

panies for purposes of pension retirement or disability benefits for policemen shall be used, as follows: (1) to reduce the unfunded liability or, after such liability has been funded, (2) to apply against the annual obligation of the borough, town or township for future service cost to or to the extent that the payment may be in excess of such obligation, (3) to reduce member contribution. Unless otherwise specifically provided, any other moneys paid into the police pension fund shall be applied equally against the member and the municipal portions of the future service cost.

It shall be the duty of the governing body to apply such payments in accordance with the provisions of this act.

Section 12. Subject to the provisions of section [six] *seven* of this act, the following acts and parts of acts are hereby repealed in so far as they apply to boroughs, towns and townships maintaining a police force [of four] *of three* or more members, except that the benefits that have accrued under such acts, or parts of acts, shall continue notwithstanding such repeal:

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Section 2. This act shall take effect immediately but no payments shall be made from the fund established by this act until January 1, 1958. Effective date.

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

GEORGE M. LEADER

No. 359

AN ACT

Providing for the protection of the public safety by regulating the sale, offering or exposing for sale at retail, and the use of air rifles; defining air rifles; imposing duties on the Pennsylvania State Police, sheriffs, police officers and constables, and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Air rifles, B-B guns, etc.

Section 1. As used in this act—

Definitions.

(1) "Air rifles" mean and include any air gun, air pistol, spring gun, spring pistol, B-B gun, or any implement that is not a firearm, which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm.

(2) "Municipalities" include cities, boroughs, incorporated towns and townships.

(3) "Dealer" means any person, copartnership, association or corporation engaged in the business of selling at retail or renting any of the articles included in the definition of air rifles.

Unlawful to transfer to persons under eighteen years of age.

Section 2. (a) It shall be unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air rifle to any person under the age of eighteen years, where the dealer knows, or has reasonable cause to believe, the person to be under eighteen years of age, or where such dealer has failed to make reasonable inquiry relative to the age of such person, and such person is under eighteen years of age.

(b) It shall be unlawful for any person to sell, give, lend, or otherwise transfer any air rifle to any person under eighteen years of age, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the person under eighteen years of age.

Unlawful for persons under eighteen years to have possession.

Section 3. (a) It shall be unlawful for any person under eighteen years of age to carry any air rifle on the public streets, roads, highways or public lands within the Commonwealth unless accompanied by an adult: Provided, however, That said person under eighteen years of age may carry such rifle unloaded in a suitable case or securely wrapped.

(b) It shall be unlawful for any person to discharge any air rifle from or across any street, sidewalk, road, highway or public land or any public place, except on a properly constructed target range.

When lawful for persons under eighteen years to have possession.

Section 4. Notwithstanding any inconsistent provision of this act, it shall be lawful for any person under eighteen years of age to have in his possession any air rifle, if it is—

(1) Kept within his domicile.

(2) Used by the person under eighteen years of age and he is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance and instruction of a responsible adult, and then only, if said air rifle is actually being used in connection with the activities of said club, team or society under the supervision of a responsible adult.

(3) Used in or on any private grounds or residence under circumstances when such air rifle can be fired, discharged or operated in such a manner as not to endanger persons or property, and then only, if it is used in such manner as to prevent the projectile from transversing

any grounds or space outside the limits of such grounds or residence.

Section 5. The provisions of this act shall not be construed to prohibit sales of air rifles— Construction.

(1) By wholesale dealers or jobbers.

(2) To be shipped out of the Commonwealth.

(3) To be used at a target range operated in accordance with section 4 of this act or by members of the armed services of the United State or veterans' organizations.

Section 6. The Pennsylvania State Police or any sheriff, police officer or constable shall seize, take, remove or cause to be removed, at the expense of the owner, all air rifles used or offered for sale in violation of this act. Authority of police.

Section 7. (a) Any dealer violating the provisions of subsection (a) of section 2 of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of one hundred dollars (\$100) for each offense, and in default of the payment thereof, the individual or the partners of any copartnership or the members of any association or the officers or directors of any corporation responsible for the violation of this act, may be sentenced to imprisonment for not more than sixty days, or both. Violations and Penalties.

(b) Any person violating any other provision of this act shall, upon summary conviction, be sentenced to pay a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50) and costs of prosecution, and in default of the payment thereof, shall undergo imprisonment for not more than ten days.

Section 8. The provisions of any ordinance enacted by any political subdivision which impose greater restrictions or limitations in respect to the sale and purchase, use or possession of air rifles, as herein defined, than is imposed by this act, shall not be invalidated or affected by this act. Ordinances of political subdivisions not invalidated.

Section 9. Section 625 of the act of June 24, 1939 * (P. L. 872), known as "The Penal Code," and its amendments, is repealed in so far as inconsistent herewith. Repeal.

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

GEORGE M. LEADER

* "(P. L. 782)." in original.