

AN ACT

To amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred two), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," by transferring certain powers and duties from the Board of Fish Commissioners to the Department of Revenue, further providing for the licensing and regulation of motor boats, and providing for liability for damages caused by the negligent operation of a motor boat.

Motor boats.

Section 3, act of
May 28, 1931
(P. L. 202),
amended.

Section 1. Be it enacted, &c., That section three of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred two), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," be, and the same is hereby, amended to read as follows:

Application for
license to be
made to Depart-
ment of Revenue.

Section 3. Any person owning a motor boat and desiring to operate or navigate the boat, or cause it to be operated or navigated, on any inland water, shall make a written application to the [board] *Department of Revenue* for a license for such boat. Such application shall be made on a form prescribed, prepared, and furnished by the [board] *Department of Revenue*, and, together with such other information as the [board] *Department of Revenue* may require, shall state:

Contents.

(a) The name and address of the applicant, and, if the applicant is a partnership, the names and addresses of all the partners, and, if the applicant is a corporation, the names and addresses of the officers.

(b) The size, seating or other capacity, gross weight, and type of the boat.

(c) The type, number of cylinders, the horse power, and maximum speed of the motor, and the type of muffler or under-water exhaust used in connection with such motor.

(d) *The engine number of the motor which propels the boat.*

License fee.

Upon receipt of an application, and upon the payment of a license fee of one dollar for each cylinder of the motor built in or attached to the boat, the [board] *Department of Revenue* shall issue to the applicant owner a license for his boat, together with duplicate metallic license plates, which plates shall contain a serial number

License and
license plates.

at least five inches in height corresponding with the number on the license issued to the owner, and shall be displayed conspicuously at all times, one on each side of the bow of the boat. *The owner may paint or stencil a facsimile of the license plates one on each side of the bow of the motor boat, provided such license plates are stored in such motor boat.* [Such license and license plates shall be valid until the thirty-first day of December next following the date of their issuance, and may be renewed from year to year upon application and payment of a fee as in the case of the procurement of an original license.] *Such license plates, or facsimile of such license plates, shall be used only on the boat the engine of which bears the number set forth in the application.*

Display.

Painted facsimile of plates on bow.

Use of plates or facsimile.

Section 2. That following section three of said act, the following new sections are hereby added, to read as follows:

New sections inserted.

Section 4. Dealers' license plates, bearing the additional mark "X," may be used on any motor boat in the possession of such manufacturer, jobber, or dealer when the boat is being used for demonstration purposes. Application for dealers' licenses shall be made upon a form provided by the Department of Revenue, and shall set forth the full name and business address of the applicant and such other information as the Department of Revenue shall require, and shall be signed by such manufacturer, jobber, or dealer. Upon receipt of the application, and upon the payment of a license fee of five dollars for the initial set and five dollars for each additional set, the Department of Revenue shall issue to the applicant manufacturer, jobber, or dealer a dealer's license, together with duplicate metallic license plates, which plates shall contain the letter "X" and a serial number corresponding with the number on the license issued to the dealer, and shall be displayed conspicuously one on each side of the bow of the boat being used by the dealer.

Dealers' license plates.

Dealers' license.

Display.

Section 5. Dealers' and owners' license plates shall be valid from year to year provided the license is renewed as hereinafter required. If the license is not renewed, it shall be the duty of the motor boat owner to forward the license plates in his possession to the Department of Revenue, and remove the facsimile of such license plates, immediately upon the expiration of his license. In the event the license plates have been lost or destroyed, a sworn statement to that effect shall be submitted to the Department of Revenue in lieu of the license plates. Dealers' and owners' licenses shall be valid until the thirty-first day of December next following the date of their issuance, and may be renewed from year to year upon application and payment of a fee as in the case of procurement of an original license.

License plates to be valid upon renewal of license.

Return of license plates.

Dealers' and owners' licenses.

Renewal.

Licenses and license plates for State owned boats.

Section 6. Special licenses and license plates shall be issued free of charge by the Department of Revenue for State owned and operated motor boats.

Plates and facsimile in case of transfer or destruction of boat.

Section 7. Upon the transfer of ownership or the destruction of any motor boat, the owner shall remove the license plates therefrom immediately and forward same to Department of Revenue. In the case of transfer of ownership, the facsimile of the license plates of the transferor must be removed. In the event the license plates have been destroyed, a sworn statement to that effect shall be submitted to the Department of Revenue in lieu of the license plates. The owner may transfer license plates to another motor boat which he owns and which is propelled by a motor having the same or less number of cylinders as the one for which the license was originally procured, provided he notifies the Department of Revenue within ten (10) days of such transfer. The notice shall specify the engine number of the motor boat to which the license plates were transferred. Transfer of license plates from a motor boat in one classification to a motor boat of a higher classification is prohibited.

Transfer of plates to another boat.

Lost or illegible license or license plate.

Section 8. In the event of a lost, destroyed or illegible license or license plate, it shall be the duty of the owner to apply to the Department of Revenue for a duplicate, within forty-eight (48) hours of his discovery of the loss or defacement of such license or license plate, upon a form furnished by the Department of Revenue and accompanied by a fee of twenty-five cents in the case of a license, and fifty cents in the case of license plates. If a facsimile of the license plates is used, such facsimile shall be kept in a readable condition.

Facsimiles to be readable.

Underwater exhaust or muffler

Section 9. No boat propelled by any type of internal combustion motor of one or more cylinders, including outboard motors, shall be operated on any of the inland waters unless the same is equipped with an underwater exhaust or with a muffler having at least two baffle plates. Such muffler and baffle plates shall be in good working order and of a type approved by the board. No cut-outs or other devices shall be used to make such muffler ineffective: Provided, That nothing contained in this section shall be construed to require motors to be so muffled when boats are engaged in legitimate racing contests or in preparation for the same.

Proviso.

Liability for damages.

Section 10. Every owner of a motor boat causing or knowingly permitting any person to operate a motor boat on any inland waters, and any person who leases or furnishes a motor boat to any other person, shall be jointly and severally liable with such other person for any damages caused by the negligence of such other person in operating such motor boat.

Section [4] 11. The board is hereby authorized and empowered to prescribe, promulgate, and enforce:

(a) General rules and regulations to be observed in the operation or navigation of motor boats upon, over, or through inland waters which it shall deem necessary for the public health or the safety of persons or property on or in such waters, or for the preservation of all forms of useful aquatic life, particularly as to speed, running, lights, signals, courses, channels, rights of way, and the disposal of oil, gas, gasoline, or other wastes from such boats.

General rules and regulations.

(b) Special rules and regulations for such particular, artificial or natural areas of waters, for further limiting or restricting or prohibiting the operation or navigation of motor boats thereon to protect the public health, or to protect and preserve useful aquatic life.

Special rules and regulations.

Section [5] 12. The board is hereby empowered, and its duty shall be, to enforce the provisions of this act, the rules and regulations prescribed and promulgated hereunder, and any existing laws regulating the operation of motor boats, whenever such boats are operated or navigated on any inland waters. Any person employed or elected by this Commonwealth, or by any municipality, county, or township, and whose duty it is to preserve peace or to make arrests or to enforce the law, including the State police and game, fish, and forest wardens, is hereby authorized and empowered to make arrests, without warrant, for all violations of this act, or of the rules and regulations prescribed hereunder, which they may witness.

Board of Fish Commissioners to enforce act.

Authority to make arrests.

Section [6] 13. Any power, duty, or jurisdiction conferred or imposed upon the board by this act shall be deemed to be supplemental to any existing power, duty, or jurisdiction conferred or imposed by law on any other administrative department, board, or commission of the Commonwealth over, upon, or in any inland waters, and it shall be the duty of every such department, board, or commission to cooperate with the board in carrying out the purposes of this act.

Supplemental power.

Coöperation.

Section [7] 14. All license fees, fines and penalties, collected or received under the provisions of this act, shall be paid into the State Treasury, through the Department of Revenue, and credited to the Fish Fund.

Disposition of fees, etc.

Section 3. That section eight of said act be, and the same is hereby, amended to read as follows:

Section 3 amended.

Section [8] 15. Any person violating any provision of this act, or any rule or regulation prescribed by the board under this act, shall, upon conviction thereof in a summary proceeding before a justice of the peace, alderman or magistrate, be sentenced to pay a fine of not less than [twenty-five] *five* dollars and costs, nor more than one hundred dollars and costs, or, in default of payment thereof, thirty days in jail; and, in addition, the [board] *Department of Revenue* may revoke the license issued for the motor boat used by such person.

Violation of act.

Penalty.

Revocation of license by Department of Revenue.

Effective date.

Section 4. This act shall become effective on the first day of January, one thousand nine hundred and thirty-four.

APPROVED—The 31st day of May, A. D. 1933.

GIFFORD PINCHOT

No. 276

AN ACT

Requiring certain persons, associations, copartnerships, and corporations to keep full accounts and records with respect to the sales and transactions relating to dairy products and to submit the same to inspection by the Secretary of Agriculture, and prescribing the effect of failure to comply with the orders of the Secretary of Agriculture; providing penalties, and prescribing remedies; and by further regulating the issuance and revocation of permits as provided by the act, approved the sixth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, five hundred forty-one), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing, testing, buying and selling of milk and cream; providing for the examination and appointment of certified testers and the issuing of licenses and making of tests; and providing penalties," as amended.

Dairy products.

Section 1. Be it enacted, &c., That when used in this act—

Definitions.

A. The term "person" shall include individuals, partnerships, corporations, and associations.

B. The term "secretary" shall mean the Secretary of Agriculture.

C. The term "dairy products" shall mean milk, cream, skimmed milk, powdered milk, evaporated milk, condensed milk, butter, cheese, or any other article manufactured and produced in whole or in part from milk or cream, ice cream, and all other dairy products, whether or not frozen, refrigerated, or packed in ice, and whether or not mixed together or in combination with any other substance.

D. "Permit" shall mean the permit issued by the Department of Agriculture in accordance with the provisions of the act, approved the sixth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, five hundred forty-one), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing, testing, buying, and selling of milk and cream; providing for the examination and appointment of certified testers and the issuing of licenses and making of tests; and providing penalties," as amended, and the permit issued in accordance with said act shall, when hereafter issued by the Department of Agriculture, include the right in the holder thereof to engage in the business defined by