fires of which notice was received during the preceding month, and shall include, either in the first or subsequent monthly report, the amount of loss as adjusted and actually paid by such corporation or association for, on account of, or by reason of such loss.

Filing and contents of monthly reports.

The annual report hereinbefore required shall be made to the Pennsylvania [Motor] State Police on or before the first day of May.

Filing annual reports.

The notices and reports hereinbefore required by this section shall be in addition to any notices and reports such corporation or association may be required to make under the laws of this Commonwealth to the Insurance Commissioner or to any other State officer.

Section 12. Every board, association, or bureau, which now exists or hereafter may be formed for the purpose of suggesting, establishing, or maintaining rates of fire insurance on property located in this State, shall supply to the Pennsylvania [Motor] State Police, on request, or permit the Pennsylvania [Motor] State Police to copy from its files, reasonable data relating to the physical condition of insurable property in this State and relating to physical fire hazards in the various communities thereof.

Insurance boards to furnish data.

Insurance companies violating act.

Penalty.

Section 13. Any fire insurance company or association, wilfully violating any of the provisions of this act, shall be liable to a penalty of two hundred [and] fifty dollars (\$250.00), to be recovered at the suit of the Pennsylvania [Motor] State Police as debts of like amount are now by law recoverable; and any foreign fire insurance company or association licensed to do business in this Commonwealth wilfully violating any of the provisions of this act shall, in addition to incurring said penalty, forfeit its rights to continue the transaction of its business in this State.

Present rules and regulations.

Section 15. That all rules and regulations heretofore promulgated by the State Fire Marshal, or by the Department of State Police or the Pennsylvania State Police or the Pennsylvania Motor Police, and now in force, shall continue in force until modified or abolished by the Pennsylvania [Motor] State Police.

Suits pending.

All suits, actions or proceedings, now pending under any act hereby repealed or supplied, shall not be affected, but shall be continued by the Pennsylvania [Motor] State Police.

Act effective June 1, 1943.

Section 3. This act shall become effective the first day of June, one thousand nine hundred forty-three.

APPROVED—The 28th day of April, A. D. 1943.

EDWARD MARTIN

No. 64

AN ACT

To further amend section four of the act, approved the twenty-fifth day of July, one thousand nine hundred seventeen (Pamphlet Laws, one thousand one hundred ninety-five), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations, and regulating the payment thereof," by suspending under certain conditions the operation of certain provisions during the present war.

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

Act of July 25, 1917, P. L. 1195, section 4, as last amended by act of June 25, 1937, P. L. 2091, further amended.

Section 1. Section four of the act, approved the twenty-fifth day of July, one thousand nine hundred seventeen (Pamphlet Laws, one thousand one hundred ninety-five), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations, and regulating the payment thereof," as amended by the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand ninety-one), is hereby further amended to read as follows: