

No. 350

AN ACT

SB 1725

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," changing provisions relating to the issuance of special permits to dealers and farmers for the operation or movement of oversize self-propelled farm machinery, and fees for such permits.

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

Section 1. Section 724 and subsection (a) of section 905, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," amended December 30, 1959 (P. L. 2066), are amended to read:

Section 724. Special Hauling Permits as to Weight.—The fee for a special hauling permit shall be five dollars (\$5.00), plus two cents (2¢) for each ton of two thousand (2000) pounds, or fraction thereof, of gross weight of vehicle, or combination of vehicles or vehicle, and load, or combination of vehicles, and their load or loads in excess of the legal gross carrying capacity for which such vehicles or combination of vehicles have been properly registered, for each mile, or fraction thereof, of length of haul, payable to the authorities issuing such permit.

The annual fee for a special permit which is issued for the license year and authorizes the operation or movement of heavy quarry equipment and machinery, as provided for in subsection (a) of section 905, shall be ten dollars (\$10.00).

The fee for a special permit which is issued for the period between the fifteenth day of June and the fifteenth day of December of each year and authorizes the operation or movement of any oversize self-propelled farm machinery, as provided for in [subclauses (i) and (ii)] subclause (i) of subsection (a) of section 905, shall be ten dollars (\$10.00) for farm machinery not exceeding one hundred fifty (150) inches in width and twenty-five dollars (\$25.00) for farm machinery one hundred fifty-one (151) to [one hundred sixty-six (166)] one hundred seventy-five (175) inches in width. The fee for a special permit which is issued for an entire year and authorizes the operation or movement of any oversize self-propelled farm machinery, as provided for in subclause [(iii)] (ii) of subsection (a) of section 905, shall be twenty dollars (\$20.00) for farm machinery not exceeding one hundred fifty (150) inches in width and fifty dollars (\$50.00) for farm machinery one hundred fifty-one (151) to [one hundred sixty-

six (166)] one hundred seventy-five (175) inches in width.

The fee for cancelling an unused special hauling permit shall be one dollar (\$1.00) payable to and upon the approval of the authorities issuing the permit.

Section 905. Permits for Excessive Size and Weight.—

(a) The Secretary of Highways of this Commonwealth, and local authorities in their respective jurisdictions, may, at their discretion, upon application in writing accompanied by the fee provided in this act, and good cause being shown therefor, issue special permits, in writing, authorizing the applicant to operate or move upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible; (When a permit has been issued by the Secretary of Highways, no other authorities shall require any further or additional permit for any portion of the route specified therein.) (1) a vehicle or a tractor, or combination thereof, of sizes and weights exceeding the maximum specified in this act; every such permit shall be issued for a single trip, or continuous round trip, and shall designate the route to be traversed; (2) any heavy piece of quarry equipment or machinery of a size and weight exceeding the maximum specified by this act across any highway from one part of a quarry to another, or upon the highways connecting by the most direct route any quarries or portion of quarries under the single ownership or operation of such person, this permit to be issued for the license year as provided by this act; no such permit shall be issued for the movement of such equipment or machinery for a distance greater than one-half ($\frac{1}{2}$) mile; (3) any oversized self-propelled farm machine up to [one hundred sixty-six (166)] one hundred seventy-five (175) inches in width; every such permit

shall be issued (i) for the period between the fifteenth day of June and the fifteenth day of December, both inclusive, for the movement of such equipment during the daylight hours within a radius of twenty (20) miles from the dealer's place of business or owner's home or farm, or (ii) for an entire year, for the movement of such equipment, during the daylight hours, within a radius of twenty (20) miles from the dealer's place of business or owner's home or farm. At other times a permit for the movement of such equipment shall be granted as otherwise herein provided. Any of the above permits shall be subject to such rules and regulations and any other conditions or restrictions, including the obligation on the part of the permittee to restore or replace any section of highway or bridge damaged as a result of such movement, whether or not the same was attributable to negligence on the part of the permittee, as shall be deemed necessary by the authorities granting such permit. Every such permit shall be carried in the vehicle or tractor to which it refers, shall be open to inspection by any peace officer or person having collision with such vehicle or tractor, and shall be revocable at any time, at the discretion of the official who issued the same.

No such permit shall be issued for the movement of any self-propelled farm machine with a width in excess of ninety-six (96) inches, other than an oversized self-propelled combine, upon the Pennsylvania Turnpike or the National System of Interstate and Defense Highway.

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Penalty.—Any person operating or moving a vehicle or tractor or load of a size or weight exceeding the maximum specified in this act, without first having obtained a permit or permits so to do, and any person altering or forging a special permit for excessive size and weight, or presenting or exhibiting an altered or forged special permit for excessive size and weight, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of fifty dollars (\$50.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

APPROVED—The 27th day of November, A. D. 1968.

RAYMOND P. SHAFER.

No. 351

AN ACT

SB 1749

Implementing the provisions of section 9 of Article V of the Constitution of the Commonwealth of Pennsylvania by providing for a right of appeal in all cases from courts of record not otherwise provided for.

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

Section 1. Except as provided in section 2 there shall be a right of appeal under this act from a final order, decision, judgment, or sentence of a court of record to an appellate court as provided by section 9 of Article V of the Constitution. The aforesaid appeal shall be taken to the Superior Court, unless otherwise provided by statute, including the act of June 24, 1895 (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," and its amendments. The appeals provided for in this act shall be taken within thirty days of the order, decision or other action of the court of record, in accordance with the procedure prescribed by the Supreme Court, or in the