

ing, revising, consolidating and changing the laws relating thereto," as amended by the act, approved the twenty-third day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1722), is hereby further amended to read as follows:

Section 671. Fiscal Year.—In all school districts of the second, third, and fourth class, the fiscal year shall begin on the first Monday of July in each year: Provided, That [in order to conform to the provisions of existing law requiring school taxes in cities of the second class A to be included in the same statement as taxes of political subdivisions which levy their taxes on the basis of the calendar year,] the board of school directors of any district of the second class may, by resolution adopted by two-thirds vote of the members thereof at a meeting of the board after not less than ten days' notice of the fact that such resolution would be presented for action at such meeting, fix the fiscal year of such school district so as to begin on the first day of January in each year instead of on the first Monday of July as hereinabove provided.

Section 2. The provisions of this act shall become effective immediately upon its final enactment.

Act effective immediately.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE

No. 362

AN ACT

To further amend the act, approved the thirty-first day of May, one thousand nine hundred forty-seven (Pamphlet Laws 368), entitled "An act to protect consumers in the purchase for fuel purposes of the hard coal known as anthracite; providing for and regulating the sale, offering for sale, resale, delivery and shipment of anthracite according to a standard provided for in this act; requiring producers and dealers and persons engaged in the sale and resale of anthracite, from storage yards or otherwise to consumers, to keep certain records; conferring powers on the Anthracite Committee and its agents, and providing penalties," by defining "Retail Dealer," "Wholesale Dealer," "Municipal Weighmaster," "Municipality," and "Storage Place for Anthracite"; requiring producers, wholesale dealers and municipal weighmasters to issue certain statements and keep certain records; imposing and changing penalties; providing for the payment of fines for violations to the Commonwealth; and providing for injunctions to restrain violations.

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

Section 1. Clause (d) of section 2 of the act, approved the thirty-first day of May, one thousand nine hundred forty-seven (Pamphlet Laws 368), entitled "An act to protect consumers in the purchase for fuel

Anthracite Standards Law.

Clause (d) of section 2, act of May 31, 1947, P. L. 368, amended.

purposes of the hard coal known as anthracite; providing for and regulating the sale, offering for sale, resale, delivery and shipment of anthracite according to a standard provided for in this act; requiring producers and dealers and persons engaged in the sale and resale of anthracite, from storage yards or otherwise to consumers, to keep certain records; conferring powers on the Anthracite Committee and its agents, and providing penalties," is hereby amended to read as follows:

Section 2. Definitions.—The following words and phrases as used in this act shall be construed to mean:

* * * * *

(d) "*Retail Dealer*," a person, association, partnership or corporation, or his or its legal representative, [purchasing anthracite for resale to consumers for fuel purposes and who maintains a place for the storage of anthracite] *maintaining a place for the storage of anthracite, who purchases anthracite for resale to consumers, regardless of the quantity sold, or who sells to a retail dealer in lots not exceeding 20,000 pounds in any one transaction;*

Section 2, said act, amended by adding, at end thereof, four new clauses (l), (m), (n) and (o).

Section 2. Section 2 of said act is hereby amended by adding, at the end thereof *four new clauses to read as follows:

Section 2. Definitions.—The following words and phrases as used in this act shall be construed to mean:

* * * * *

(l) "*Wholesale Dealer*," a person, association, partnership or corporation or his or its legal representative, who purchases anthracite for resale to retail dealers in lots exceeding 20,000 pounds, or one not maintaining a storage place for anthracite, who sells anthracite to a consumer, regardless of the quantity sold;

(m) "*Municipal Weighmaster*," a licensed weighmaster designated by a municipality to weigh solid fuels destined for sale or delivery within the municipality;

(n) "*Municipality*," a city, borough, incorporated town, or township of the first class;

(o) "*Storage Place for Anthracite*," an established place of business, including a permanent office, storage facilities for not less than 250 ton of anthracite, and its own weighing scales.

Sections 3, 4, 5, 6, 7 and 8, said act, as amended by act of May 18, 1949, P. L. 1467, further amended.

Section 3. Sections 3, 4, 5, 6, 7 and 8 of said act, as amended by the act, approved the eighteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1467), are hereby further amended to read as follows:

Section 3. Statements by Producers as to Quality of Anthracite.—Every producer shall issue with each sale and delivery at, or railroad car or motor vehicle ship-

* "three" in original.

ment of anthracite from his preparation plant to the operator of the *motor vehicle*, or to the *retail dealer or wholesale dealer* or person to whom delivery is made or to be made, a written or printed statement attesting that the anthracite so sold, delivered or shipped is "Standard Anthracite" or "Substandard Anthracite," as the case may be. [Such statement may be shown] *In the case of shipments by motor vehicles, such statement shall be placed on the weighmaster's certificate issued in conformity with the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties," and its amendments, and in all other cases shall be placed on the invoice to the purchaser or consignee.*

In the case of anthracite hauled from a preparation plant directly to the consumer, it shall be the duty of the operator of the motor vehicle to deliver [such] the producer's statement to the consumer [at the time the anthracite is delivered to him] *simultaneously with the delivery of the anthracite which it attests.* In all other cases, [it] *the producer's statement* shall be delivered to the *retail dealer or wholesale dealer* or person to whom delivery or shipment of the anthracite is made.

It shall be unlawful for an operator of a motor vehicle to fail or neglect to deliver [any such] *the producer's statement* to the consumer, *retail dealer, wholesale dealer, or person to whom delivery or shipment of the anthracite is made*, or to deliver any substituted or forged statement [to a consumer]: *Provided, That where the original weighmaster's certificate is surrendered to municipal authorities in conformity with an ordinance relating to the sale of fuel within a municipality and a new weighmaster's certificate issued as provided in section 4 of this act containing the attestations required by this section, the operator of the motor vehicle may deliver the same in lieu of the original weighmaster's certificate.*

Section 4. Statements by Dealers and [Others] *Municipal Weighmasters As to Quality of Anthracite; Unlawful Acts.*—Any *retail dealer* [operating a place of storage] or person hauling anthracite direct from a railroad car to a consumer, or *wholesale dealer*, who has had issued to him [by a producer] a *producer's statement* as required by section three of this act shall in the resale of such anthracite [so purchased issue on the weighmaster's certificate a written or printed statement, and] deliver [the same] to the [consumer] *person to whom*

delivery is made or to be made, a written or printed statement attesting that the anthracite so sold is standard anthracite or substandard anthracite as the case may be. Any municipal weighmaster who lawfully demands the surrender of the original weighmaster's certificate pursuant to the requirements of local ordinances regulating the sale of fuel within the municipality shall, when a new weighmaster's certificate covering the shipment is issued, place thereon a written or printed statement attesting that such anthracite is standard anthracite or substandard anthracite, as the case may be.

It [is] shall be unlawful for any retail dealer, [or his or its] or wholesale dealer, or any person hauling anthracite direct from a railroad car to a consumer, or any other person, by himself, agent or employee, to mix together standard anthracite and substandard anthracite, designated as such on the producer's or wholesale dealer's statement, for sale or resale purposes [in or at his place of storage or elsewhere] of the same or different size, or to issue any statement attesting that anthracite [known by him to be] wholly or partly substandard anthracite is standard anthracite.

A retail dealer, or a person engaged in hauling anthracite from a railroad car direct to the consumer, or wholesale dealer, who has preserved his records as required by this act, and who has not been guilty of making mixtures prohibited by this act, or a municipal weighmaster, shall be entitled to rely upon the producer's or wholesale dealer's statement [issued to him by a producer] and shall not be subject to prosecution under this act for issuing a statement in [accordance with] reliance on the producer's or wholesale dealer's statement [issued to him by the producer for] pertaining to the particular anthracite [purchased by him under] to which such statement relates.

Section 5. Contents of Statements.—Statements issued under the provisions of sections three and four of this act by producers, wholesale dealers, retail dealers, and persons hauling anthracite from a railroad car direct to the consumer, and municipal weighmasters, shall set forth in ink or indelible pencil the date of the sale, resale or shipment of the anthracite, to whom sold, delivered or shipped, [and] the size and weight of the anthracite, the registration of the vehicle in which the anthracite is being transported, and, in the case of wholesale dealers and producers, the railroad car number and the model of the vehicle in which the anthracite is transported: Provided, That any information appearing on the weighmaster's certificate need not be duplicated in the statement. Each statement shall [have thereon the signature of] bear the name under which the producer,

wholesale dealer, retail dealer, or other person [which may be a facsimile signature] does business, and the signature or facsimile of the producer, wholesale dealer, retail dealer, or other person, if an individual, or of an officer or partner, if a corporation, partnership or association, or the signature or facsimile signature of the municipal weighmaster, where a statement of quality is issued by such weighmaster under the provisions of this act.

Section 6. Preservation of Records.—It shall be the duty of every producer to keep a record of all sales, deliveries and shipments of anthracite, showing the name of the person to whom sold or delivered, the date thereof, the *size and net weight*, [and] the point of delivery, *the railroad car number, the model and registration of the vehicle in which the anthracite was transported*, and whether the anthracite so sold, delivered or shipped was *sold, delivered or shipped as standard anthracite or substandard anthracite*.

It shall be the duty of every *wholesale dealer*, [and] *retail dealer*, of every person engaged in hauling anthracite from a railroad car direct to a consumer, *and municipal weighmaster*, to keep [a record of] *and retain* all statements issued to *or retained by* him [by producers of anthracite], in accordance with the provisions of [section three of] this act. [and also] *It shall also be the duty of every retail dealer and every person engaged in hauling anthracite from a railroad car direct to a consumer and every municipal weighmaster to keep a duplicate [record] of the weighmaster's certificate, and of every wholesale dealer, of the invoice issued by [the dealer or other person] him*, in accordance with the provisions of section four of this act.

All such records shall be *written and* preserved for a period of two years and shall be open to inspection by [the] *duly accredited* agents of the Commonwealth and of the Anthracite Committee during *regular* business hours.

Section 7. Powers of Agents of Anthracite Committee.—Any *duly accredited* agent of the *Commonwealth or of the Anthracite Committee* shall have full access to every preparation plant and premises of a producer, *including railroad cars or railroad sidings*, and the storage yard and premises of every *retail dealer*, and to any railroad car or motor vehicle transporting anthracite wherever the same may be, and shall have the legal right to take samples of anthracite thereat or therefrom for the purpose of testing the same upon paying, or tendering where demanded, the value of the sample so taken, *and to examine the weighmaster's certificate or statement of quality accompanying the shipment, as required by this act*. They shall have the right to inspect the

books and records of every producer, [and] *retail dealer, wholesale dealer, municipal weighmaster, and other persons required to keep records by this act*, relating to the sale, resale, *reweighing*, shipment and delivery of anthracite. Such agents shall make a report of all inspections and tests to the Anthracite Committee which shall be open to public inspection.

Section 8. Penalty.—Any producer, *retail dealer, wholesale dealer, municipal weighmaster*, or other person who shall fail, *neglect* or refuse to issue a statement when required to *do so* by section three or section four of this act, or who shall issue any written or printed statement attesting that anthracite sold, resold, shipped, delivered or marketed by him is standard anthracite, when in fact such anthracite is wholly or partly substandard anthracite, or who shall sell, resell, ship, deliver or market anthracite as grade A, or premium anthracite, or use any other similar designation leading or tending to lead the public to believe that the anthracite being sold, resold, shipped, delivered or marketed is standard anthracite, when in fact such anthracite is wholly or partly substandard anthracite, or *who shall use any label, marking or design copyrighted or controlled by the Anthracite Committee or the Commonwealth, indicating that anthracite being sold, resold, shipped, delivered or marketed conforms to the requirements of this act or is standard anthracite, without having first secured permission in writing from the Commonwealth or the Anthracite Committee, or who shall refuse the duly accredited agents of the Commonwealth *or the Anthracite Committee access to records which they are required by this act to keep on their premises, as permitted by this act, or who shall refuse to permit the duly accredited agents of the Commonwealth or the Anthracite Committee to take samples of anthracite, as authorized by this act, or any operator of any motor vehicle transporting anthracite on the public highways who shall refuse to permit the duly accredited agents of the Commonwealth or the Anthracite Committee to take a sample of the shipment being transported in the vehicle which they are operating, as permitted by this act, or who shall refuse to exhibit the weighmaster's certificate upon demand by the duly accredited agents of the Commonwealth or the Anthracite Committee, or any producer, retail dealer, municipal weighmaster, operator of a motor vehicle, or other person* who shall otherwise violate any of the provisions of this act, shall upon conviction thereof in a summary proceeding, be sentenced for a first offense to pay a fine of [not more than] \$300 and costs of prosecution, and in default of the payment of such fine and costs of prosecution

* "of" in original.

tion shall be imprisoned for [not less than 10 days or more than 20] 30 days.

Any producer, retail dealer, wholesale dealer, municipal weighmaster, or operator of a motor vehicle, or other person [guilty of] committing a second or subsequent violation of this act shall be guilty of a misdemeanor and upon conviction thereof the producer, retail dealer, wholesale dealer, municipal weighmaster, or other person, or the member or members or officer or officers of any association, partnership or corporation responsible for such violation shall [upon conviction thereof] be sentenced to pay a fine of not more than \$1000 or suffer imprisonment for [not more than] 6 months, or both, in the discretion of the court.

All fines imposed pursuant to the provisions of this section shall be payable to the Commonwealth and shall be paid into the General Fund in the State Treasury through the Department of Revenue.

Section 4. Said act is hereby amended by adding, at the end thereof, a new section to read as follows:

Section 9. Injunctions.—In addition to any other remedy at law or in equity or under this act, the Attorney General may apply to the court of common pleas of Dauphin County for relief by injunction to enforce compliance with or restrain violations of any provisions of this act or rule, regulation or order made pursuant thereto. The said court of common pleas of Dauphin County is hereby vested with jurisdiction to hear and determine all such actions by the Attorney General regardless of where they may arise in the Commonwealth.

The remedy prescribed in this section shall be deemed concurrent or contemporaneous with any other remedy, and the existence or exercise of any one remedy shall not prevent the exercise of any other remedy.

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

Said act amended by adding, at end thereof, a new section 9.

Act effective immediately.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE.

No. 363

AN ACT

To amend section one thousand twenty-four of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by increasing compensation and mileage rates for attendance at conventions for the election of county superintendents.