

contents or purport of a communication intercepted in violation of this act. Whoever wilfully violates or aids, abets or procures a violation of this act is guilty of a misdemeanor, and shall be punishable by imprisonment of not more than one year, or by fine of not more than five thousand dollars (\$5000), or both, and shall be liable to any person whose communication is unlawfully intercepted or divulged for treble the amount of any damage resulting from such unlawful interception, divulgence or use, but in no event less than one hundred dollars (\$100) and a reasonable attorney's fee. The term "person" includes natural persons, business associations, partnerships, corporations, or other legal entities, and persons acting or purporting to act for, or in behalf of, any government or subdivision thereof, whether Federal, State or local. The term "divulge" includes divulgence to a fellow employe or official in government or private enterprise or in a judicial, administrative, legislative or other proceeding. Except as proof in a suit or prosecution for a violation of this act, no evidence obtained as a result of an unlawful interception shall be admissible in any such proceeding. Nothing in this act shall be interpreted to apply to acts done by personnel of any telephone or telegraph carrier in the performance of their duties in connection with the construction, maintenance or operation of a telephone or telegraph system.

Violation, penalty and civil damage.

Definitions.

Admissibility in evidence.

Construction.

Section 2. This act shall take effect in thirty days.

Effective date.

APPROVED—The 16th day of July, A. D. 1957.

GEORGE M. LEADER

—
No. 412

AN ACT

Providing for the construction, erection and maintenance of roadside rests by counties and townships adjacent to county and township roads; providing for the acquisition of interests in land by gift, purchase or condemnation; granting powers to and imposing duties upon counties and townships, and * authorizing rules and regulations, and providing penalties for violations thereof.

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

Roadside rests.

Section 1. In addition to roadside rests provided for by any other act of Assembly, the board of county commissioners of each county and each board of township commissioners and each board of township supervisors are hereby authorized and empowered to construct,

Roadside rests authorized to be created by county commissioners, and township commissioners or supervisors.

* "the" in original.

Restrictions and conditions for places of construction.

erect and maintain roadside rests adjacent to county and township roads for the health, safety, welfare and accommodations of the traveling public. The location and size of such roadside rests shall be determined by the county or township constructing it. No roadside rests shall be constructed or erected pursuant to this act unless surrounded on all sides, except that side which fronts on a county or township road, by at least twelve hundred feet of Federal or State-owned lands in which no commercial signs or other advertising media are situated or authorized, or by privately owned lands the owners of which have irrevocably agreed in writing with the board of county commissioners or the board of township commissioners or the board of township supervisors, as the case may be, that no commercial signs or other advertising media or commercial enterprises will be permitted thereon or within twelve hundred feet thereof without the written permission of the board of county commissioners or the board of township commissioners or the board of township supervisors, as the case may be, or by an area of at least twelve hundred feet which is zoned to prohibit the erection of commercial signs or other advertising media or commercial enterprises thereon. Three such roadside rests may be erected in each county.

Powers of county and township.

Section 2. Each county and township shall have the right and the power to acquire by gift, purchase or condemnation such easements, right of ways and other rights in real estate as may be necessary for the construction, erection, maintenance and protection from encroachment of such roadside rests. The cost of planning, acquisition, construction and erection of any one rest shall not exceed eight thousand dollars (\$8,000). The power of eminent domain for the purpose of condemnation of such easements, right of ways or other rights in real estate shall be exercised in the same manner as is now or may hereafter be provided by law for the condemnation of property in changing the widths, lines and locations of county and township roads. When and if such easements, right of ways and other rights in real estate are acquired, they shall become part of the county or township road system on which they are located or to which they are adjacent.

Limitation of amount of expense.

Eminent domain.

Performance of construction.

Section 3. The construction and erection of such roadside rests may be done either by contract or by employes of the counties or townships. Contracts for the construction and erection of such roadside rests shall be entered into in the same manner as is now or may hereafter be provided by law for the construction of county roads and township roads.

Section 4. Counties and townships shall have the right and power to acquire either fiscal, material or labor, gifts or donations, from local groups, commercial or institutional, towards construction and construction costs of the roadside rests authorized by this act and towards additional features costing beyond the eight thousand dollar (\$8,000) limitation upon planning, acquisition, construction and erection of any one roadside rest prescribed by section 3 of this act. The provisions of this section shall not be construed to authorize county or township expenditure on any one roadside rest beyond the eight thousand dollar (\$8,000) limitation heretofore prescribed by this act.

Rights of acquisition towards costs of construction and exception to limitation of amount of construction.

Section 5. Any equipment and facilities which may be determined to be necessary for such roadside rests by the boards of commissioners or boards of supervisors shall be purchased in the manner provided by law for the purchase of materials by counties and townships.

Procurement.

Section 6. The cost of the planning, acquisition, construction, erection and maintenance of such roadside rests may be paid out of moneys in the treasuries of the counties or townships which erect the roadside rests or may be paid out of moneys available in the county Liquid Fuels Tax Fund created by the act of May 21, 1931 (P. L. 149), known as "The Liquid Fuels Tax Act."

Methods of payment for construction work.

Section 7. Each county and township shall have authority to adopt and promulgate rules and regulations governing the use of such roadside rests by the public. All persons using such roadside rests shall be subject to such rules and regulations. The roadside rests may be operated for commercial purposes. Any person violating any of the rules and regulations posted on or in any such roadside rest shall be guilty of a summary offense, and upon conviction thereof, shall pay a fine of not less than five dollars (\$5) nor more than two hundred fifty dollars (\$250) and costs of prosecution, together with any amount which may be necessary to reimburse the county or township for the expense of repairing any damage to the roadside rest or its equipment resulting from such violation. Such fines and reimbursement for damages shall be paid into the treasury of the county or township which erected the roadside rest.

Rules and regulations.

Violations, penalties, civil damages.

Section 8. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 17th day of July, A. D. 1957.

GEORGE M. LEADER