

normal atmospheric conditions, at least [two hundred (200)] *five hundred (500)* feet from the rear.

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 ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Effective date. Section 2. This act shall become effective July 1, 1959.

APPROVED—The 8th day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 335

AN ACT

Providing for the destruction of certain records and papers upon petition in counties of the third and fourth classes.

Counties of third and fourth classes.

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

Common pleas judges authorized to dispose of certain records upon petition.

Section 1. In all counties of the third and fourth classes, the board of judges of the courts of common pleas of such county, upon petition of the prothonotary or clerk of courts, may direct the destruction or disposition of all papers and records of every and all description in his custody, except docket and other book entries after reproducing the same: Provided, That the said papers and records have been on file for a period of twenty-five years or more.

Contents of petition.

Section 2. The petition need not list or name the papers or records nor give the courts, terms or numbers, but shall set forth by general description the nature and kind of papers, records and proceedings involved as well as such other information as the rules of court may require.

Notice and time of hearing.

Section 3. The court shall fix a time for hearing such petition, which shall not be less than thirty days from the date of such order. A copy of such petition and order shall be conspicuously posted in the office of the prothonotary or clerk for a period of not less than twenty days prior to such hearing.

Decision.

Section 4. At such hearing which shall be held in open court, the assigned judge shall consider such petition and any answer or answers filed by any party in interest in such proceeding and shall enter a final decision from which no appeal shall lie.

Section 5. This act shall not apply to any papers or records in proceedings determining or affecting title to real estate, in actions of adoption, divorce, annulment of marriage or proceedings for charters of incorporation of nonprofit corporations.

Certain records not subject to act.

Section 6. All acts and parts of acts are repealed in so far as they are inconsistent herewith.

General repeal.

Section 7. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 8th day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 336

AN ACT

Amending the act of June 12, 1931 (P. L. 510), entitled, as amended, "An act providing for the licensure and regulation of certain private nursing homes, private convalescent homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties," providing for a provisional license.

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

Department of Welfare.

Section 1. Section 4, act of June 12, 1931 (P. L. 510), entitled, as amended, "An act providing for the licensure and regulation of certain private nursing homes, private convalescent homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties," amended April 12, 1956 (P. L. 1460), is amended to read:

Section 4, act of June 12, 1931, P. L. 510, amended April 12, 1956, P. L. 1460, further amended.

Section 4. The Department of Welfare [shall], when satisfied that the applicant or applicants for such license are proper and responsible persons, that the place sought to be used as a private nursing home, private convalescent home or private hospital is a suitable place for such purpose and is properly equipped therefor, and when all the requirements of this act and the rules and regulations of the department have been complied with, shall issue a license to the applicant *forthwith and immediately* upon the payment of a license fee as follows: hospitals, one hundred dollars (\$100); nursing homes and convalescent homes under thirty beds, fifteen dollars (\$15); thirty beds to and including forty-nine beds, twenty-five dollars (\$25); fifty beds to and including ninety-nine beds, fifty dollars (\$50); one hundred beds and over, seventy-five dollars (\$75). The fee shall be paid into the State Treasury through the Department of

Issuance of license.

License fees and disposition thereof.