

No. 419

AN ACT

To add Article XVI-A to the act, approved the seventh day of March, one thousand nine hundred one (Pamphlet Laws 20), entitled "An act for the government of cities of the second class," by providing for the establishment of a municipal traffic court in cities of the second class.

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

Cities of the second class.

Section 1. The act, approved the seventh day of March, one thousand nine hundred one (Pamphlet Laws 20), entitled "An act for the government of cities of the second class," is hereby amended by adding, after Article XVI thereof, a new article to read as follows:

Act of March 7, 1901, P. L. 20, amended by adding, after Article XVI thereof, a new Article XVI-A.

ARTICLE XVI-A

Municipal Traffic Court

Section 1. Traffic Courts Established in Cities of the Second Class; Jurisdiction.—In each city of the second class, there is hereby established a court, not of record, to be called the "Municipal Traffic Court of the City of . . ." The court hereby created, notwithstanding any provision of the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905), known as The Vehicle Code, or of any other law to the contrary, shall have jurisdiction in all prosecutions for summary offenses, and the preliminary proceedings in prosecutions for indictable offenses arising under The Vehicle Code, or any municipal ordinance of such city enacted pursuant thereto, committed within the corporate limits of such city.

Section 2. Composition of Municipal Traffic Court.—The municipal traffic court shall be held by such police magistrates as shall be assigned thereto from time to time by the mayor of such city, one of whom shall be designated by the mayor as presiding magistrate of traffic court. The presiding magistrate shall preside over and supervise the work of the municipal traffic court.

Section 3. Powers of the Magistrates of the Municipal Traffic Court.—All magistrates of the municipal traffic court in each city of the second class shall have full and complete jurisdiction, power and authority to receive and take criminal informations, on oath or affirmation of and subscribed to by the affiant, accusing any person or persons of the commission of any summary offense or

felony or misdemeanor arising under The Vehicle Code, or any ordinance enacted pursuant thereto, committed within the corporate limits of the city in which the said municipal traffic court has jurisdiction; and to administer oaths, issue summonses, subpoenas and warrants for the arrest of the accused, and hear and decide all such summary offenses, impose fines and costs of prosecution, and to commit to jail in default of the payment thereof, and hold preliminary hearings and prosecutions for indictable offenses under The Vehicle Code, and any local ordinance enacted pursuant thereto, and commit to jail or bind over for trial at the next term of the proper court of the county, or discharge such accused person or persons, as the evidence produced at such preliminary hearing or hearings may warrant.

Section 4. Necessary Facilities and Supplies to be Furnished by City.—It shall be the duty of each second class city to supply and pay for whatever may be necessary for the transaction of the business of the said municipal traffic court, and to supply all proper court rooms, chambers and accommodations, including waiting rooms, lavatories, conference rooms, dockets, blanks, books, legal blanks, stationery, furniture and equipment, and such law books as may be certified by the traffic court magistrates to be necessary for the use of the municipal traffic court, and to pay all salaries, compensations, expenses and disbursements that are herein or are otherwise authorized by law; and it shall be the duty of the council of the city to appropriate annually a sum sufficient to pay such salaries, compensations, expenses and disbursements. The court rooms, chambers, waiting rooms, lavatories, conference rooms, accommodations, furniture and equipment to be supplied shall be of such character and be kept in such condition of repair, cleanliness and useful service, at the expense of the city, as the traffic court magistrates shall determine to be necessary or desirable.

Section 5. Clerk of Municipal Traffic Court; Assistants; Compensation.—A clerk of the municipal traffic court hereby created, by whatsoever title he may be designated, and all necessary assistants, shall be appointed and their compensation and duties fixed in the manner provided by law, which compensation shall be paid out of the treasury of such city in the same manner as other expenses are paid by law. The clerk shall have custody of the seal as well as the docket of the court and all papers pertaining to the business of the court.

Section 6. Seal of Municipal Traffic Court; Custody.—The municipal traffic court shall have a seal for the use of said court, which shall contain the name of the court and the word "Seal", which seal shall be affixed

to all processes, summonses, informations, warrants, transcripts and other official certificates issued by or under the order of said court.

Section 7. Business Hours of Municipal Traffic Court.—The municipal traffic court shall be open for the transaction of business at such time as shall be designated by ordinance, and shall be under the supervision of the presiding magistrate. In the absence of the presiding magistrate, the magistrate then presiding shall have such supervision.

Section 8. City Solicitor to Assign Prosecuting Attorney Upon Request of Presiding Magistrate.—The city solicitor shall, upon request of the presiding magistrate, assign a member of his staff to prosecute any proceeding, jurisdiction of which is conferred upon the municipal traffic court hereby created.

Section 9. Costs; Magistrates' Fees; Disposition.—Costs taxable in proceedings before the municipal traffic court shall include magistrates' fees, as allowed by law, which fees shall be paid by the clerk into the city treasury daily, and other costs as allowed by law, but shall not include witness fees for police officers.

Section 10. Rules of Practice.—Within sixty (60) days after this act takes effect, it shall be the duty of the magistrates of the municipal traffic court to prepare and submit to the judges of the county court, or if there be no county court in the county in which the municipal traffic court is situate, then the judges of the court of quarter sessions thereof, rules and regulations for the practice and procedure in and the conduct of the business of the municipal traffic court, which shall become valid and binding as such when the same are approved by a majority of the judges of the county court or the court of quarter sessions, as the case may be. If the magistrates of the municipal traffic court shall fail or neglect to prepare such rules and regulations and submit the same to the judges of the county court or the court of quarter sessions, as the case may be, it shall be the duty of said judges, of their own motion, to promulgate such rules and regulations, which shall be the official rules and regulations of the municipal traffic court. Said rules and regulations may be altered, amended or repealed by the magistrates of the municipal traffic court or by the judges of the county court, or if there be no county court, then by the judges of the court of quarter sessions, and such rules and regulations promulgated as they may deem necessary and proper.

Section 11. Annual Report.—On or before the twentieth day of January of each year, in addition to the reports and audits now or hereafter required *of munic-

* "by" in original.

ipal officers by law or ordinance, the presiding magistrate of the municipal traffic court shall make written report to the mayor of the city with respect to the business of the court during the preceding calendar year. Copies of said report shall be furnished each member of council, the city controller, each judge of the county court, or if there be no county court, then of the court of quarter sessions, and the Secretary of Revenue of the Commonwealth.

Inconsistent
acts repealed.

Section 2. All acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Act effective
immediately.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 29th day of September, A. D. 1951.

JOHN S. FINE

No. 420

AN ACT

To further amend section 11 of the act, approved the twentieth day of May, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," by providing for credit for service with a school district of the first class for members of a first class city pension fund, in certain cases.

Cities of the
first class.

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

Section 11, act
of May 20, 1915,
P. L. 566, as
last amended by
act of May 2,
1949, P. L. 845,
further amended.

Section 1. Section 11 of the act, approved the twentieth day of May, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," as last amended by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 845), is hereby further amended to read as follows:

Computation of
time of service.

Section 11. The time of service herein specified, namely, twenty years, or in case of the lesser pension, fifteen years or more but less than twenty years, shall be computed from the time of the first or original employment; said employment to consist of service either to such cities or to the county, or other public service paid out of the city treasury, or both, as aforesaid, and