

office when this act becomes effective, whose offices are not abolished by this act, the members of all independent administrative boards and commissions, and, unless expressly otherwise provided in this act, the appointive members of departmental administrative boards and commissions and advisory boards and commissions, which are not abolished by this act, shall continue in office until the term for which they were respectively appointed shall expire or until they shall die, resign, or be removed from office.

[The terms of the members of the State Aeronautics Commission now holding office shall expire upon the effective date of this act.]

Section 5. This act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

No. 201

AN ACT

To amend the title, the table of contents and certain sections of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand one), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of, space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws," by conferring certain powers and imposing certain duties heretofore exercised and performed by the Department of Revenue upon the Pennsylvania Aeronautics Commission.

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

Section 1. The title of the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand one), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of, space; providing for lawfulness of flights; regu-

Pennsylvania
Aeronautics
Commission.

Title of act of
May 25, 1933,
P. L. 1001,
amended.

lating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws," is hereby amended to read as follows:

AN ACT

Providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the *Pennsylvania Aeronautics Commission* and the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of, space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws.

Table of contents amended.

Section 2. The table of contents of said act, which follows immediately after the title thereof, is hereby amended to read as follows:

ARTICLES

- I. Short Title and Preliminary Provisions.
- II. Powers and Duties of [Department of Revenue] *Pennsylvania Aeronautics Commission*.
- III. Qualifications of Airman and Aircraft; Federal Licenses.
- IV. Legal Status of Air Navigation.
- V. Procedure for Denial or Revocation of Licenses.
- VI. Violation Provisions; Penalties and Procedure.
- VII. Repeals and Construction of Act.
- VIII. Effective Date.

Subsections (i), (j) and (r), of section 102 of said act amended.

Section 3. Subsections (i), (j) and (r) of section one hundred two of said act are hereby amended to read as follows:

Section 102. Definitions.—

(i) "Civil Airway." A route in the navigable air space over or above the territory or waters of the

[State] *Commonwealth* of Pennsylvania, designated by the [Department of Revenue] *Pennsylvania Aeronautics Commission* as a route suitable for intrastate or interstate air commerce.

[(j) "Department." Department of Revenue of this Commonwealth.]

[(j) "Commission." *Pennsylvania Aeronautics Commission*.]

[(r) "Secretary." Secretary of Revenue of this Commonwealth.]

Section 4. Section two hundred one, also known as Article II of said act, is hereby amended to read as follows:

ARTICLE II

POWERS AND DUTIES OF [DEPARTMENT OF REVENUE]

PENNSYLVANIA AERONAUTICS COMMISSION

Section 201. Powers and Duties of [Department of Revenue] *Pennsylvania Aeronautics Commission*.—The [Department of Revenue] *Pennsylvania Aeronautics Commission* shall administer the provisions of this act, and, for such purpose, is authorized and directed to promulgate such regulations as are necessary to execute the powers invested in it by this act and other applicable laws.

Section 201 of said act amended.

It shall be the duty of the [department] *commission* to—

(a) Provide for the examination, and rating, and licensing of airports, landing fields, and air navigation facilities available for use of aircraft.

(b) Adopt rules and regulations for the issuance, expiration, suspension, or revocation of license of airports, landing fields, and air navigation facilities, and of such other licenses or certificates as the [department] *commission* deems necessary in administering the functions vested in said [department] *commission* under this act.

(c) Establish, set apart, and provide for the protection of necessary air space reservations within the Commonwealth of Pennsylvania, in addition to, and not in conflict with, air space reservations established by the President of the United States, or any department of the United States, or with any civil or military airway designated under the provisions of the Air Commerce Act of one thousand nine hundred and twenty-six, and the amendments thereto, or other act of Congress pertaining thereto.

(d) Designate, establish, and chart civil airways within, over and above the lands or waters of the Commonwealth of Pennsylvania, and arrange for publication of maps of such airways, utilizing the facilities and

assistance of existing agencies of the Commonwealth as far as practicable. The [department] *commission* shall grant no exclusive right for the use of any civil airway, airport, intermediate landing field, or other air navigation facility under its jurisdiction.

(e) Investigate, record, and report the causes of accidents in civil air navigation within this Commonwealth.

(f) Encourage the establishment of airports, civil airways, and other air navigation facilities.

(g) Supervise and regulate the safety, adequacy, and sufficiency of all airports, landing fields, and air navigation facilities and equipment used, or to be used, in private or commercial flying.

(h) Adopt rules and regulations governing the instruction in flight, or ground school, of student flyers, or mechanics, and the safety, adequacy, and sufficiency of airports, landing fields, and air navigation facilities and equipment used, or to be used, in the instruction of student flyers or mechanics.

(i) Adopt rules and regulations for the marking of highways, municipalities, and all other aerial markings used throughout the Commonwealth.

(j) Adopt rules and regulations governing the erection, location, and maintenance of aerial beacon lights and other aerial night lighting equipment within the Commonwealth.

(k) To exchange with [the Department of Commerce, and] other state governments *and with the United States government* through existing governmental channels information pertaining to the civil air navigation.

(l) To enforce the regulations and air traffic rules, promulgated as provided hereunder, through the assistance and cooperation of State and local authorities charged with the enforcement of law in their respective jurisdictions.

(m) To establish by regulation the minimum safe altitudes for flight, and including air traffic rules.

All rules and regulations prescribed by the [department] *commission*, under the authority of this section, shall be consistent with and conform to the then current Federal legislation governing aeronautics, and the regulations duly promulgated thereunder and rules issued from time to time pursuant thereto: Provided, That nothing in this section shall confer upon the [department] *commission* the power to determine schedules, issuance of stock, determination of public convenience, or the adequacy and sufficiency of service of common carriers engaged in commercial flying within this Commonwealth.

Section 501 of
said act amended.

Section 5. Section five hundred one of said act is hereby amended to read as follows:

Section 501. Procedure for Denial or Revocation of Licenses.—The licenses of airports, landing fields, air navigation facilities, and such other licenses or certificates that the [department] *commission* may, under authority of this act, issue, shall be denied or revoked only after the applicant or licensee shall have been accorded a hearing, or opportunity for a hearing thereon. Within ten (10) days after notice that application for registration and license has been denied, or the license or certificate revoked, the applicant or holder may file a written request with the [department] *commission* for a public hearing thereon. The [secretary of the department] *chairman of the commission*, upon receipt of the request, shall arrange forthwith:

(1) For a public hearing to be held within twenty (20) days after such receipt, in such place as the [secretary] *commission* deems most practicable and convenient, and

(2) Give the applicant or holder at least ten (10) days' notice of the hearing, unless an earlier hearing is consented to by him.

Notice may be served personally upon the applicant or holder, or sent him by registered mail. The decision of the [department] *commission*, if in accordance with law, shall be final.

Section 6. Subsection (f) of section six hundred one of said act is hereby amended to read as follows:

Section 601. Violation Provisions.—

(f) To use a false or fictitious name or to give a false or fictitious address in any application or form required under the provisions of this act, or the rules and regulations of the [department] *commission* adopted pursuant to this act, or knowingly make any false statement or report, or knowingly conceal a material fact or otherwise commit a fraud in any application.

Section 7. Section six hundred two of said act is hereby amended to read as follows:

Section 602. Summary Offenses.—Any person violating any of the provisions of this act, unless such violation is by this act or other law of this Commonwealth declared to be a misdemeanor, or any of the rules and regulations adopted by the [department] *commission* pursuant to this act, shall, upon conviction thereof in any summary proceeding before any magistrate, alderman, or justice of the peace, be sentenced to pay a fine of not less than fifty (\$50.00) dollars and not more than two hundred (\$200.00) dollars, and, in default of the payment of such fine and costs, to undergo imprisonment in the county jail for a period not exceeding thirty (30) days.

Section 8. Section six hundred six of said act is hereby amended to read as follows:

Section 601,
subsection (f)
of said act
amended.

Section 602 of
said act amended.

Section 606 of
said act amended.

Section 606. Report of Convictions.—

(a) Every burgess, magistrate, alderman, and justice of the peace in this Commonwealth shall keep a full report of every case in which a person is charged with violation of any provisions of this act, and, in the event that such person is convicted, or that his bail is forfeited, an abstract of such report shall be sent forthwith by the burgess, magistrate, alderman, or justice of the peace to the [department] *commission*, but this requirement shall not be deemed to make such court a court of record.

(b) Abstracts required by this section shall be made upon forms prepared by the [department] *commission*, and shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, the amount of the fine or forfeiture, and other information deemed necessary; and every such abstract shall be certified by the burgess, magistrate, alderman, or justice of the peace as a true abstract of the record of the court.

(c) Each clerk of any court of record of this Commonwealth shall also, within ten (10) days after final judgment of conviction under any of the provisions of this act, send to the [department] *commission* a certified copy of such judgment of conviction. Certified copies of the judgment shall also be forwarded to the [department] *commission* upon conviction of any person of manslaughter, or other felony, in the commission of which an aircraft was used. The [department] *commission* shall keep such records in its offices for at least three (3) years, and they shall be open to the inspection of any person during reasonable business hours.

(d) Failure, refusal, or neglect to comply with any of the provisions of this section shall constitute misconduct in office, and shall be ground for removal therefrom.

Section 607 of
said act amended.

Section 9. Section six hundred seven of said act is hereby amended to read as follows:

Section 607. Disposition of Fines, Fees, and Forfeitures.—All fines, fees, and forfeitures collected under the provisions of this act for violations of the same, and all bail forfeited, shall be paid to the [department] *Department of Revenue*, and transmitted to the State Treasury and credited to the "Motor License Fund"; and sworn statements of all fines and penalties so collected shall also be made, upon blanks furnished by the [department] *Department of Revenue*, by the burgess, magistrate, alderman, justice of the peace, or other officer imposing or receiving the same, to [the] *said* department, and such reports shall be made monthly. Any burgess, magistrate, alderman, justice of the peace, or other officer, who shall fail to make such monthly reports and returns, or pay the same to the [department]

Department of Revenue, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred (\$500.00) dollars, or suffer imprisonment for not more than sixty (60) days.

Section 10. Section six hundred eight of said act is hereby amended to read as follows:

Section 608 of said act amended.

Section 608. Registration Number Prima Facie Evidence.—In any proceeding for the violation of the provisions of this act, or the rules and regulations of the [department] *commission* adopted pursuant to this act, the Federal license number or identification mark displayed on such craft shall be prima facie evidence that the owner of such aircraft was operating the same. If at any hearing or proceeding, the owner shall testify, under oath or affirmation, that he was not operating the said aircraft at the time of the alleged violation of this act and the rules and regulations of the [department] *commission*, shall submit himself to an examination as to who at that time was operating such aircraft and reveal the name of the person, if known to him, or, if the information is made in a county other than that of his own residence, shall forward to the burgess, magistrate, alderman, or justice of the peace an affidavit setting forth these facts, then the prima facie evidence arising from the Federal license number or identification mark shall be overcome and removed and the burden of proof shifted.

Section 11. Section six hundred ten of said act is hereby amended to read as follows:

Section 610 of said act amended.

Section 610. Admissibility of Certified Copies of Records as Evidence.—Any certified copies or certified photostatic copies of any records, books, papers, documents, determinations, rulings or orders of the [department] *commission*, when certified under the seal of the [department] *commission*, shall be acceptable as evidence in the courts of this Commonwealth, with the same force and effect as the originals, in all cases where such original records, books, papers, documents, determinations, rulings or orders of the [department] *commission* would be admitted as evidence.

Section 12. (a) All rules and regulations promulgated by the Department of Revenue under the provisions of The Aeronautical Code, to which this act is an amendment, shall continue in full force and effect until revoked or superseded by rules and regulations promulgated and adopted by the Pennsylvania Aeronautics Commission. All ratings of airports, landing fields and air navigation facilities heretofore established by said department shall so remain until changed by the Pennsylvania Aeronautics Commission according to law. All licenses or certificates of whatsoever nature heretofore

issued by said department shall continue in full force and effect until the expiration dates thereof unless sooner revoked or suspended by the Pennsylvania Aeronautics Commission according to law.

(b) All records, data and other material relating to the duties imposed upon the Department of Revenue by The Aeronautical Code hereby and hereafter imposed by this act upon the Pennsylvania Aeronautics Commission shall be transferred by said department to said commission.

Inconsistent
acts repealed.

Section 13. All acts and parts of acts, to the extent that the same are inconsistent with this act, are hereby repealed.

Act effective
immediately.

Section 14. This act shall take effect the first day of June, one thousand nine hundred forty-three.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

No. 202

AN ACT

To amend section eighteen of the act, approved the thirteenth day of June, one* thousand eight hundred thirty-six (Pamphlet Laws, five hundred fifty-one), entitled "An act relating to roads, highways and bridges," authorizing vacation of parts of public roads where termini of remaining parts of road are not in public highway or place of public resort.

Roads, highways
and bridges.

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

Act of June 13,
1836, P. L. 551,
amended.

Section 1. Section eighteen of the act, approved the thirteenth day of June, one thousand eight hundred thirty-six (Pamphlet Laws, five hundred fifty-one), entitled "An act relating to roads, highways and bridges," is hereby amended to read as follows:

Section 18. The courts aforesaid shall, within their respective counties, have authority, upon application to them by petition, to inquire of and to change or vacate the whole or any part of any private or public road which may have been laid out by authority of law, whenever the same shall become useless, inconvenient or burthensome [and the] *notwithstanding** the fact that the vacation of a part of a public road results in leaving the remaining part or parts of the road with one of its termini at a point other than in a public highway or place of public resort: Provided, That the other terminus of each of the remaining parts of the road is in a public road and that each remaining part of the road is necessary for public travel or for the use of a property owner or owners located on such remaining part.*

* "on" in original.

** "notwithstanding" in original.