

at the amount determined by the final judgment upon said appeal, which shall bear interest from the date of the verdict upon which final judgment was entered, and thereafter the amount of said claim shall be the sum thus fixed. Proceedings upon said municipal claim thereafter shall be as in other cases.

Where, on final judgment upon said appeal, it appears that no amount is due upon the assessment for the recovery of which such claim is filed, the court in which such municipal claim is pending shall, upon the petition of any interested party, make an order striking such municipal claim from the record, and charge the costs upon such claim to the plaintiff in the claim filed.

Striking of claim from record.

Where such appeal is discontinued, the court in which such municipal claim is pending shall, upon the petition of any interested party, make an order fixing the undetermined amount claimed at the amount of the original assessment, which shall bear interest from the date that such assessment was originally payable, and thereafter the amount of such claim shall be the sum thus fixed.

Discontinuance.

Section 2. Section 39 of the act is amended to read:

Section 39, act of May 16, 1923, P. L. 207, amended.

Section 39. From any definitive judgment, order, or decree, entered by the court of common pleas or the *Municipal Court of Philadelphia* under any of the provisions of this act, or from the refusal to open a judgment entered by default, an appeal may be taken by the party aggrieved to the Supreme or Superior Court as in other cases.

Appeals.

APPROVED—The 10th day of June, A. D. 1957.

GEORGE M. LEADER

No. 145

AN ACT

To amend the act approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Pamphlet Laws 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and

Federal compacts; requiring persons to weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby, authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," by changing the provisions relating to suspension and revocation of licenses and the penalties for summary offenses and misdemeanors.

Milk Control
Law.

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

Act of April 28,
1937, P. L. 417,
amended by
adding a new
section 404.1.

Section 1. The act approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Pamphlet Laws 417), known as the "Milk Control Law," is hereby amended by adding, immediately following section four hundred four thereof, a new section to read as follows:

Section 404.1. Penalties in Lieu of Suspension.—In any case where the commission shall suspend a license, the commission may accept from the licensee an offer in compromise at the rate of fifty dollars (\$50) for each day of suspension as a penalty in lieu of such suspension, and thereupon rescind the suspension.

Section 1001 of
the act amended.

Section 2. Section one thousand one of said act is hereby amended to read as follows:

Section 1001. Summary Offenses.—Except as otherwise specially provided in this act, any person violating any provision of this act, or any rule, regulation or order of the commission lawfully made, shall for [each] *the first and second* offense, upon conviction thereof in a summary proceeding, be sentenced to pay the costs of prosecution and a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), and, in default thereof, to undergo imprisonment of not less than [ten (10)] *five (5)* days nor more than thirty (30) days. *In determining whether an offense is a first or second offense, no offense committed more than five (5) years before the date of the offense being prosecuted shall be considered as a prior offense.*

Section 1002 of
the act amended.

Section 3. Section 1002 of said act is amended to read:

Section 1002. Misdemeanors.—For a third or subsequent offense *committed within a five (5) year period*, any person violating any provision of this act, or any rule, regulation or order of the commission lawfully made, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or to undergo imprisonment not exceeding one (1) year, or both, in the discretion of the court.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 10th day of June, A. D. 1957.

GEORGE M. LEADER

No. 146

AN ACT

Reenacting section 821.1 of the act of May 1, 1929 (P. L. 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," making the provisions of the section effective immediately.

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

The Vehicle Code.

Section 1. Section 821.1, act of May 1, 1929 (P. L. 905), known as "The Vehicle Code," added June 1, 1956 (P. L. 1999), and amended May 15, 1957 (Act No. 60), is reenacted to read:

Section 821.1. act of May 1, 1929, P. L. 905. added June 1, 1956, P. L. 1999. and amended May 15, 1957. Act No. 60, reenacted.

Section 821.1. Minimum Engine Capacity.—Every commercial motor vehicle and every combination of a commercial motor vehicle and trailer, or of a truck tractor and semi-trailer, when used on a highway, shall be equipped with an engine having a net brake horse-