

In any prosecution under this section the throwing *or dumping* of garbage, bottles, rubbish, wire, glass or cardboard or wood cartons or boxes from a vehicle or tractor shall be prima facie evidence that they were thrown, *dumped*, or permitted to be thrown *or dumped*, from the vehicle or tractor by the operator or custodian.

If at any hearing or proceeding the operator or custodian shall testify under oath or affirmation, that he did not throw *or dump* garbage, bottles, rubbish, wire, glass or cardboard or wood cartons or boxes from the vehicle or tractor, and shall submit himself to an examination as to who did the throwing *or dumping* and reveal the name of such person, if known to him, or, if the information is made in a court other than that of his own residence, shall forward to the magistrate an affidavit setting forth these facts, then the prima facie evidence arising as above set forth shall be overcome and removed and the burden of proof shifted.

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 [twenty-five dollars (\$25.00)] *not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00)* and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

Limitation.—The provisions of this section are subject to the limitation of actions as set forth in section 1201 of this act.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 30th day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 764

AN ACT

Amending the act of June 1, 1945 (P. L. 1242), entitled "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto," requiring the Department of Highways to maintain receptacles for trash and litter along State highways.

State Highway Law.

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

Section 410, act of June 1, 1945, P. L. 1242, amended.

Section 1. Section 410, act of June 1, 1945 (P. L. 1242), known as the "State Highway Law," is amended to read:

Section 410. Trees, Grasses, Shrubs and Vines along Highways; Penalty.—The department may cause trees, grasses, shrubs and vines to be planted and maintained, *and shall cause receptacles for trash and litter to be maintained.* along State highways, within the legal right of way thereof, the same to be paid for as a part of the costs of construction or maintenance of the road. The department may enter into agreements with the Department of Forests and Waters regarding the planting and maintenance of such trees, grasses, shrubs and vines. The Department of Highways shall have the absolute right to trim, cut and remove any trees, grasses, shrubs and vines growing within the legal right of way of any State highway, and to trim and cut away any trees, grasses, shrubs and vines growing on adjacent property in so far as they overhang or encroach upon the legal right of way of any State highway.

It shall be unlawful for any person to cut, trim, remove or otherwise damage any trees, grasses, shrubs or vines growing within the legal right of way of a State highway, which have been planted by any person or agency other than the abutting property owner, without first having obtained the consent of the secretary in writing. Any person who shall cut, trim, remove or otherwise damage such trees, grasses, shrubs or vines without first having obtained such written consent, shall on summary conviction thereof be sentenced to pay a fine of not less than twenty-five dollars (\$25.00), or more than one hundred dollars (\$100.00), for each act of cutting, trimming, removal or damaging. This section shall not be construed to permit the department to interfere with the right of any abutting property owner to establish entrances to his property from State highways at any point or points at which such owner may desire to establish such entrances.

APPROVED—The 30th day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 765

AN ACT

Amending the act of December 27, 1951 (P. L. 1742), entitled, as amended, "An act to provide revenue by imposing a State tax relating to certain documents and transactions; prescribing and regulating the method and manner of evidencing the payment of such tax; conferring powers and imposing duties upon certain persons, partnerships, associations, and corporations, sheriffs, recorders of deeds, and the Department of Revenue; saving certain State and local taxes and authorizing amendments, extensions and supplements to the ordinances and resolutions relating thereto; and providing penalties," redefining documents to exclude certain repossessions following defaults in purchase obligations.