

acting like classes of business permitted under the laws of Pennsylvania, but solely for the purpose and as a means of directly acquiring the business or the business, and such assets of such other insurance company as are authorized under the laws of Pennsylvania and such acquisition for a temporary period shall not be deemed to be an investment in stock for purposes of any other subsections of this section 406.1. Contemporaneously with such acquisition, such company shall file with the Insurance Commissioner written notice thereof, making reference to this subsection (e), and thereafter shall proceed promptly and continue with diligence to cause such other insurance company to be completely liquidated and dissolved in the case of a foreign company, or merged into or completely liquidated and dissolved or consolidated with such company in the case of a domestic company, in the manner permitted by law. All of such stock shall be disposed of within eighteen months after the date of acquisition, unless such period is extended for a period of one year and from year to year by the Insurance Commissioner on evidence satisfactory to him that the liquidation and dissolution or merger or consolidation could not be consummated within such period notwithstanding diligent efforts on the part of such company to do so: And provided further, That such company shall proceed promptly to sell or otherwise dispose of such stock upon written notice from the Insurance Commissioner at any time, based on evidence satisfactory to him that such acquisition or the holding of the said stock for any period was or is not bona fide solely for the purpose and as a means of directly acquiring the business or the business and assets of such other company.

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APPROVED—The 19th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 537

AN ACT

Amending the act of May 13, 1927 (P. L. 1011), entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting, accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets

or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," further regulating the powers of the department of city planning over plats or subdivisions of land.

Cities of second class.

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

Section 9, act of May 13, 1927, P. L. 1011, amended June 12, 1931, P. L. 552, further amended.

Section 1. Section 9, act of May 13, 1927 (P. L. 1011), entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting, accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," amended June 12, 1931 (P. L. 552), is amended to read:

Section 9. Platting; Jurisdiction; Scope of Control of Subdivisions.—The planning commission shall have jurisdiction and control of the subdivision of land located in such city, and no plat of a subdivision of land shall be recorded until it shall have been approved by such planning commission and such approval entered in writing on the plat by the chairman and secretary of the commission.

Any division of land into lots or parcels, [three] *two* or more in number, by the owner thereof for the purpose of improvement or sale, *for residential, commercial, industrial or similar use*, shall be considered as a subdivision of land, a plat or a plan of lots within the meaning of this statute.

Sections 12, 13 and 15 of act, amended.

Section 2. Sections 12, 13 and 15 of the act, are amended to read:

Section 12. Penalties for *Subdividing Land without Approval and for Transferring Lots in Unapproved Subdivisions*.—Whoever, being the owner or agent of the owner of any land, *subdivides the land without a plan of subdivision being approved by the planning commission, or whoever, being the owner or agent of the owner of any land* located within a subdivision, transfers or sells, or agrees to sell, any *part of a tract of land* [by reference to or exhibition of or by other use of a plat of a subdivision], before [such] *a plat of subdivision showing the same to be a lot or a parcel therein* has been approved by the planning commission and recorded in the office of the county recorder, shall, [forfeit and pay a penalty of one hundred dollars] *upon summary conviction thereof for the first offense, be sentenced to pay a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution, and for subsequent offenses, be sentenced to pay a fine of not less than one hundred dollars nor more than three hundred dollars and the costs of prosecution, or in default of such fine and costs, be imprisoned in the county jail for not less than ten days nor more than thirty days. In the case of a transfer or sale or agreement to sell in violation of this act, a separate penalty may be imposed for each lot or parcel so transferred or sold or agreed to be sold; and the description of such lot or parcel by metes and bounds in the instrument or transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. Such cities may enjoin any subdivision of land in violation of this act, or such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the said penalty [by a civil action in any court of competent jurisdiction], or both.*

Section 13. County Recorder's Duties.—A county recorder who records a plat of a subdivision without the approval of the same, as herein provided, shall be deemed guilty of a misdemeanor and shall be fined not to exceed five hundred dollars, *and the plat of subdivision so recorded shall be null and void and so marked.*

Section 15. Erection of Buildings.—No building or buildings, or parts thereof, shall be erected on any tract, *lot or parcel*, nor shall a building permit be issued therefor, unless the street giving access to the tract upon which such building or buildings [is] *are* proposed to be placed shall have been accepted or opened as, or shall otherwise have received the legal status of, a public street prior to that time, or unless such street corresponds with a street shown on the official master plan

or with a street on a subdivision plat approved by the planning commission or with a street on a street plat or the official street map made by and officially adopted by the commission or with a street accepted by council after submission to the planning commission by the favorable vote required in section fourteen of this act, *or unless such tract, lot or parcel has been created or transferred in compliance with this act.* Any building erected in violation of this section shall be deemed an unlawful structure, and the building inspector or other appropriate official may cause it to be vacated and have it removed.

APPROVED—The 19th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 538

AN ACT

Relating to property held for minors by political subdivisions; prescribing procedures for the substitution of fiduciaries; granting powers and imposing duties on the Orphans' Court; and authorizing such substituted fiduciaries to establish and maintain common trust funds for the investment and reinvestment of the moneys of the estates of minors of which they may be guardians; providing for the administration of funds so established; and prescribing the nature and kinds of investments which may be made therein.

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

Section 1. Whenever property is held by any political subdivision of this Commonwealth in a fiduciary capacity for a minor or minors and it shall appear, from petition filed in the Orphans' Court of the county wherein the political subdivision is situate, to be in the public interest that such fiduciary relationship be terminated and a substitute fiduciary or fiduciaries be appointed in its place and stead, the Orphans' Court shall have the power to direct the filing of an account or accounts and to order the discharge of said political subdivision as fiduciary.

Section 2. The Orphans' Court, by such orders and decrees as may be deemed necessary and after such notice as the court may direct, shall appoint a substitute fiduciary or fiduciaries as guardian of the property and estate so distributed, and such appointee shall also act as a like guardian of the property and estate of other minors whose custody is thereafter committed to such fiduciary or fiduciaries by the natural mother, guardian or next of friend of such minors as evidenced by a written instrument giving and granting consent to such custody.

Political subdivisions as fiduciaries for minors.

Orphans' Court empowered to discharge political subdivisions as fiduciary.

Substitute guardian of estate.