

No. 336

AN ACT

To further amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, 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 vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; 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 providing for reports of sales of vehicles to nonresidents, the transportation of dangerous substances, and the inspection of dealers' premises; further regulating the administrative powers of the department, the licensing, suspension, and revocation of operators and operating privileges, and the operation and equipment of vehicles; changing certain fees, and powers and jurisdiction of peace officers, magistrates, aldermen, justices of the peace; and prescribing additional enforcement and penal provisions; and making uniform the interpretation and construction of the law.

"The Vehicle Code"

Definition of "trailer" in section 102, act of May 1, 1929, P. L. 905, as last amended by act of May 18, 1949, P. L. 1412, further amended.

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

Section 1. The definition of "trailer" in section 102 of the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, 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 vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within

the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; 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," as last amended by the act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1412), is hereby further amended to read as follows:

Section 102. Definitions.—The following words and phrases when used in this act, shall, for the purpose of this act, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

* * * * *

“Trailer”.—Every vehicle without motive power, designed to carry property or passengers or designed and used exclusively for living quarters wholly on its own structure, and to be drawn by a motor vehicle *or tractor*: Provided, That wagons and agricultural machinery drawn by motor vehicles *or tractors* for the transportation of the agricultural products of the owner of such wagons or machinery, or returning from such transportation, shall not be included within such definition, and no fees shall be required to operate such vehicles on the public highways.

Section 1.1. Subsections (b) and (j) and the penalty clause of section 210 of said act, as last amended by the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), are hereby further amended to read as follows:

Subsections (b) and (j) and penalty clause of section 210, said act, as last amended by act of June 27, 1939, P. L. 1135, further amended.

Section 210. Destruction and Cancellation of Records of Certificates of Title; Notice of Junking Motor Vehicles.—

* * * * *

(b) The owner of a motor vehicle, trailer, or semi-trailer shall notify the secretary, within ten (10) days, *of the sale of any motor vehicle, trailer, or semi-trailer to a resident of another state or foreign country, or, of the destruction or junking of any motor vehicle, trailer, or semi-trailer, and return certificate of title to the department for cancellation of record.*

* * * * *

(j) The secretary shall have the authority to cancel certificates of title *for vehicles sold to residents of other states or of foreign countries, or for abandoned or wrecked vehicles authorized to be junked as provided in this act.*

Penalty.—Any person violating any of the provisions under subsections (b), (c), or (h) of this section shall, upon summary conviction before a magistrate, be sen-

tenced 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.

Subsection (b) of section 404, said act, amended.

Section 2. Subsection (b) of section 404 of said act is hereby amended to read as follows:

Section 404. File of Applications.—

* * * * *

(b) The secretary may cause the application for registration and records in connection therewith to be destroyed [two (2) years] *one (1) year* after the year for which issued.

Section 501, said act, as last amended by act of May 6, 1943, P. L. 172, further amended.

Section 3. Section 501 of said act, as last amended by the act, approved the sixth day of May, one thousand nine hundred forty-three (Pamphlet Laws 172), is hereby further amended to read as follows:

Section 501. Registration Plates to be Furnished by Department.—

(a) The department, *in its discretion*, shall furnish to every owner whose motor vehicle is registered, and for each registration applied for by a manufacturer, jobber, or dealer in motor vehicles, trailers, or semi-trailers, *one registration plate or two registration plates*; and, to every owner of a registered trailer, semi-trailer, motorcycle, or bicycle with motor attached, and for each registration applied for by a manufacturer, jobber, or dealer in motorcycles or bicycles with motor attached, one registration plate.

(b) Such registration plates may be made of metal or other material, and each plate shall have displayed upon it the registration number assigned to the vehicle for the current year, the name of the Commonwealth, which may be abbreviated, and any other identification the department may deem necessary. The required letters and numerals on such plate or plates shall be not more than five (5) inches in height, to be plainly legible from a distance of one hundred (100) feet during daylight, except that the required letters and figures on motorcycle, motorcycle dealer, and bicycle with motor attached plates shall be not more than three and one-half (3½) inches in height.

(c) It shall be unlawful to display on any vehicle an altered, defaced, or forged registration plate.

(d) In each case of a renewal of any such registration, which shall be in effect for the registration year immediately preceding such renewal, the department in lieu of issuing a new registration *plate or plates* for such vehicle, may assign thereto the number or combination of numerals and letters displayed on the *plate or plates* for the previous year, and *issue to the owner thereof and authorize the use of some identifying feature or

* "issued" in original.

attachment to be affixed to the previous year's *plate or plates*, or a sticker or certificate not to be affixed to such *plate or plates*, which shall in either case clearly indicate the renewal of such registration.

Penalty.—Any person violating any of the provisions of subsection (c) 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 4. Sections 503 and 601 of said act, as last amended by the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), are hereby further amended to read as follows:

Sections 503 and 601, said act, as last amended by act of June 27, 1939, P. L. 1135, further amended.

Section 503. How Registration Plates Carried on Motor Vehicles.—

Every registration plate shall, at all times, be securely fastened to the vehicle to which it is assigned or on which its use is authorized, one on the front, the other on the rear, except that [for motorcycles, bicycles with motor attached, trailers and semi-trailers] *in every case when the department issues one plate*, the single plate shall be on the rear.

No plate shall be attached at a height less than twelve (12) inches from the ground, measuring from the bottom of such plate, nor shall any plate be obscured.

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 601. Operators Must Be Licensed.—

No person, except those expressly exempted under this act, shall operate any motor vehicle *or tractor* upon a highway in this Commonwealth, unless such person has been licensed as an operator or a learner by the department under the provisions of this act. No person who has been issued a restricted license to operate motor vehicles *or tractors* by the secretary shall operate any motor vehicle *or tractor* in violation of such restrictions.

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 ten (\$10) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days, and for the second offense, twenty-five (\$25) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days, and for

the third and any subsequent 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.

Section 602, said act, as amended by act of July 16, 1935, P. L. 1056, further amended.

Section 5. Section 602 of said act, as amended by the act, approved the sixteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1056), is hereby further amended to read as follows:

Section 602. Persons Exempt from License.—

Every person in the service of the Federal Government or in the service of the Pennsylvania National Guard, when furnished with a driver's permit, and when operating an official motor vehicle *or tractor* in such service, shall be exempt from license under this act. *Every person operating a tractor not required to have registration under the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 1005), known as "The Tractor Code," shall be exempt from operator's license under this act.*

Sections 603, 604, 606, 608, 611, 614, and 615, said act, as amended or last amended by act of June 29, 1937, P. L. 2329, clause 2, of subsection (a) of section 614 of which was repealed by act of May 18, 1949, P. L. 1412, and section 615 of which was also amended in part by acts of June 27, 1939, P. L. 1135, and May 18, 1949, P. L. 1412, further amended.

Section 6. Sections 603, 604, 606, 608, 611, 614 and 615 of said act, as amended or last amended by the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2329), clause 2 of subsection (a) of section 614 of which was repealed by the act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1412), and section 615 of which was also amended in part by the acts, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), and the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1412), are hereby further amended to read as follows:

Section 603. Nonresidents, When Exempt from License.—

(a) A nonresident who has been duly licensed as an operator under a law requiring the licensing of operators in his home state or country, and who has in his immediate possession a valid operator's license issued to him in his home state or country, shall be permitted, without examination or operator's license under this act, to operate a motor vehicle *or tractor* upon the highways of this Commonwealth, for the same time and to the same extent as like exemptions are granted residents of this Commonwealth under the laws of the foreign state or country.

(b) It shall be unlawful for any nonresident, except as herein provided, whose home state or country does not require the licensing of operators, to operate any motor vehicle *or tractor* upon any highway in this Commonwealth, without first making application for and obtaining a license as an operator, as required under this

act, except that any said unlicensed nonresident, who is the owner of a motor vehicle *or tractor* which has been duly registered for the current calendar year in the state or country of which the owner is a resident, may operate motor vehicles *or tractors* upon the highways of this Commonwealth for the same time and to the same extent as like exemptions are granted residents of this Commonwealth under the laws of the state or country of the nonresident, without making application for or obtaining an operator's license under this act, upon condition that the nonresident owner has in his immediate possession a registration card evidencing such ownership and registration in his home state or country: Provided, That unlicensed nonresident operators not the owners of motor vehicles *or tractors* registered in states or countries not requiring an operator's license may operate any motor vehicle *or tractor* properly registered in their home state or country on any highway within this Commonwealth, without making application for or obtaining an operator's license under this act, upon condition that they may be required at any time or place to prove lawful possession of such motor vehicle *or tractor* and proper identity.

(c) Provided, That nonresident operators, operating motor vehicles *or tractors* within this Commonwealth for compensation, for a period exceeding thirty (30) days in the calendar year, shall be required to obtain a Pennsylvania operator's license.

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 604. Persons Not to be Licensed.—(a) An operator's license or learner's permit shall not be issued to any person under the following conditions:

1. When less than eighteen (18) years of age. Unless such person is sixteen (16) years of age or more and includes with his application for an operator's license or learner's permit a statement of his parent or a person in loco parentis, made under oath or affirmation, that such applicant has the consent of such parent or person in loco parentis to obtain a learner's permit or operator's license, or unless such person is in possession of a valid learner's permit or operator's license before the effective date of this act.

2. When operating privilege is suspended.

3. When operating^a privilege is revoked.

4. When applicant's name appears upon department's prohibitory list, or when the privilege to apply for an

* "prosecution" in original.

operator's license or learner's permit has been suspended, and before such privilege has been reinstated.

5. To an habitual drunkard or addict to the use of narcotic drugs.

6. When adjudged insane or an idiot, imbecile, epileptic, or feeble-minded, until restored to competency by judicial decree, or released from a hospital for the insane, or feeble-minded, upon certification by the superintendent or medical director that such person is competent, nor then, unless the secretary is satisfied such person is competent to operate a motor vehicle *or tractor* with safety to persons and property.

7. When afflicted with, or suffering from, a physical or mental disability or disease, or from a weakness or disability in vision or hearing which, in the opinion of the secretary, will prevent such person from exercising reasonable and ordinary control over a motor vehicle *or tractor*.

8. When unable to understand warning or direction signs in the English language.

9. *If a license or learner's permit is issued in contradiction of any of the provisions of this subsection, the secretary may suspend or cancel such license or permit in order to effectuate the intent of the subsection.*

(b) Physical disability includes the loss of the use of both hands.

(c) The secretary may issue an operator's license, or learner's permit, to a person afflicted with, or suffering from, a weakness or disability in vision or hearing, upon the receipt of such evidence or demonstration as shall satisfy him that such person has had sufficient experience in the operation of a motor vehicle *or tractor* to enable him to do so without endangering the safety of the public, and provided that such person shall not operate a motor vehicle *or tractor* unless same is equipped with a mirror so located as to reflect to the operator a view of the highway for a distance of at least two hundred (200) feet to the rear.

Section 606. Learner's Permits.—

(a) The department, upon receiving from any person eighteen (18) years of age or over, or upon receiving from any person less than eighteen (18) years of age and more than sixteen (16) years of age, when accompanied by an affidavit of consent of a parent or person in loco parentis, an application for a learner's permit, may, in its discretion, issue such a permit, entitling the applicant while having such permit in his immediate possession to operate a motor vehicle *or tractor* upon the highways for a period of ninety (90) days from date of issue, or until such learner has failed three (3) times, at any time within the ninety (90) day period, the

examination prescribed by the secretary, and when accompanied by a licensed operator who is actually occupying a seat beside the holder of the learner's permit, except that permittees operating *tractors*, motor-cycles or bicycles with motor attached need not be so accompanied.

(b) Every application for learner's permit shall be sworn to before a notary public or other officer empowered to administer oaths, on a form provided by the department, and accompanied by the fee provided in this act, and shall state the name, age, sex, and actual or bona fide address of the applicant, together with any other information the secretary may desire, and whether or not the applicant has heretofore been licensed as an operator, and, if so, when and by what state, and whether or not such license has ever been revoked or suspended, and, if so, the date of and reason for such suspension or revocation. When the application for a learner's permit is made by a person more than sixteen (16) years of age and less than eighteen (18) years of age, it shall be accompanied by the written consent of a parent or a person in loco parentis, under oath or affirmation of such parent or person in loco parentis.

Penalty.—Any person violating any of the provisions of subsection (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 608. Examination of Applicants and Operators.—

(a) Before issuing an operator's license to any permittee, except as otherwise provided, the secretary shall require the applicant to demonstrate personally to him, or his representative, in such a manner as the secretary may direct, that such applicant is a proper person to operate a motor vehicle *or tractor*, has sufficient knowledge of the mechanism of motor vehicles *or tractors* to insure their safe operation, and a satisfactory knowledge of the laws and regulations concerning motor vehicles *or tractors* and their operation.

(b) The secretary may issue an operator's license, either unlimited or containing certain restrictions or limitations, as the secretary may deem advisable.

(c) The secretary may, in his discretion, waive the examination of any person applying for the renewal of an operator's license issued under this act.

(d) The secretary may, in his discretion, issue an operator's license under this act, without examination, to any person applying therefor, who is of sufficient age as required by this act to receive the license applied for,

when the secretary is satisfied that the applicant is fully qualified as an operator of motor *vehicles or tractors, and to any person who at the time of such application has a valid unrevoked license of like nature issued to such person in another state under a law requiring the licensing and examination of operators.

(d.1) *Without examination, the secretary may issue an operator's license restricted to the use and operation of tractors to any person applying therefor, when the secretary is satisfied that the applicant is fully qualified as an operator of tractors.*

(e) Following any examination, and pending the issue of the operator's license, the secretary's representative may authorize any applicant, who has qualified as an operator, to operate a motor vehicle or tractor with his learner's permit card, and, *when it was required*, without being accompanied by a licensed operator, provided such learner's permit card is properly approved for such purpose.

(f) The secretary may, in his discretion, require the special examination, by such agencies as the secretary may direct, of any applicant for learner's permit or operator's license, or of any operator, to determine incompetency, physical or mental disability or disease, or any other condition which might prevent such applicant from exercising reasonable and ordinary control over a motor vehicle or tractor.

Section 611. Duplicate License Cards.—

(a) In the event that an operator's license or learner's permit shall be lost or destroyed, or become illegible, the person to whom the same was issued shall make application to the department, upon a form furnished by the department, accompanied by the fee provided in this act, for a duplicate thereof.

(b) No owner or operator of a motor vehicle or tractor shall be subject to a fine for the reason that an operator's license or learner's permit is lost, if he makes affidavit that the same was lost or stolen within the period of twenty (20) days preceding, and that application for duplicate operator's license or learner's permit was made within forty-eight (48) hours of discovery of loss of same.

(c) In the event of a change of name or address of the operator, as appearing on the operator's card, it shall be the duty of such operator to notify the department within forty-eight (48) hours of such change of name or address.

Penalty.—Any person violating any of the provisions of subsection (a) 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

* "vehicle" in original.

in default of the payment thereof, shall undergo imprisonment for not more than three (3) days.

Section 614. Revocation of Operating Privilege.—

(a) Upon receiving a certified record, from the clerk of the court, of proceedings in which a person pleaded guilty, entered a plea of *nolo contendere*, or was found guilty by a judge or jury, of any of the crimes enumerated in this section, the secretary shall forthwith revoke, for a period of one (1) year from the date of revocation, the operating privilege of any such person, and where such person was convicted, or entered a plea of guilty or *nolo contendere*, of any one of the crimes enumerated in clauses (1), (2), (3), and (4) of this section, such operating privilege shall not be restored, unless, and until, the fine and costs, imposed in such cases, have been fully paid. The clerk of the courts shall, when such fine and costs have been so paid in any such case, certify such fact to the Department of Revenue.

1. Operating a motor vehicle *or tractor* while under the influence of intoxicating liquor, or any narcotic or habit producing drug, or permitting any person, who may be under the influence of intoxicating liquor or narcotic or habit producing drug, to operate any motor vehicle *or tractor* owned by him or in his custody or control.

3. Any crime punishable as a felony under the motor vehicle *or tractor* laws of this Commonwealth, or any other felony in the commission of which a motor vehicle *or tractor* is used.

4. Conviction of an operator of a motor vehicle *or tractor* involved in an accident, resulting in injury or death to any person or damage to property, upon the charge of failing to stop and render assistance or disclose his identity at the scene of the accident.

(b) The secretary, upon receiving a certified record from the clerk of the court of the *conviction of any person upon a charge of operating a motor vehicle *or tractor* while the operator's license or learner's permit of such person is revoked, shall immediately extend the period of such first revocation for an additional like period.

(c) The secretary, upon revoking any operator's license or learner's permit, shall require that such license of any operator, whose license or permit is so revoked, shall immediately be surrendered to and retained by the department.

Section 615. Suspension of **Licenses or Operating Privileges.—

(a) The secretary may suspend the operating privilege of any person, with or without a hearing before

* "conviction" in original.

** "License" in original.

the secretary or his representative, upon receiving a record of proceedings, if any, in which such person pleaded guilty, entered a plea of *nolo contendere*, or was found guilty by a judge or jury, or whenever the secretary finds upon sufficient evidence:

1. That such person is incompetent to operate a motor vehicle *or tractor*, or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to operate a motor vehicle *or tractor* upon the highways.

2. That such person has been convicted of a misdemeanor, or has forfeited bail upon such a charge, in the commission of which a motor vehicle *or tractor* was used.

3. That such person has been convicted of manslaughter resulting from the operation of a motor vehicle *or tractor*.

4. That such person has attempted by offering a bribe, or by other fraud, or by substitution of another person in his place, to take or pass an examination for an operator's license.

(b) The secretary may suspend the operator's license or learner's permit of any person, after a hearing before the secretary or his representative, whenever the secretary finds upon sufficient evidence:

1. That such person has committed any offense for the conviction of which mandatory revocation of license is provided in this act;

2. That such person has committed any violation of the motor vehicle *or tractor* laws of this Commonwealth;

3. That such person has failed to file a report with the department of a motor vehicle *or tractor* accident as required by this act;

4. That such person was operating any motor vehicle *or tractor* involved in an accident resulting fatally to any person;

5. That such person is incompetent or unable to exercise reasonable and ordinary control over a vehicle;

6. That such person has failed to pay a fine, properly imposed by any court of this Commonwealth or of any state, or has failed to appear for a hearing before a court of competent jurisdiction of this Commonwealth or of any state, upon being notified as provided by law;

7. That any such person involved in an accident by motor vehicle *or tractor*, or in any violation of this act, has failed to attend or appear at a hearing before the secretary or his representatives after being properly notified.

(c) The secretary may suspend any operator's license or learner's permit, when check submitted in payment of the fee for such license is not paid on demand, or

when such fee or any part thereof is unpaid and owing, and he may delegate authority to any department employe or peace officer to lift the operator's license or learner's permit card so cancelled.

(d) The secretary is hereby authorized to suspend the privilege of any nonresident to operate a motor vehicle *or tractor* in this Commonwealth for any cause for which the license of a resident operator may be suspended or revoked. The secretary is further authorized, upon receiving a record of the conviction in this Commonwealth of a nonresident operator of a motor vehicle *or tractor* of any offense under the motor vehicle *or tractor* laws of this Commonwealth, to forward a report of such conviction to the motor vehicle *or tractor* administrator in the state wherein the person so convicted is a resident.

(e) The secretary is hereby authorized after a hearing before the secretary or his representative, or upon failure of the said person to appear at such hearing, to suspend the operator's license or learner's permit of any person licensed in this Commonwealth, upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this Commonwealth, would be grounds for the suspension or revocation of the license of an operator.

(f) The secretary may suspend any operator's license or learner's permit, upon certification, or request, or order of any court or commission duly authorized under the laws of this Commonwealth and empowered by such laws to make such certifications, requests, or orders.

(g) The secretary, upon suspending any operator's license or learner's permit, shall require that such licenses of any operator, whose license or permit is so suspended, shall be surrendered immediately to and retained by the department.

(g.1) When the secretary suspends an operator's license for any violation other than one for which he could revoke the operator's license, he may, on request of the operator, issue him a license restricted to the use and operation of tractors during the period of such suspension.

(h) Whenever the secretary suspends the operator's license or learner's permit of any person, the secretary shall immediately notify such person, and afford him an opportunity of a hearing before said secretary or his representative, provided such hearing has not already been held, and, after such hearing, the secretary shall either rescind his order of suspension, or, good cause appearing therefor, may suspend the operator's license or learner's permit of such person for a further period.

Section 615.1,
said act, as
amended by act
of June 27, 1939,
P. L. 1135,
further amended.

Section 7. Section 615.1 of said act, as amended by the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), is hereby further amended to read as follows:

Section 615.1. Suspension of Privilege to Apply for Operator's License or Learner's Permit.—

The secretary may suspend the privilege of any person to apply for an operator's license or learner's permit after a hearing, before the secretary or his representative, whenever the secretary finds upon sufficient evidence—

(a) That such person has committed any offense for the conviction of which mandatory revocation of license is provided in this act;

(b) That such person has committed any violation of the motor vehicle *or tractor* laws of this Commonwealth;

(c) That such person has failed to file a report with the department of a motor vehicle *or tractor* accident as required by this act;

(d) That such person was operating any motor vehicle *or tractor* involved in an accident resulting fatally to any person;

(e) That such person was convicted of an offense in another state which, if committed in this Commonwealth, would be grounds for the suspension of the privilege to apply for an operator's license or learner's permit;

(f) That such person failed to pay a fine properly imposed, or has been involved in an accident by motor vehicle *or tractor*, or in any violation of this act, and has failed to appear for a hearing before the secretary or his representatives after being properly notified, or has failed to appear for a hearing upon a charge of a violation of the vehicle *or tractor* code of another state before a court of competent jurisdiction of such other state upon being notified as provided by law;

(g) That the department has received a certification or request or order of any court or commission to suspend the privilege of any person to apply for an operator's license or learner's permit, duly authorized under the laws of this Commonwealth and empowered by such laws to make such certifications, requests or orders;

(h) Whenever the secretary suspends the privilege to apply for an operator's license or learner's permit of any person, the secretary shall immediately notify such person and afford him an opportunity of a hearing before said secretary or his representative, provided such hearing has not already been held, and after such hearing, the secretary shall either rescind his order of suspension, or, good cause appearing therefor, may suspend the privilege to apply for an operator's license or learner's permit for a further period.

Section 8. Section 618 of said act is hereby amended to read as follows:

Section 618, said act, amended.

Section 618. Owner Liable for Negligence of Certain Minors.—Every owner of a motor vehicle *or tractor* causing or knowingly permitting a minor under the age of sixteen (16) years to operate a motor vehicle *or tractor* upon a highway, and any person who knowingly gives or furnishes a motor vehicle *or tractor* to a minor under the age of sixteen (16) years, shall be jointly and severally liable with such minor for any damages caused by the negligence of such minor in operating such vehicle.

Section 9. Section 619 of said act, as last amended by the act, approved the eleventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1186), is hereby further amended to read as follows:

Section 619, said act, as last amended by act of May 11, 1949, P. L. 1186, further amended.

Section 619. Counties and Municipalities Liable for Negligence of Their Employes.—Every county, city, borough, incorporated town, or township within this Commonwealth, employing any person, shall be jointly and severally liable with such person for any damages caused by the negligence of such person while operating an animal-drawn vehicle or a motor vehicle or fire department equipment *or a tractor* upon a highway in the course of their employment; and every city, borough, incorporated town, and township shall also be jointly and severally liable with any member of a volunteer fire company, of any such city, borough, incorporated town, or township, for any damage caused by the negligence of such member while operating an animal-drawn vehicle or a motor vehicle or fire department equipment *or a tractor* used by or belonging to such volunteer fire company while going to, attending, or returning from a fire, or while engaged in any other proper use of such animal-drawn vehicle or motor vehicle or fire department equipment *or a tractor* for such volunteer fire company.

Section 10. Section 620 of said act, as last amended by the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2329), and in part by the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), is hereby further amended to read as follows:

Section 620, said act, as last amended by act of June 29, 1937, P. L. 2329, and in part by act of June 27, 1939, P. L. 1135, further amended.

Section 620. Violation of License Provisions.—It shall be unlawful for any person to commit any of the following acts:

(a) To display, or cause or permit to be displayed, or to have in possession, any operator's license or learner's permit, knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered.

(b) To lend to, or knowingly permit the use of by, one not entitled thereto any operator's license or learner's permit issued to the person so lending or permitting the use thereof.

(c) To display, or to represent as one's own, any operator's license or learner's permit not issued to the person so displaying the same.

(d) To fail or refuse to surrender to the department, upon demand, any operator's license, learner's permit, registration card, registration plates, certificate of title, or duplicates thereof, which have been suspended, cancelled or revoked as provided in this act.

(e) To make use of or operate any motor vehicle *or tractor* without the knowledge or consent of the owner or custodian thereof.

(f) To operate a motor vehicle, *tractor*, street car, or trackless trolley omnibus while under the influence of intoxicating liquor, or any narcotic drug or habit producing drug, or permit any person who may be under the influence of intoxicating liquor, or narcotic or habit producing drug, to operate any motor vehicle *or tractor* owned by him or in his custody or control.

(g) To turn off any or all the lights on a motor vehicle *or tractor* for the purpose of avoiding identification or arrest.

(h) To operate any motor vehicle *or tractor* upon the highways of this Commonwealth, after the operating privilege is suspended or revoked, and before such operating privilege has been reinstated.

(i) To operate any motor vehicle *or tractor* upon the highways of this Commonwealth, after its registration has been suspended by the secretary.

(j) To use a false or fictitious name, or give a false or fictitious address, in any application or form required under the provisions of this act, or make a false statement, or conceal a material fact, or otherwise commit a fraud in any application.

Penalty.—Any person violating any of the provisions of subsections (a), (b), (c) or (d) 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.

Any person violating any of the provisions of subsection (j) of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of one hundred (\$100) dollars and costs of prosecution, and in default of the payment thereof shall undergo imprisonment for not more than twenty (20) days.

Any person violating any of the provisions of subsections (e), (f), (g), (h), or (i) of this section shall be

guilty of a misdemeanor, and shall, upon conviction thereof in a court of quarter sessions, be sentenced to pay a fine of not less than one hundred (\$100) dollars and not more than five hundred (\$500) dollars and costs of prosecution, or undergo imprisonment for not more than three (3) years, or suffer both such fine and imprisonment.

Section 11. Section 621 of said act, as amended by the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows:

Section 621. Unlawful for Person Under Eighteen (18) Years to Operate [Motor] Vehicle as a Paid Employee.—It shall be unlawful for any person under the age of eighteen (18) years to operate a motor vehicle *or tractor* upon any highway as a paid employe, or for any person to cause or permit any such operation.

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 12. Section 622 of said act is hereby amended to read as follows:

Section 622. Unlawful to Permit Violations of Act.—No person shall authorize or permit a motor vehicle *or tractor* owned by him, or under his control, to be operated by any person who has no legal right to do so, or in violation of any of the provisions of this act.

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 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.

Section 13. Section 702.1 of said act, as added by the act, approved the twenty-sixth day of April, one thousand nine hundred forty-three (Pamphlet Laws 74), is hereby amended to read as follows:

Section 702.1. Fee for Temporary Registration.—The fee for the temporary registration of motor vehicles shall be [twenty-five (25c)] *fifty (50c)* cents for each set issued, and dealers may purchase no less than five (5) sets of temporary registration plates or markers at any one time.

Section 14. Subsection (d) of section 801 of said act, as last amended by the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2329), is hereby further amended to read as follows:

Section 621, said act, as amended by act of June 22, 1931, P. L. 751, further amended.

Section 622, said act, amended.

Section 702.1, said act, as added by act of April 26, 1943, P. L. 74, amended.

Subsection (d) of section 801, said act, as last amended by act of June 29, 1937, P. L. 2329, further amended.

Section 801. Required Lighting Equipment.—

* * * * *

(d) Rear Lamps and Illumination of Rear Registration Plate.—Every motor vehicle, and every trailer or semi-trailer attached to a motor vehicle, and every vehicle which is being drawn at the end of a combination of vehicles, shall carry at the rear [a] *at least one* lamp of a type which at the time of its use is approved by the secretary, and which exhibits a red light, plainly visible under normal atmospheric conditions from a distance of five hundred (500) feet to the rear of such vehicle. Either such rear lamp or a separate lamp shall be so constructed and placed that the number plate carried on the rear of such vehicle shall, under like conditions, be so illuminated by a white light as to be read from a distance of fifty (50) feet to the rear of such vehicle. When the rear number plate is illuminated by an electric lamp, other than the required rear lamp, said two (2) lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted.

Subsection (e) of section 801, said act, as last amended by act of May 18, 1949, P. L. 1412, further amended.

Section 15. Subsection (e) of said section 801 of said act, as last amended by the act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1412), is hereby further amended to read as follows:

Section 801. Required Lighting Equipment.—

(e) Reflectors and *Reflective Materials*.—Every motor bus, motor omnibus, commercial motor vehicle, trailer, or semi-trailer, when operated on a highway, *may display reflective materials, and shall display* at the rear a red reflector meeting the following requirements:

Whenever a red reflector is so used, or whenever reflectors are used, as hereinafter provided, it or they shall be mounted upon the vehicle at a height not to exceed [forty-two (42)] *sixty (60)* inches and not less than twenty-four (24) inches above the ground upon which the vehicle stands, and every such reflector shall be of a type which, at the time of its use, is approved by the secretary and shall be so designed and maintained as to be visible at night from all distances within five hundred (500) feet to fifty (50) feet from such vehicle, when directly in front of or opposite to a motor vehicle displaying lawfully lighted head lamps as provided in this act.

Within the limitations of this subsection, the secretary may adopt standard specifications governing the use and display of reflective materials on the vehicles designated herein, and it shall be unlawful for any person to use or display any reflective materials as provided herein in violation of the standard specifications so adopted.

Section 16. Subsection (g) of said section 801 of said act, as last amended by the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), is hereby further amended to read as follows:

Subsection (g) of section 801, said act, as last amended by act of June 27, 1939, P. L. 1135, further amended.

Section 801. Required Lighting Equipment.—

* * * * *

(g) Lamps on Bicycles.—Every bicycle [and every bicycle with motor attached,] shall be equipped with a lighted lamp, on the front thereof, visible, under normal atmospheric conditions, from a distance of at least five hundred (500) feet in front of such bicycle [or bicycle with motor attached], and shall also be equipped with a red reflector or lamp on the rear, exhibiting or reflecting a red light visible, under like conditions, from a distance of at least five hundred (500) feet to the rear of such bicycle [or bicycle with motor attached]: Provided, however, [On and after the first day of January, one thousand nine hundred and *forty-one] said red reflector or lamp on the rear shall be required to be of a diameter of at least one and one-half (1½) inches.

Section 17. Subsection (f) of section 802.4 of said act, as added by the act, approved the sixteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1056), is hereby amended to read as follows:

Subsection (f) of section 802.4, said act, as added by act of July 16, 1935, P. L. 1056, amended.

Section 802.4. Number of Driving Lamps Required or Permitted.—

* * * * *

(f) Any motor vehicle may be equipped with [a back-up lamp] *not more than two back-up lamps*, either separately or in combination with another lamp, except that no such back-up lamp shall be continuously lighted when the motor vehicle is in forward motion.

Section 18. Subsections (a) and (b) and the penalty clause of section 805 of said act are hereby amended to read as follows:

Subsections (a) and (b) and the penalty clause of section 805, said act, amended.

Section 805. Use, Test, and Approval of Lamps.—

(a) It shall be unlawful for any person to use, upon a motor vehicle upon a highway, any electric headlamp, lens, reflector, or headlight control device, or any electric auxiliary driving lamp, rear lamp, *back-up lamp*, mechanical signal device, or signal lamp, unless of a type which has been submitted to the secretary for test, and for which a certificate of approval has been issued by the secretary, and is then in effect as provided in this act.

(b) The secretary is hereby authorized to adopt and enforce rules and uniform standard specifications as to the amount, color, and direction of light to be emitted by headlamps, auxiliary driving lamps, rear lamps, *back-up lamps*, mechanical signal devices and signal

* "forty-nine" in original.

lamps, and the secretary is authorized and required to determine whether any headlamps, auxiliary driving lamps, signal lamps, mechanical signal devices and rear lamps or *back-up lamps* submitted will comply with such rules and uniform standard specifications, and the secretary may approve such headlamps, auxiliary driving lamps, signal lamps, mechanical signal devices, and rear lamps or *back-up lamps*, and to publish lists of such devices, by name and type, together *with the permissible candlepower rating of the electric lamps or bulbs, as he shall determine are lawful thereunder.

Penalty.—Any person violating any of the provisions of subsection (a) 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 806, said act, as amended by act of June 29, 1937, P. L. 2329, further amended.

Section 19. Section 806 of said act, as amended by the act, approved the twenty-nine day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2329), is hereby further amended to read as follows:

Section 806. *Illegal Sale of Lighting Devices.*—It shall be unlawful for any person to sell or to lease, or to offer for sale or lease, either separately or as a part of the equipment of a motor vehicle, any head lamp, auxiliary driving lamp, rear lamp, *back-up lamp*, or signal lamp, unless such device is approved by the secretary, and bears the trade mark or name under which it is approved, so as to be legible when installed, and is accompanied by printed instructions as to the candlepower of bulbs to be used therewith as approved by the secretary, and any particular methods of mounting or adjustment so as to focus or aim necessary for compliance with the requirements of this act.

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 809, said act, as last amended by act of May 18, 1949, P. L. 1412, further amended.

Section 20. Section 809 of said act, as last amended by the act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1412), is hereby further amended to read as follows:

Section 809. *Red Light Visible From in Front of Vehicles.*—No person shall operate or move any vehicle, except fire department, fire patrol apparatus, *police department vehicles, ambulances*, or the private vehicles of those chiefs of fire or *police* departments, assistant chiefs of fire or *police* departments or fire marshals who, in accordance with a statement filed with the Pennsyl-

* "wth" in original.

vania State Police prior thereto, use the same for answering fire, *police* or emergency calls upon a highway with a red light displayed to the front thereof.

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 21. Subsection (f) and the penalty clause of section 813 of said act, the former as amended by the act, approved the sixteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1056), the latter as last amended by the act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1412), are hereby further amended to read as follows:

Subsection (f) and the penalty clause of section 813, said act, the former, as amended by act of July 16, 1935, P. L. 1056, the latter as last amended by act of May 18, 1949, P. L. 1412, further amended.

Section 813. Official Inspection Stations.—

* * * * *

(f) It shall be unlawful for any person to furnish, give, or sell to any owner or operator of a motor vehicle, trailer or semi-trailer, or to any other person, or to place in or on any motor vehicle, trailer or semi-trailer, a certificate of inspection and approval, unless an official inspection of its mechanism and equipment shall have been made and the motor vehicle, trailer, or semi-trailer, conforms with the provisions of this act. It shall be unlawful for any such designated official inspection station to furnish, loan, give, or sell a certificate or certificates of inspection and approval to any other such designated official inspection station or any other persons, except those entitled to receive them under the provisions of this act.

Penalty.—Any owner of an official inspection station who by himself, agent, servant or employe, or any manager, operator, or employe thereof, or any other person who violates any of the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of *not less than* twenty-five (\$25.00) dollars *nor more than fifty dollars* (\$50.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

Section 22. Section 816 of said act, as amended by the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2329) is hereby further amended to read as follows:

Section 816, said act, as amended by act of June 29, 1937, P. L. 2329, further amended.

Section 816. Windshields Must Be Unobstructed and Equipped with Wipers.—

(a) It shall be unlawful for any person to operate any motor vehicle upon a highway with any sign, poster,

or other material upon or placed in such a position as to interfere with the vision through the front windshield, side wings, side or rear windows of such motor vehicle, other than a device, certificate, or other paper expressly allowed, or directed by the secretary to be displayed: Provided, however, that signal lamps of a type approved by the secretary shall not be considered a violation of this section.

(b) Every permanent windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture, from the windshield, which device shall be so constructed as to be controlled or operated by the operator of the vehicle.

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 five (\$5) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than three (3) days.

Subsection (a) and the penalty clause of section 824, said act, as last amended by act of April 25, 1945, P. L. 304, further amended.

Section 23. Subsection (a) and the penalty clause of section 824 of said act, as last amended by the act, approved the twenty-fifth day of April, one thousand nine hundred forty-five (Pamphlet Laws 304), is hereby further amended to read as follows:

Section 824. Danger and Caution Signals.—

(a) Every motor bus and every motor omnibus for the carriage of passengers for hire, except taxicabs, and every commercial vehicle, or combination of vehicles, having a *registered capacity* gross weight of eleven thousand (11,000) pounds, or more, and every trailer, or semi-trailer designed for the living quarters or carriage of persons, shall be equipped with at least three (3) red flags, of dimensions not less than twelve by twelve (12 x 12) inches, and a sufficient number of flares, not less than three (3), or electric lanterns, electric flashing signals, or other signals capable of continuously producing three warning lights, each visible from a distance of at least five hundred (500) feet for a period of at least eight (8) hours, or three (3) reflector type flares: Provided, however, That the provisions of this section shall not apply to vehicles within the confines of a municipality or within a business or residence district.

Every such flare, lantern, electric flashing signal, reflector type flare, or other signal shall be of a type approved by the secretary, and he shall publish lists of those devices which he has approved as adequate for the purposes of this section.

Penalty.—Any owner or operator who shall fail to comply with any of the provisions of this section shall, upon summary conviction before a magistrate, 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.

Section 24. Subsection (c) of section 902 of said act, as last amended by the act, approved the eleventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1085 and 1092), and by the act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1412), is hereby further amended to read as follows:

Subsection (c) of section 902, said act, as last amended by act of May 11, 1949, P. L. 1085, and 1092, and act of May 18, 1949, P. L. 1412, further amended.

Section 902. Size of Vehicles and Loads.—

* * * * *

(c) No vehicle [, except fire department equipment,] shall exceed a total maximum length, including any load thereon, of four hundred twenty (420) inches, *except fire department equipment, and except buses with toilet facilities, which shall not exceed a length of four hundred eighty (480) inches and which, when in excess of thirty-five (35) feet in over-all length, shall not have less than three (3) axles,* and no combination of two (2) vehicles, inclusive of load and bumpers, coupled together, shall exceed a total maximum length of six hundred (600) inches, excepting that nothing in this subsection shall prohibit the transportation by a combination of vehicles of articles impossible of dismemberment, which do not exceed seventy (70) feet.

1. No motor vehicles shall be operated upon a highway drawing, or having attached thereto, more than one other vehicle: Provided, That a [tow] trailer not exceeding ten (10) feet in length may be attached to one motor vehicle for the purpose of towing another vehicle requiring service, to which such [tow] trailer is also attached.

2. The distance between any two vehicles, one of which is towing or drawing the other, shall not exceed fifteen (15) feet from one vehicle to the other, except when the load on the towed vehicle is coupled directly to and is not more than five (5) feet from the towing vehicle. 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 in length and width. Every trailer, while being drawn upon the highway, shall be so attached to the vehicle drawing the same as to prevent the wheels of such trailer from deflecting more than six (6) inches from the path of the drawing vehicle's wheels.

Section 25. The penalty clause of section 903 of said act, as last amended by the act, approved the twenty-seventh day of April, one thousand nine hundred forty-five (Pamphlet Laws 328), is hereby further amended to read as follows:

Penalty clause of section 903, said act, as last amended by act of April 27, 1945, P. L. 328, further amended.

Section 903. Weight of Vehicles and Loads.—

* * * * *

Penalty.—Any person operating any vehicle *or combination of vehicles* upon any highway with a gross weight *or with weight on any one axle or wheel* exceeding by more than five (5) per centum the maximum [gross] weight allowed *in that particular case* and not exceeding by more than ten (10) per centum the maximum [gross] weight allowed, shall *in each case*, upon summary conviction before a magistrate, 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 five (5) days, and any person operating any vehicle *or combination of vehicles* on any highway with a gross weight *or with weight on any one axle or wheel* exceeding by more than ten (10) per centum the maximum [gross] weight allowed *in that particular case*, shall *in each case*, 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 904, said act, as amended by act of June 29, 1937, P. L. 2329, further amended.

Section 26. Section 904 of said act, as amended by the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2329), is hereby further amended to read as follows:

Section 904. Officers May Weigh Vehicles and Require Removal of Excess Load.—Any peace officer who shall be in uniform, and shall exhibit his badge or other sign of authority, having reason to believe that the weight of a vehicle *or combination of vehicles* and load is unlawful, is authorized to weigh the same, either by means of portable or stationary scales, or may require that such vehicle *or combination of vehicles* be driven to the nearest stationary scales in the event such scales are within a distance of two (2) miles. The peace officer may then require the operator to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle *or combination of vehicles* to the maximum gross weight specified in this act, except as herein provided for special permits: And further provided, That no arrest shall be made, or information brought in cases where the maximum gross weights provided in this act are not exceeded by more than five (5) percentum thereof.

Penalty.—Any person *refusing to unload excess weight when so ordered* or violating any of the other provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of [ten (\$10) dollars] *fifty (\$50) dollars* and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 27. Section 905 of said act, as amended by the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 751), and in part by the act, approved the fifth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1718), is hereby further amended to read as follows :

Section 905, said act, as amended by act of June 22, 1931, P. L. 751, and in part by act of June 5, 1937, P. L. 1718, further amended.

Section 905. Permits for Excessive Size and Weight.

—(a) The Secretary of Highways of this Commonwealth, and local authorities in their respective jurisdictions, may, in 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 either a vehicle or combination of vehicles, or a vehicle and load, or a combination of vehicles and their load or loads, of a size or 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. When a permit has been issued by the Secretary of Highways, no other authorities shall require any further or additional permit for any portion of the route specified therein. Every such permit shall be issued for a single trip, and shall designate the route to be traversed, subject to such rules, regulations, restrictions, or conditions, as shall be deemed necessary by the authority granting such permit: Provided, That, upon request included in the application, a combination permit may be issued for a single continuous round trip, whether or not a load or loads may be transported for the entire trip, but no substantial increase in the size or weight of vehicle or combination of vehicles or of load shall be made between intermediate points without supplemental permit. The Secretary of Highways may, in his discretion, issue a single permit for any fixed number of movements across the highway of vehicles or combinations thereof exceeding the maximum size or weight specified in this act at specified locations. Whenever any such permit shall have been issued for crossing the highway, it shall be unlawful to move said vehicles along the highway. The movement of any vehicle or load requiring a permit shall impose the obligation on the permittee to restore or replace any section of highway or bridge damaged as a result of such movement, whether or not such damage may be attributable to negligence on the part of the permittee. Every such permit shall be carried in the vehicle to which it refers, and shall be open to inspection by any peace officer or employe of the Department of Highways of this Commonwealth or to any person having collision with or suffering injury from such vehicle.

(b) In the event of a catastrophe or accident affecting the public safety or convenience, it shall be lawful to operate or move a vehicle of a size or weight in excess of that permitted by this act, if a report thereof is immediately made, in writing, to the Secretary of Highways of this Commonwealth or local authorities. In such cases, a permit shall issue subsequent to the movement.

Penalty.—Any person operating or moving a vehicle or load of a size or weight exceeding the maximum specified in this act, without first having obtained a permit or permits so to do, *and any person altering or forging a special permit for excessive size and weight, or presenting or exhibiting an altered or forged special permit for excessive size and weight,* 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.

Clause (a) and the penalty clause of section 1001, said act, as amended by act of June 29, 1937, P. L. 2329, further amended.

Section 28. Clause (a) and the penalty clause of section 1001 of said act, as amended by the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2329), is hereby further amended to read as follows:

Section 1001. Reckless Driving.—Reckless driving is unlawful, and, for the purpose of this act, is construed to include the following:

(a) Any person who drives any vehicle or street car or trackless trolley omnibus upon a highway carelessly [and wilfully, or wantonly] disregarding the rights or safety of others, or in a manner so as to endanger any person or property.

Penalty.—Any person charged with reckless driving, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not less than ten (\$10) dollars nor more than 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.

Section 1004, said act, as amended by act of June 9, 1939, P. L. 315, further amended.

Section 29. Section 1004 of said act, as amended by the act, approved the ninth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 315), is hereby further amended to read as follows:

Section 1004. Drive on Right Side of Highway.—Upon all highways of sufficient width, except upon one way streets, the driver of a vehicle shall drive the same upon the right half of the highway, and shall drive [a slow moving vehicle] as closely as possible to the right-hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway, and except when overtaking and passing another vehicle, subject to the limitations applicable in overtaking and

passing set forth in this act: Provided, however, That the provisions of this section shall not apply to ridden animals of the National Guard or of the Regular Army of the United States of America when actually engaged in training or maneuvers.

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 30. Subsections (b) and (d) of section 1012 of said act, as last amended by the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), are hereby further amended to read as follows:

Subsections (b) and (d) of section 1012, said act, as last amended by act of June 27, 1939, P. L. 1135, further amended.

Section 1012. Signals on Starting, Stopping or Turning.—

* * * * *

(b) The signal herein required shall be given by means of the hand and arm, in the manner herein specified, or by an approved mechanical or electrical signal device [, when the secretary finds that a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible to the front and rear, the signal shall be given by a device] of a type which, at the time of its use, is approved by the secretary.

* * * * *

(d) The secretary is hereby authorized [, and it shall be his duty] to make rules and regulations, not inconsistent with this act, for the efficient administration of this section [, excepting that he shall make no finding under subsection (b) of this section relating to mechanical or electrical signal devices affecting commercial vehicles, which measure less than thirteen (13) feet from the center of the top of the steering column to the rear end of such vehicle, or when the body of such vehicle extends less than twenty (20) inches to the left of the center of the top of the steering column].

Section 31. Subsection (d) of section 1016 of said act, as added by the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 751), is hereby amended to read as follows:

Subsection (d) of section 1016, said act, as added by act of June 22, 1931, P. L. 751, amended.

Section 1016. Vehicles Must Stop at Through Highways and Stop Intersections.—

* * * * *

(d) This section shall not apply to vehicles, when operated with due regard for safety, under the direction of the police in the chase or apprehension of vio-

lators of the law or [to] persons charged with or suspected of any such violation, nor to fire department or fire patrol vehicles responding to a fire alarm, nor to ambulances when traveling in emergencies. The exemption, however, shall not protect the driver of any such vehicle from the reckless disregard of the safety of others.

Subsection (a) and the penalty clause of section 1019, said act, the former as amended by act of June 5, 1937, P. L. 1718, the latter as amended by act of June 27, 1939, P. L. 1135, further amended.

Section 32. Subsection (a) and the penalty clause of section 1019 of said act, the former as amended by the act, approved the fifth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1718), the latter as amended by the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), are hereby further amended to read as follows:

Section 1019. Stopping on *Highway.—

(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway, outside of a business or residence district, when it is practicable to park or leave such vehicle standing off the paved or improved or main traveled portion of such highway: Provided, In no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any highway, unless a clear and unobstructed width of not less than fifteen (15) feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of [three hundred (300)] *five hundred (500)* feet in each direction upon such highway: And further provided, No person shall park or stand any vehicle, whether attended or unattended, in any no parking area, where official "No Parking" signs have been erected in accordance with the provisions of section one thousand one hundred and thirteen (1113) of this act.

Penalty.—Any person violating any of the provisions of subsection (a) of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not less than two (\$2) dollars or more than 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 1020, said act, as last amended by act of June 22, 1931, P. L. 751, and in part by acts of July 16, 1935, P. L. 1056, June 5, 1937, P. L. 1718, and June 27, 1939, P. L. 1135, further amended.

Section 33. Section 1020 of said act, as last amended by the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 751), and in part by the acts, approved the sixteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1056), the fifth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1718),

* "Highways" in original.

and the twenty-seventh day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 1135), is hereby further amended to read as follows:

Section 1020. Parking Prohibited in Specified Places.
—No person shall park a vehicle, or permit it to stand, whether attended or unattended, upon a highway in any of the following places:

1. Within an intersection.
2. On a cross-walk.
3. Between a safety zone and the adjacent curb, or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless local officials shall indicate a different length by signs or markings.
4. Within twenty-five (25) feet from the intersection of curb lines, or, if none, then within fifteen (15) feet of the intersection of property lines at an intersection of highways.
5. Within thirty (30) feet upon the approach to any official flashing signal, stop sign, or traffic signal located at the side of the roadway.
6. Within fifteen (15) feet of the driveway entrance to any fire station.
7. Within fifteen (15) feet of a fire hydrant.
- [8. In front of a private driveway.]
9. On a sidewalk.
10. [Along-side] *In front of a private driveway, or along-side* any street or highway excavation or obstruction, nor opposite the same, unless a clear and unobstructed width of not less than twenty (20) feet upon the main traveled portion of the said street or highway shall be left free for passage of other vehicles thereon.
11. On the roadway side of any vehicle stopped or parked at the curb or edge of the highway.
12. At any place where official signs have been erected prohibiting standing and parking.
13. Within fifty (50) feet of the nearest rail of a steam or interurban railway crossing.
14. Where such stopped or parked vehicle would prevent the free movement of a street car.
15. Except when necessary in obedience to traffic regulations or traffic signs or signals or where angle parking is permitted, the operator of a vehicle shall not stop, stand, or park such vehicle on the highway within a business or residence district other than parallel with the edge of the highway, headed in the direction of traffic, and with the curb side of the vehicle within six (6) inches of the edge of the highway or curb. Vehicles, which because of type or construction cannot load or unload parallel to the curb, shall be exempt, while loading or unloading only, from the requirements of standing parallel to the curb.

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 not less than two (\$2) dollars nor more than 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 1101, said act, as last amended by acts of June 5, 1937, P. L. 1718, and June 29, 1937, P. L. 2329, further amended.

Section 34. Section 1101 of said act, as last amended by the acts, approved the fifth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1718), and the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2329), is hereby further amended to read as follows:

Section 1101. When Authorities May Restrict Right to Use Highways.—

(a) The Secretary of Highways of this Commonwealth and local authorities may, by ordinance or resolution or ruling, prohibit the operation of vehicles upon any highway, or impose restrictions as to the weight of vehicles and their loads, for a total period not to exceed ninety (90) days in any one (1) calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which the Secretary of Highways of this Commonwealth or local authorities are responsible, whenever any said highway, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. The Secretary of Highways of this Commonwealth and local authorities enacting or making any such ordinance or resolution or rule shall erect, or cause to be erected and maintained, official signs designating the provisions of the ordinance or resolution or rule, at each end of that portion of any highway affected thereby, and at intersections thereof; and the ordinance or resolution or rule shall not be effective until or unless such official signs are erected and maintained, except that local authorities shall have no power or authority to prohibit the operation of vehicles upon a State highway without first obtaining the consent of the Secretary of Highways.

(b) Whenever necessary for the protection of any highway or the safety of traffic thereon, the Secretary of Highways of this Commonwealth, or local authorities, may also, by ordinance or resolution or rule, prohibit the operation of motor vehicles, trailers, or semi-trailers on designated highways, as to the weights and loads thereon, which prohibitions and limitations shall be designated by official signs placed on such highways and their intersections, except that local authorities shall

have no power or authority to prohibit the operation of vehicles upon a State highway without first obtaining the consent of the Secretary of Highways.

Penalty.—Any person refusing to unload excess weight when so ordered by a peace officer in uniform, or violating any of the other provisions of this section, or violating any ordinance, resolution or ruling promulgated under 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 five (5) days.

Section 35. Section 1102 of said act, as amended by the act, approved the fifth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1718), is hereby further amended to read as follows:

Section 1102, said act, as amended by act of June 5, 1937, P. L. 1718, further amended.

Section 1102. Regulating Weight of Vehicles on Bridges.—If any bridge, causeway or viaduct, owned or maintained, whether owned in whole or in part, by this Commonwealth, or local authorities, other than interstate bridges as now provided by law, shall have official signs, properly posted in conspicuous places at the entrances thereto, stating the gross maximum weight permitted thereon, it shall be unlawful for any person to drive or cause to be driven upon any such bridge, causeway or viaduct, any vehicle which, together with its load, shall be of greater gross maximum weight than is stated on such signs.

Penalty.—Any person refusing to unload excess weight when so ordered by a peace officer in uniform, or violating any of the other provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of fifty dollars (\$50) and costs of prosecution, and in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 36. Article XI of said act is hereby amended by adding, immediately following section 1114 thereof, a new section to read as follows:

Article XI, said act, amended by adding, immediately following section 1114 thereof, a new section 1115.

Section 1115. Uniform Law for Transportation of Dangerous Articles by Motor Vehicle.—

(a) *Definitions.* As used in this section—

(1) “Highway” shall mean and include any public street, alley, road, tunnel, bridge, viaduct, turnpike, or parkway.

(2) “Dangerous article” shall mean any flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous substances, and radioactive materials, as hereinafter defined, when transported as cargo by motor vehicle on a highway. This section, however, shall not apply to explosives, as

defined in the act, approved the first day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2681), entitled "An act relating to, and regulating the manufacture, storing, and possession of explosives; requiring permits for magazines, and prescribing permit fees; and providing penalties," or to flammable liquids transported in tank trucks, tank trailers or tank semi-trailers, in accordance with any other provision of this act.

(3) "Flammable liquids" shall mean any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open cup tester as used for test of burning oils) at or below a temperature of 80 degrees F. .

(4) "Flammable solids" shall mean any solid substance, other than an explosive as above defined, which is liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from the manufacturing or processing.

(5) "Oxidizing materials" shall mean any substance such as a chlorate, permanganate, peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

(6) "Corrosive liquids" shall mean those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue by chemical action, or, in case of leakage, will materially damage or destroy other freight by chemical action, or are liable to cause fire when in contact with organic matter or with certain chemicals.

(7) "Compressed gas" shall mean any material or mixture having in the container either an absolute pressure exceeding forty (40) pounds per square inch at seventy (70) degrees F. or an absolute pressure exceeding one hundred four (104) pounds per square inch at one hundred thirty (130) degrees F., or both, or any liquid flammable material having a Reid vapor pressure exceeding forty (40) pounds per square inch absolute at one hundred (100) degrees F. .

(8) "Poisonous substances" shall mean liquids and gases of such nature that a very small amount of the gas or vapor of the liquid mixed with air is dangerous to life, or such liquid or solid substance as, upon contact with fire or when exposed to air, give off dangerous or intensely irritating fumes or substances, which are chiefly dangerous by external contact with the body or by being taken internally.

(9) "Radioactive materials" shall mean any material or combination of materials that spontaneously emits ionizing radiation.

(b) *It shall be unlawful to transport by motor vehicle over the highways within this State any dangerous article, in such manner or conditions as will unreasonably endanger the person or property of others.*

(c) *It shall be unlawful to transport by motor vehicle over the highways within this State any dangerous article, without conspicuously marking or placarding any motor vehicle engaged in such transportation, on each side and on the rear thereof, with the word "Dangerous" or the common or generic name of the substance transported or its principal hazard: Provided, That the secretary may, by regulation issued after a public hearing, prescribe, with respect to any specific dangerous article, the minimum quantities below which no placard shall be required.*

(d) *Nothing in this section shall apply to shipment or transportation of any dangerous article by rail or by water, nor to shipment or transportation of any dangerous article by highway, when packed, marked, labeled, placarded, or accompanied by shipping papers, in conformity with the applicable regulations of the Interstate Commerce Commission, or exempt from specification, packaging, marking, labeling, or placarding requirements thereunder, nor to the regular military or naval forces of the United States, nor to the duly authorized militia *of any state or territory thereof, nor to the police or fire departments of this State or of its counties, cities, boroughs, towns, townships, agencies, or instrumentalities, providing the same are acting within their official capacity and in the performance of their duties.*

(e) *Any violation of any provision of this section which results in death or injury to any person or damage to property in excess of the value of five thousand dollars (\$5,000) shall, in addition to any other liability imposed by law, constitute a felony.*

(f) *Except as provided in subsection (e) of this section, any violation of this section shall be a misdemeanor and be punishable, for a first violation, by a fine not exceeding five hundred dollars (\$500), or by imprisonment not exceeding sixty (60) days, or both such fine and imprisonment, and for a subsequent violation, by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.*

(g) *This section shall be liberally construed and shall be so interpreted, construed and administered as to make uniform the law of those states which enact it.*

(h) *The provisions of this section shall become effective thirty days after the effective date of this act.*

* "or" in original.

Section 1201, said act, as last amended by act of May 18, 1949, P. L. 1412, further amended.

Section 37. Section 1201 of said act, as last amended by the act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1412), is hereby further amended to read as follows:

Section 1201. Limitations of Actions.—

(a) Informations, charging violations of any of the summary provisions of this act, shall be brought before the nearest available magistrate within the city, borough, incorporated town, or township *in the county* where the alleged violation occurred: Provided, however, That where there is no substantial difference between the respective distances from the place where the alleged violation occurred to the offices of more than one magistrate, any such prosecution may be brought before any one of such magistrates, or if there is no person holding the office of magistrate in such city, borough, incorporated town, or township, then such information shall be brought before such nearest available magistrate in any adjoining city, borough, incorporated town, or township *in the county*, 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 a summary 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 have been discovered, and excepting further, that informations charging violations of the provisions of sections 205, 207, 210, 212, 213, 406.1, 506 (a), 511, 610.1, 620 (j), and 813 of this act may be brought within fifteen (15) days after it is discovered that a violation of any of these sections has been committed.

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

Subsection (c) and the penalty clause of section 1218, said act, amended.

Section 38. Subsection (c) and the penalty clause of section 1218 of said act are hereby amended to read as follows:

Section 1218. Signals and Investigations by Officers.—

* * * * *

(c) Any peace officer, or department employe, who shall be in uniform, or shall exhibit a badge or other sign of authority, shall have the right to inspect any motor vehicle in any public garage or repair shop *and on the premises of any dealer*, for the purpose of locating stolen motor vehicles, and investigating the title and registration of motor vehicles, and, for such purpose, the owner of any such garage or repair shop *and any*

such dealer shall permit any such peace officer or department employe without let or hindrance to make investigation as herein authorized.

Penalty.—Any person failing to comply with the signals or requests of peace officers or department employes, as provided in 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 39. The act, approved the ninth day of February, one thousand nine hundred forty-five (Pamphlet Laws 3), entitled "An act authorizing the Secretary of Revenue to issue one registration plate for motor vehicles during the present war and for a period of not longer than two years thereafter and making it lawful to operate a motor vehicle with only one registration plate attached thereto as provided herein," is hereby repealed.

Act of February 9, 1945, P. L. 3, repealed.

Section 40. Article XII of said act is hereby amended by adding, immediately following section 1216 thereof, a new section to read as follows:

Article XII, said act, amended by adding, immediately following section 1216 thereof, a new section 1216.1.

Section 1216.1. Uniformity of Interpretation.—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law throughout this Commonwealth and all the subdivisions thereof.

APPROVED—The 24th day of August, A. D. 1951.

JOHN S. FINE

No. 337

AN ACT

To further amend sections five, seven, eleven and twenty-one and to add section twenty-one point one to the act, approved the sixth day of August, one thousand nine hundred forty-one (Pamphlet Laws 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the "Pennsylvania Board of Parole"; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation," by increasing the salaries of the chairman and the other members of the board; increasing the ceiling on salaries of the secretary of the board and of district supervisors; making the amount of such salaries subject to the determination of the board in conformity with the rules of the Executive Board; and by further defining the jurisdiction, duties, powers and functions of the Pennsylvania Board of Parole.