

No. 290

AN ACT

Authorizing the Department of Highways to cause grasses, shrubs, and vines to be planted and maintained along State highways, and providing penalties for the unauthorized trimming, removing or damaging the same.

State highways.

Planting of grasses, shrubs and vines along State highways.

Unlawful to cut, trim, remove or damage grasses, shrubs or vines.

Penalty.

Section 1. Be it enacted, &c., That the Department of Highways may cause grasses, shrubs, and vines to be planted and maintained along State highways, the same to be paid for as a part of the cost of construction or maintenance of the road, and may enter into agreements with the Department of Forests and Waters regarding the planting and maintenance of such; and it shall be unlawful for any person or persons, firm or corporation, to cut, trim, remove, or otherwise damage any grasses, shrubs, or vines growing within the limits of a State highway, and which have been heretofore or shall hereafter be planted by any person or agency other than the abutting property owner, and without first having obtained the consent of the Secretary of Highways in writing, and any person or persons, firm or corporation who shall cut, trim, remove, or otherwise damage such grasses, shrubs, or vines without first having obtained such written consent, shall be subject to a fine of not less than twenty-five dollars (\$25.00), or more than one hundred dollars (\$100.00), for each and every act of cutting, trimming, removal, or damaging: Provided, however, That this act 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 27th day of April, A. D. 1927.

JOHN S. FISHER

No. 291

AN ACT

Relating to fires and fire prevention; imposing duties and conferring powers upon the State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties.

Fire prevention.

"State Police" defined.

Section 1. Be it enacted, &c., That the term "State Police," as used in this act, means, "The Pennsylvania State Police."

The superintendent of the Pennsylvania State Police may appoint and remove the chief of the fire department of any county, city, borough, town, or township, where a fire department is established, or, where no such fire department exists, the burgess or constable of any borough or town, or constable or the president or chairman of the board of supervisors of any townships, as assistants to the department, and, when so appointed, shall be subject to the obligations imposed by this act and to the authority of the State Police.

Superintendent of State Police may appoint local officers as assistants.

The Superintendent of State Police may also appoint individual citizens as assistants to the State Police, who shall be subject to the obligation aforesaid and to the directions of such State Police.

Appointment of individual citizens as assistants.

The State Police may adopt and enforce rules and regulations governing the having, using, storage, sale, and keeping of gasoline, naphtha, kerosene, or other substance of like character, blasting powder, gunpowder, dynamite, or any other inflammable or combustible chemical products or substances or materials. The State Police may also adopt and enforce rules and regulations requiring the placing of fire-extinguishers in buildings.

Regulations governing combustible materials.

Fire extinguishers in buildings.

Section 2. Each of the aforesaid assistants shall inquire into the origin, cause, and other circumstances of every fire by which any property or life has been destroyed, damaged, or endangered, occurring within the territorial limits of their respective cities, boroughs, towns or townships, and shall make every effort to determine whether such fires were of incendiary origin or the result of design, carelessness, or accident.

Inquiry into origin of fires.

Upon the occurrence of any fire, such assistant shall report the same to the State Police within five days after its occurrence. If the fire appears to the assistant making such inquiry to be of such character and origin as shall require thorough and exhaustive investigation, he shall immediately notify the State Police and shall, when directed by the State Police, assist in the making of such investigation. The reports of any such fire shall be made in writing, and in the manner and form prescribed by the State Police, on the blanks furnished for that purpose. Such reports shall, in every case, contain a statement of: (a) All the facts relating to the cause of such fire that can be ascertained; (b) the extent of the loss and damage to each property; (c) the loss of life and personal injuries caused thereby or resulting therefrom; (d) the amount of insurance upon each property destroyed or damaged; and (e) such other information as may be required by the State Police.

Assistant to report fire to State Police.

Contents of reports.

The assistant shall notify the State Police immediately, by telephone or telegraphic message of not more than ten words, of the occurrence of any incendiary fire.

Notice of incendiary fire.

Duties of assistants may be limited.

The duties hereinabove prescribed to be performed by the said assistant may be limited by the State Police so as to reasonably accord with their preexisting public duties.

Violations by assistants.

Any of the aforesaid assistants who shall neglect or refuse to report to the State Police, or who shall neglect or refuse to make reports or investigations of fires as provided in this section, shall be guilty of a misdemeanor and, upon conviction, shall be sentenced to pay a fine not exceeding fifty dollars, or to undergo imprisonment not exceeding thirty days, or both.

Penalty.

Inspection of buildings and premises.

Section 3. The State Police, or its assistants, upon the complaint of any person, or whenever it or they shall deem it necessary, shall inspect the buildings and premises within their jurisdiction. Whenever any of the said officers shall find any buildings or structures which, for want of repairs or by reason of age or dilapidated condition or accumulation of waste, rubbish, debris, explosive or inflammable substance in any buildings or on premises, constituting a fire menace or hazard, or for any other cause, making it especially liable to fire, and endangering property, and so situated as to endanger other property, it or they shall order the same to be removed or remedied, if the same is reasonably practicable, thereby lessening the danger of fire. Whenever such officer shall find, in any building, combustible or explosive matter, or inflammable conditions, which are in violation of any law or ordinance applicable thereto, or are dangerous to the safety of such buildings, thereby endangering other property, it or they shall order the same to be removed or remedied, and such order shall contain a notice that an appeal therefrom may be taken, and shall forthwith be complied with by the owner or occupant of such premises or buildings. If such order is made by any assistant to the State Police, such owner or occupant may, within five days, appeal to the State Police, which shall, within ten days, review such order and file its decision thereon, and, unless by its authority the order is revoked or modified, it shall remain in full force and be obeyed by such owner or occupant. Any owner or occupant, who feels aggrieved by any order of the State Police, or by any decision upholding or modifying any order of any of its assistants, may, within five days after the same has been made or filed by the State Police, file his petition with the court of common pleas of the proper county, praying a review of such order, and it shall be the duty of the court to hear the same at the first convenient day and to make such order in the premises as right and justice may require.

Order for removal or remedy of fire menace.

Appeal to State Police from order of assistant.

Appeal to court from order of State Police.

Service of order on owner or occupant of premises.

The service of any such order shall be made upon the owner or occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally, or by delivering the same to

and leaving it with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to, and leaving with, the said person a true copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.

Service on owner.

Any owner or occupant refusing or neglecting to comply with any final order or notice issued by the State Police, or under its direction by any inspector or member of the State Police, shall, upon conviction thereof under summary proceedings instituted before any magistrate, alderman, or justice of the peace in the county where such violations occur, be sentenced to pay a fine of not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars, and, in default of the payment of such fine and costs, to be imprisoned in the county prison one day for each dollar of fine and costs unpaid. Upon conviction after hearing, the sentences provided in this act shall be imposed and shall be final unless an appeal be taken in the manner prescribed by law.

Refusal or neglect of owner or occupant to comply with order.

All fines collected under this act shall be paid into the State Treasury for the use of the Commonwealth.

Disposition of fines.

Section 4. The State Police, or its assistants, in addition to the investigation made by any of the assistants, may at any time investigate the origin or circumstances of any fire occurring in this Commonwealth. The State Police, or its assistants, shall have the power to summon witnesses, and compel them to attend before them, or either of them, and to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any books, papers, or documents deemed pertinent or necessary to the inquiry, and shall have the power to administer oaths and affirmations to any person appearing as a witness before them. Such examination may be public or private as the officers conducting the investigation may determine.

Investigation by State Police.

Summoning of witnesses.

No person shall be excused from attending before the State Police or its assistants, when summoned so to attend, nor, when ordered so to do, shall he be excused from testifying or producing any books, papers, or documents before such State Police upon any investigation, proceeding, or inquiry instituted under the provisions of this act, upon the ground or for the reason that the testimony or the evidence, documentary or otherwise, required of him may tend to convict him of a crime, or subject him to a penalty or forfeiture;

No person excused from testifying.

Testimony to be presented to district attorney.

but no person shall be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have been required so to testify or produce evidence, documentary or otherwise; and no testimony so given or produced shall be received against him upon any criminal investigation or proceedings. If after any such examination, the State Police, or any of its assistants, is of the opinion that the facts in relation to such fire indicate that a crime has been committed, it or he shall present the testimony taken on such examination, together with any other data in his possession, to the district attorney of the proper county, with the request that he institute such criminal proceedings as such testimony or data may warrant.

Power to enter buildings.

The State Police or its assistants may, at all reasonable hours, enter any building or premises within its or their jurisdiction for the purpose of making an inspection, which, under the provisions of this act, it or they may deem necessary to be made.

Contempt.

Section 5. Any witness who refuses to obey a summons of the State Police or its assistants, or who refuses to be sworn, or to testify, or who disobeys any lawful order of the State Police or its assistants in relation to any investigation instituted by it or them, or who fails or refuses to produce any books, papers, or documents touching any matter under investigation or examination, or who is guilty of any contempt after being summoned to appear before it or any of them to give testimony in relation to any matter or subject under examination or investigation as aforesaid, may be punished as for contempt of court. For this purpose application may be made to any court within whose jurisdiction the contempt in question took place, and for which purpose the courts of common pleas of this Commonwealth are hereby given jurisdiction.

Application to court.

State Police to keep records.

Section 6. The State Police shall keep in its office all records which may be sent it, in accordance with the law, relative to the physical condition of buildings, whether the laws and ordinances have been complied with so far as the same relate to fire protection, records of application for fire insurance upon any buildings, or other information relating thereto which may be sent it in compliance with law; and shall also keep a record of all fires occurring in this State, and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and, if so, in what amount. Such records shall be made daily from the reports made to it by its assistants under the provisions of this act. All such records shall be public, except that any testimony taken in investigations under the provisions of this act may

Records public.

be withheld from the public in the discretion of the State Police.

Section 7. It shall be the duty of the State Police to prepare, in consultation with the Superintendent of Public Instruction, books of instruction for use, in the public and private schools, of students of all grades, with regard to the dangers of fire and the prevention of fire waste. It shall be the duty of the Superintendent of Public Instruction, and of the principals or other persons in charge of the various schools of this Commonwealth, to provide for the instruction and training of pupils of such schools by means of drills, so that they may in sudden emergencies be able to leave the school buildings in the shortest possible time without confusion or panic. Such drills shall be held at least once a month when the schools are in session. Books of instruction with regard to the dangers of fire and the prevention of fire waste, as above specified, shall be published at the expense of the State, under the direction of the Superintendent of Public Instruction, and shall be distributed in sufficient quantities for the use of the school as herein provided; and the curriculum of such schools shall include some regular and continuous study of such subjects during the entire school year.

School text books to be prepared.

Drills in schools.

Publication of books.

Section 8. The State Police shall make a biennial report to the Governor of the Commonwealth, setting forth a full report of the work of its office during the two preceding calendar years, including such statistics as it may desire to include therein. The State Police shall also recommend in its report such legislation, if any, as in its judgment may be desirable to further carry out the purpose of this law for the prevention of fire waste.

State Police to report to Governor.

Section 9. The assistants to the State Police, not receiving a salary for the performance of public duties, shall receive, upon the audit of the State Police, fifty cents for each report of each separate fire reported to the State Police under this act, and, in addition thereto, shall be paid the sum of fifteen cents for each mile traveled to the place of fire and, in the discretion of the State Police, where an investigation has been made, a sum not to exceed three (\$3) dollars for each day's service spent in such investigation.

Compensation of assistants.

Section 10. All penalties or forfeitures collected under the provisions of this act shall be paid into the treasury of this Commonwealth.

Disposition of penalties.

Section 11. Every fire insurance corporation or association transacting business in this State shall file with the State Police, through an actuarial bureau of any board of fire underwriters or through the secretary or other officer of the insurance corporation or association, a monthly report of fire losses showing:

(a) The name of the assured; (b) location of prop-

Fire insurance companies to report losses to State Police.

erty burned; (c) date of the fire; (d) the class of occupancy and construction; (e) the probable cause of the fire; (f) the sound valuation; (g) total insurance; (h) the total loss paid.

Annual reports.

Such corporation or association shall also file through officers an annual report of all fires on which losses have been paid during the preceding calendar year, designating the amount of insurance written on such risk by the corporation or association, the amount of probable loss, the character of the property destroyed or damaged, and the supposed cause of the fire.

Report of incendiary fire.

In all cases where such corporation or association receives evidence or information indicating that any fire was of incendiary origin, a report of such fire and of such evidence or information shall be immediately communicated to the State Police.

Filing and contents of monthly reports.

The monthly report hereinbefore required shall be made in writing and sent by registered mail to the department, addressed to its office in the city of Harrisburg, on or before the tenth day of each month, as to all fires of which notice was received during the preceding month, and shall include, either in the first or subsequent monthly report, the amount of loss as adjusted and actually paid by such corporation or association for, on account of, or by reason of such loss.

Filing annual reports.

The annual report hereinbefore required shall be made to the State Police on or before the first day of May.

The notices and reports hereinbefore required by this section shall be in addition to any notices and reports such corporation or association may be required to make under the laws of this Commonwealth to the Insurance Commissioner or to any other State officer.

Insurance boards to furnish data.

Section 12. Every board, association, or bureau, which now exists or hereafter may be formed for the purpose of suggesting, establishing, or maintaining rates of fire insurance on property located in this State, shall supply to the State Police, on request, or permit the State Police to copy from its files, reasonable data relating to the physical condition of insurable property in this State and relating to physical fire hazards in the various communities thereof.

Insurance companies violating act.

Section 13. Any fire insurance company or association, wilfully violating any of the provisions of this act, shall be liable to a penalty of two hundred and fifty dollars (\$250), to be recovered at the suit of the State Police as debts of like amount are now by law recoverable; and any foreign fire insurance company or association licensed to do business in this Commonwealth wilfully violating any of the provisions of this act shall, in addition to incurring said penalty, forfeit its rights to continue the transaction of its business in this State.

Penalty.

Section 14. This act shall not be construed to repeal an act of General Assembly entitled "An act to provide for the appointment of a fire marshal for Allegheny County," approved the eighteenth day of April, Anno Domini, one thousand eight hundred and sixty-four (Pamphlet Laws, four hundred and sixty-five); nor to repeal an act of the General Assembly entitled "An act creating the office of fire marshal, to be attached to the Department of Public Safety, in cities of the first class; prescribing his duties and powers and providing penalties for violations of the provisions of the act; and providing for the method of appointment, compensation, and for the maintenance of his office," approved the eighth day of June, Anno Domini one thousand nine hundred and eleven (Pamphlet Laws, seven hundred and five).

Act of May 18,
1864 (P. L. 465),
not repealed.

Act of June 8,
1911 (P. L. 705),
not repealed.

Section 15. That all rules and regulations heretofore promulgated by the State Fire Marshal, or by the Department of State Police, and now in force, shall continue in force until modified or abolished by the State Police.

Present rules and
regulations.

All suits, actions or proceedings, now pending under any act hereby repealed or supplied, shall not be affected, but shall be continued by the State Police.

Suits pending.

Section 16. The act of the first day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and ten), entitled "An act relating to fires and fire prevention; imposing duties and conferring powers heretofore exercised by the State Fire Marshal upon the Department of State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said department, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities, and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the department and the enforcement of its orders; and prescribing penalties"; and the act of the eleventh day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred), entitled "An act to amend the first paragraph of section three of the act, approved the first day of July, one thousand nine hundred nineteen (Pamphlet Laws, seven hundred ten), entitled 'An act relating to fires and fire prevention; imposing duties and conferring powers heretofore exercised by the State Fire Marshal upon the Department of State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said department and defining their powers and duties; providing for the investigation of the cause, origin, and circum-

Act of July 1, 1919
(P. L. 710),
repealed.

Act of May 11,
1921 (P. L. 500),
repealed.

Other inconsistent
acts.

stance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the department and the enforcement of its orders; and prescribing penalties," and all other acts or parts of acts inconsistent herewith, are hereby repealed.

APPROVED—The 27th day of April, A. D. 1927.

JOHN S. FISHER

No. 292

AN ACT

To amend sections three and four as amended of an act, approved the eighth day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred and seventy), entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word 'drug'; prescribing penalties for violation of this act, and the method of its enforcement."

Public health.

Section 3 of act of May 8, 1909 (P. L. 470), amended by act of June 7, 1917 (P. L. 564), further amended.

Section 1. Be it enacted, &c., That section three of an act, approved the eighth day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred and seventy), entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word 'drug'; prescribing penalties for violation of this act, and method of its enforcement," which was amended by section two of an act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, five hundred and sixty-four), entitled "An act to amend the act, approved the eighth day of May, one thousand nine hundred and nine, entitled 'An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word "drug"; prescribing penalties for violation of this act, and the method of its enforcement,'" is hereby further amended to read as follows:

What deemed to be
adulterated.

Section 3. That for the purpose of this act an article shall be deemed to be adulterated:

First. If a drug is sold under or by any name recognized by the [ninth] *tenth* revision of the Pharmacopoeia of the United States, the [fourth] *fifth* edition of the National Formulary, or the American Homeopathic Pharmacopoeia, it differs from the standard of strength, quality, or purity as determined by the test or formula laid down in the [ninth] *tenth* revision of the Pharmacopoeia of the United States, the [fourth] *fifth* edition of the National Formulary, or the American Homeopathic Pharmacopoeia: Provided, That no drug defined in the [ninth] *tenth* revision of the Pharmacopoeia of the United States, the [fourth]

Proviso.