

while it is on a public highway, or a highway open to use or used by the public, or knowingly to shoot across a public highway, or a highway open to use or used by the public, while hunting [for game], unless the line of fire is high enough above the elevation of the highway to preclude any danger to the users thereof.

Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25) and costs of prosecution.

APPROVED—The 2nd day of October, A. D. 1959.

DAVID L. LAWRENCE

No. 420

AN ACT

Regulating the conducting and maintaining of burial grounds and cemeteries by natural persons, partnerships and certain unincorporated associations; making certain acts relating thereto unlawful and prescribing penalties.

Burial grounds.

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

Natural person, partnership or unincorporated association, maintaining a burial ground or cemetery, regulated as to permanent lot care fund.

Section 1. (a) No natural person, partnership or unincorporated association shall hereafter establish a public or private burial ground or cemetery, or dispose or make sale of any burial lot therein, without first causing to be deposited in a bank and trust company, trust company or national banking association having fiduciary powers, a sum of not less than twenty-five thousand dollars (\$25,000.00), as a permanent lot care fund for the perpetual care, maintenance and preservation of the burial lots and grounds and the repair and renewal of the buildings and property connected with and forming a part of the burial ground or cemetery and shall designate such banking institution as trustee of such fund.

(b) Any natural person, partnership or unincorporated association:

(1) Which is conducting or maintaining a public or private burial grounds or cemetery on the effective date of this act, and

(2) Which thereafter extends or enlarges the burial grounds or cemetery or acquires additional lands for such purposes, shall not dispose or make sale of any lots therein without first causing to be deposited in a bank

and trust company, trust company or national banking association having fiduciary powers, a sum of not less than twenty-five thousand dollars (\$25,000.00) as a permanent lot care fund for the perpetual care, maintenance and preservation of the burials lots and grounds and the repair and removal of the buildings and property connected with and forming a part of the burial ground or cemetery and shall designate such banking institution as trustee of such fund.

Section 2. The permanent lot care fund so established shall be invested in securities which are legal investments for trustees under the laws of this Commonwealth, and the corporate trustee shall pay semi-annually the net income from the fund to the person, partnership or unincorporated association operating and maintaining such burial grounds or cemetery for the purposes herein set forth.

Investment of fund.

Section 3. The corporate trustee shall file accounts in the orphans' court of the county in which the burial grounds or cemetery are situate, which *accounts shall be filed triennially and at such times as the said court may direct, and which accounts shall be audited, adjudicated and confirmed by said court upon such notice to the parties in interest as the said court may determine.

Accounts and audits.

Section 4. Every such natural person, partnership or unincorporated association hereafter establishing a public or private burial grounds or cemetery shall, before disposing of any burial lot therein, cause to be filed with the Department of State an affidavit signed by such person, partnership or officers of such association stating that it has caused to be deposited at least twenty-five thousand dollars (\$25,000.00), as a permanent lot care fund as hereinbefore provided, to which affidavit shall be attached an acceptance by the banking institution designated as trustee thereof, acknowledging its acceptance of the trusteeship, and with such other information as the department may require.

Duty of filing with Department of State before sale of burial lots.

Section 5. Whenever there shall be deposited in the permanent lot care fund as required by this act a sum equal to the amount of money required to be originally deposited therein and proof of such fact is submitted to the corporate trustee, it shall be the duty of the corporate trustee to thereupon pay over to the person, **partnership or unincorporated association the amount so originally deposited by it in the permanent lot care fund, free and clear of the restrictions and limitations of this act.

Duty of corporate trustee.

* "account" in original.
 ** "partnership" in original.

Duty of person to deposit into fund from sale of burial lots.

Section 6. Every natural person, partnership or unincorporated association now or hereafter establishing, conducting or maintaining a public or private burial grounds or cemetery, as burial lots are from time to time sold therein, shall pay, into a permanent lot care fund established and maintained as herein provided, at least 15% of the gross sale price of each lot sold or 40 cents per square foot of each such lot sold, whichever is greater, which sum shall thereafter become an asset of the permanent lot care fund for the perpetual care, maintenance and preservation of the burial lots and grounds and the repair and renewal of the buildings and property connected with and forming a part of the burial ground or cemetery.

Penalty.

Section 7. Any person or officer of an unincorporated association conducting or maintaining a public or private burial grounds or cemetery, or permitting the same to be conducted or maintained, in violation of the provisions of this act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) or undergo imprisonment for not more than *one year, or both.

Applicability

Section 8. This act shall not apply to any corporation subject to the act of May 5, 1933 (P. L. 289), known as the "Nonprofit Corporation Law," and the act of May 5, 1933 (P. L. 364), known as the "Business Corporation Law," nor to any private family burial ground or cemetery or any burial ground or cemetery owned by any church organization or association created by any church organization.

APPROVED—The 2nd day of October, A. D. 1959.

DAVID L. LAWRENCE

No. 421

AN ACT

Amending the act of May 3, 1933 (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices,

* "one" omitted in original.