

## No. 139

## AN ACT

To add section 3.1 to the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 694), entitled "An act imposing a tax on gross receipts as an excise on the use of the public highways by certain owners or operators of motor vehicles transporting passengers and property for hire," by providing for certificates to be issued upon payment of tax to be attached to windshields and providing penalties.

Excise tax on gross receipts.

Act of June 22, 1931, P. L. 694, amended by adding, after section 3 thereof, a new section numbered 3.1.

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

Section 1. The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 694), entitled "An act imposing a tax on gross receipts as an excise on the use of the public highways by certain owners or operators of motor vehicles transporting passengers and property for hire," is hereby amended by adding, after section 3 thereof, a new section to read as follows:

*Section 3.1. (a) Each company which shall pay the tax imposed and assessed by this act shall be issued certificates, in such form as may be prescribed by the Secretary of Revenue, which shall be attached by the company, as directed by the Secretary, to the windshields of vehicles owned or operated by the company and for which the tax has been paid.*

*(b) Any company which shall fail to attach the certificate prescribed by this act shall, upon summary conviction thereof before a magistrate, be sentenced to pay a fine of not more than ten dollars (\$10).*

*(c) Any company which shall attach a certificate to any vehicle, except as provided by this section, shall, upon summary conviction thereof before a magistrate, be sentenced to pay a fine of not more than fifty dollars (\$50).*

APPROVED—The 20th day of July, A. D. 1953.

JOHN S. FINE

## No. 140

## AN ACT

To further amend section one of the act, approved the second day of June, one thousand eight hundred and ninety-one (Pamphlet Laws 176), entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith," by extending certain provisions to mines where only one person is employed or engaged in work, and changing the provisions for enforcement procedure and penalties, and providing for an additional form of appeal.

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

Section 1. Section one of the act, approved the second day of June, one thousand eight hundred and ninety-one (Pamphlet Laws 176), entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith," as last amended by the act, approved the fifth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 478), is hereby further amended to read as follows:

Section 1. Be it enacted, &c., That this act shall apply to every anthracite coal mine or colliery in the Commonwealth where five or more persons are employed or engaged in work, but mine inspectors shall, nevertheless, at least once in each six months enter and inspect all mines where from [two] one to five persons are employed or engaged in work for the purpose of determining the conditions of safety in any such mine. In case a mine inspector shall find any such mine to be unsafe, or to be operated in any unsafe manner, measured by standards of safety provided by regulations promulgated by the Secretary of Mines, he or his mine inspector shall order such unsafe conditions to be forthwith corrected, and in default of the owner or operator doing so, shall order such mine closed until the unsafe conditions are corrected. *Appeals from any order of the Secretary of Mines or any of his mine inspectors shall be taken as provided under the \*Administrative Agency Law.* Mandatory enforcement of any such order may be had by injunction proceedings. *In any mine where five or less persons are employed or where five or less persons are engaged in the production of anthracite, the Secretary shall close such mine pending any appeal from his order or the order of any of his mine inspectors with respect to the correction of any unsafe conditions or from any restraining order of any court.*

Any such regulations promulgated by the Secretary of Mines shall be selected from the act and the amendments thereto for mines in which five or more persons are employed or engaged in work, and shall include only such regulations as are reasonably applicable to mines employing fewer than five persons.

Any person who shall continue to operate or be a party to the operation of a mine in which from [two] one to five persons are employed, or engaged in work without correcting the unsafe conditions as ordered by a mine inspector, shall upon conviction thereof, in a summary proceeding for a first offense, be sentenced to pay a fine of [twenty-five] fifty dollars [(\$25)] (\$50) and

Anthracite coal mines.

Section 1, act of June 2, 1891, P. L. 176, as last amended by act of June 5, 1947, P. L. 478, further amended.

Applicability of act.

Periodic inspections of mines to be made to determine conditions of safety.

Correction of unsafe conditions.

Appeals.

Enforcement of orders.

Secretary of Mines to close certain mines pending appeal from order to correct unsafe conditions.

Regulations promulgated by Secretary of Mines.

Violations of act and conviction thereof.

Penalties.

\* "administrative" in original.

costs of prosecution, and in default of the payment of such fine and costs shall be imprisoned for a period of ten (10) days, and upon conviction of a second or subsequent offense shall be sentenced to pay a fine of [fifty] *one hundred* dollars [(\$50)] (\$100) and costs of prosecution and be imprisoned for a period of thirty (30) days. Upon conviction of a second or subsequent offense, each day during which a person shall operate, or be a party to the operation of a mine, contrary to the order of the mine inspector shall constitute a separate offense.

Where information shall be brought.

Information charging violations of any of the summary provisions of this act shall be brought before [the nearest available] *any* magistrate, alderman, or justice of the peace within the [city, borough, incorporated town, or township] *county* where the alleged violation occurred [ : Provided, That where there is no substantial difference between the respective distances from the place where the alleged violation occurred, to the offices of more than one magistrate, alderman or justice of the peace, any such prosecution may be brought before any one of such officers, or if there is no person holding the office of magistrate, alderman, or justice of the peace in such city, borough, incorporated town, or township, then such information shall be brought before such nearest available magistrate, alderman or justice of the peace in any adjoining city, borough, incorporated town or township].

Act effective immediately.

Section 2. This act shall become effective immediately upon final enactment.

APPROVED—The 20th day of July, A. D. 1953.

JOHN S. FINE

No. 141

AN ACT

To further amend the title and section 3 of the act, approved the eighth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 1667), entitled, as amended, "An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof by the Department of Forests and Waters; authorizing the department to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," by transferring the control, management, supervision, restoration and improvement of said park and the power to make and enforce rules and regulations for the preservation and visitation thereof to the Pennsylvania Historical and Museum Commission.