

No. 496

AN ACT

Amending the act of May one, 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," prohibiting throwing of certain material from motor vehicles, and further limiting and regulating certain actions.

The Vehicle
Code.

Act of May 1,
1929, P. L. 905,
amended by
adding a new
section 1023.1.

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

Section 1. The act of May one, one thousand nine hundred twenty-nine (Pamphlet Laws 905), known as "The Vehicle Code" is amended by adding, after section one thousand twenty-three, a new section to read:

Section 1023.1. Throwing Material from Motor Vehicle.—No person shall throw, or permit to be thrown, from a motor vehicle, any garbage, bottles, cans, rubbish, wire, glass or cardboard or wood cartons or boxes.

In any prosecution under this section the throwing of garbage, bottles, rubbish, wire, glass or cardboard or wood cartons or boxes from a motor vehicle shall be prima facie evidence that they were thrown, or permitted to be thrown, from the motor vehicle by the operator.

If at any hearing or proceeding the operator shall testify, under oath or affirmation, that he did not throw garbage, bottles, rubbish, wire, glass or cardboard or wood cartons or boxes from the motor vehicle, and shall submit himself to an examination as to who did the throwing and reveal the name of such person, if known to him, or, if the information is made in a court other than that of his own residence, shall forward to the magistrate an affidavit setting forth these facts, then the prima facie evidence arising as above set forth shall be overcome and removed and the burden of proof shifted.

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 2. Subsection (a) of section 1201 of said act as last amended by the act of August nineteen, one thousand nine hundred fifty-three (Pamphlet Laws 1084), is further amended to read:

Subsection (a), section 1201, act of May 1, 1929, P. L. 905, amended August 19, 1953, P. L. 1084, further amended.

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, 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 to 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 information charging violations of the provisions of sections 205, 207, 210, 212, 213, 406.1, 506(a), 511, 610.1, 620(b), (c), (j), 813, 823.1, 1023.1 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.

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APPROVED—The 20th day of April, A. D. 1956.

GEORGE M. LEADER