

No. 71

AN ACT

SB 516

Amending the act of July 19, 1935 (P.L.1356), entitled, as amended, "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Mines and Mineral Industries; and providing penalties," transferring jurisdiction of administering and enforcing the provisions thereof from the Department of Mines and Mineral Industries to the Department of Justice.

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

Section 1. The title, section 1, subsection (1) of section 3 and section 8.2, act of July 19, 1935 (P.L.1356), entitled, as amended, "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Mines and Mineral Industries; and providing penalties," amended July 20, 1968 (Act No. 209), are amended to read:

AN ACT

To regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of [**Mines and Mineral Industries**] *Justice*; and providing penalties.

Section 1. Be it enacted, &c., That the term "solid fuel," when used in this act, shall mean anthracite, semi-anthracite, bituminous, semi-bituminous, or lignite coal, briquettes, boulets, coke, gas-house coke, petroleum coke, carbon, charcoal, or any other natural, manufactured, or patented fuel not sold by liquid or metered measure.

The term "person," when used in this act shall be construed to include any individual, partnership, unincorporated association, corporation, association, agent, firm, representative, or employee thereof.

The term "licensed weighmaster," when used in this act, shall include a person licensed to weigh solid fuel by this Commonwealth or by a bordering state issuing such licenses and recognizing licenses and weigh certificates issued by such licensees in this Commonwealth.

The word "department," when used in this act shall mean the Department of [**Mines and Mineral Industries**] *Justice* of the Commonwealth.

The word "weighmaster," when used in this act shall mean a weighmaster licensed under this act by the Department of [**Mines and**

Mineral Industries] *Justice*, or an unexpired license heretofore issued by the Department of Internal Affairs *or the Department of Mines and Mineral Industries*.

The word "purchaser," when used in this act, shall mean (a) the ultimate consumer to whom the solid fuel is delivered for the purpose of consumption; (b) coal yard or dealer to whom solid fuel is delivered for the purpose of unloading for storage or resale where coal must be weighed before resale.

The word "vehicle," when used in this act shall be construed to include the skid or other similar portable device upon which a lot of solid fuel may be placed prior to weighing, and on which said lot of fuel shall remain continuously thereafter until delivered to the purchaser thereof: Provided, however, That the use of such skids or other similar portable devices shall be subject to approval of the Department of **[Mines and Mineral Industries]** *Justice*: And provided further, That when such skids or other portable devices are used for the delivery of solid fuel, it shall not be necessary to weigh the truck, tractor, trailer or other moving equipment upon which such skids or other portable devices may be transported.

Section 3. (1) No person shall sell, transport over a public highway, deliver or cause to be delivered, or to be started out for delivery, any solid fuel in a lot or lots in amounts of exceeding one hundred (100) pounds without each lot, in each separate compartment of any vehicle or vehicle and trailer, being accompanied by a weighmaster's certificate for each lot issued by a licensed weighmaster of the Commonwealth of Pennsylvania: Provided, That this section shall be inapplicable to a producer of solid fuel, who furnishes proof satisfactory to the Department, or an Inspector of Weights and Measures, that the solid fuel being transported comes from his own mine, is his own property, and is being transported for a purpose other than for sale, or that the vehicle is accompanied by a valid certificate of transportation permitting such transportation without a weighmaster's certificate, as provided for by the rules and regulations as promulgated by the Department of **[Mines and Mineral Industries]** *Justice*.

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Section 8.2. The **[Secretary of Mines and Mineral Industries]** *Attorney General* shall have power to adopt and promulgate such rules and regulations not inconsistent with the provisions of this act as may be deemed necessary to carry into effect the intent and purpose of this act.

All previous rules and regulations adopted and promulgated by the Secretary of Internal Affairs *and Secretary of Mines and Mineral Industries* remain in full force and effect until new or amended rules and regulations are adopted by the **[Secretary of Mines and Mineral Industries]** *Attorney General*.

Section 2. All personnel, appropriations, allocations, contracts, agreements, equipment, files, obligations, documents and other material which relate to the administration and enforcement of the act amended

hereby as it applies to the Department of Mines and Mineral Industries and the Secretary of Mines and Mineral Industries are transferred to the Department of Justice and the Attorney General with the same force and effect as if the appropriation had been made to the Department of Justice *in the first instance*, and said contracts, agreements and obligations of the said Department of Mines and Mineral Industries had been incurred or entered into by said Department of Justice.

Section 3. This act shall take effect immediately.

APPROVED—The 18th day of March, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 71.



Robert L. Kelly
Secretary of the Commonwealth.