

No. 286

AN ACT

To further amend section 202 and subsection (a) of section 1201 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," by making additional requirements for the application and issuance of a certificate of title; and by further limiting and regulating certain prosecutions for summary convictions.

"The Vehicle Code."

Section 202, 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. Section 202 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 202. Application for Certificate of Title.—

(a) Application for a certificate of title shall be made upon a form prescribed and furnished by the department; and shall be accompanied by the fee prescribed in this act; and shall contain a full description of the motor vehicle, trailer, or semi-trailer, the actual or bona fide address and name of the owner, together with a statement of the applicant's title, and of any liens or encumbrances upon said motor vehicle, trailer, or semi-trailer, and whether possession is held subject to a chattel mortgage or under a lease, contract of conditional sale, or other like agreement. *Where, under the laws of this Commonwealth, any tax is payable by the applicant on *or in connection with, or resulting from, the acquisition or use of a motor vehicle, trailer, or semi-trailer, the application shall be accompanied by a check or money order in the amount of the tax due, or by such evidence as the department may require to show that the tax has been collected.* The application shall be signed and verified by oath or affirmation by the applicant, if a natural person; in the case of an association, by a member or partner thereof; and in the case of a corporation, by an executive officer thereof, or some person specifically authorized by said corporation to sign the application, to which shall be attached written evidence of his authority. The secretary shall use reasonable diligence in ascertaining whether or not the facts stated in said application are true, and, if satisfied that the applicant is the lawful owner of such motor vehicle, trailer, or semi-trailer, or is otherwise entitled to have the same titled in his name, *and that all taxes payable by the applicant under the laws of this Commonwealth on or in connection with, or resulting from, the acquisition or use of the motor vehicle, trailer or semi-trailer have been paid,* the department shall issue a certificate of title, bearing the signature or facsimile signature of the secretary, or such officer of the department as he shall designate, and sealed with the seal of the department.

(b) If a motor vehicle, trailer or semi-trailer is used as collateral for a loan after a certificate of title has been issued, the lien thereof may be recorded by making application for a duplicate certificate of title on a form prescribed and furnished by the Secretary of Revenue.

* "or" omitted in original.

Subsection (a) of section 1201, said act, as last amended by act of August 24, 1951, P. L. 1368, further amended.

Section 2. Subsection (a) of section 1201 of the said act, as last amended by the act, approved the twenty-fourth day of August, one thousand nine hundred fifty-one (Pamphlet Laws 1368), 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], *except informations charging any such violations upon any turnpike or highway under the supervision of the Pennsylvania Turnpike Commission, which shall be brought before the available magistrate within the county where the alleged violation occurred who is nearest to the first exit from that part of the turnpike or highway where the alleged violation occurred; where there is no substantial difference between the respective distances from the place where the alleged violation occurred or the exit from a turnpike 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 (b), (c), (j), [and] 813, 823.1 and 1025 (d) 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.*

APPROVED—The 19th day of August, A. D. 1953.

JOHN S. FINE