

Bituminous coal
mines.

Section 9, act of
May 31, 1923,
P. L. 481,
amended.

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

Section 1. Section 9, act of May 31, 1923 (P. L. 481), entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates," is amended to read:

Papers to be
filed.

Section 9. Each examining board shall send to the Chief of the Department of Mines the answers and all other papers of the applicants, together with the tally sheets, and a list of the questions and answers as prepared by the committee of six, which shall be filed *for a period of time not less than eight years* in the Department of Mines as public documents.

Act effective
immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 17th day of July, A. D. 1957.

GEORGE M. LEADER

No. 431

AN ACT

Requiring that notice of any prior or contemporaneous *severance of coal or the right of surface support from the surface be set forth in a certain manner in every deed, agreement of sale, title insurance policy, or other instrument in writing, which sells, conveys, transfers, releases, quitclaims, or agrees to sell, convey, transfer, release, or quitclaim, or insures or agrees to insure title to the surface of land, and providing for the effect upon the vendor, grantor, transferor, releasor or person who quitclaims or insures title or agrees to do any of the foregoing, for noncompliance therewith.

* "severance" in original

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

Section 1. Every deed, agreement of sale, title insurance policy and other instrument in writing, hereafter executed and delivered, with respect to the surface of land and for the purpose of selling, conveying, transferring, releasing, quitclaiming, agreeing to sell, convey, transfer, release or quitclaim, or for insuring or agreeing to insure the title to said surface of land, shall, if there is or has been a prior or contemporaneous severance either of any coal underneath any part of said surface or of any part of the right of surface support for said surface, include therein, set forth entirely either in capital letters or in type or writing distinctively different from the balance of the instrument or set apart from the balance of the instrument by underlining, a prominent notice either in the form of one of the following paragraphs or else in a form which is essentially the same as and which expresses precisely the same meaning and notice as one of said following paragraphs:

(A) "This document may not sell, convey, transfer, include or insure the title to the coal and right of support underneath the surface land described or referred to herein, and the owner or owners of such coal may have the complete legal right to remove all of such coal and, in that connection, damage may result to the surface of the land and any house, building or other structure on or in such land."

(B) "This document does not sell, convey, transfer, include or insure the title to the coal and right of support underneath the surface land described or referred to herein, and the owner or owners of such coal have the complete legal right to remove all of such coal and, in that connection, damage may result to the surface of the land and any house, building or other structure on or in such land."

Section 2. The person, firm or entity who or which, alone or together with others, sells, conveys, transfers, releases or quitclaims the surface of land or agrees to do any of the foregoing, or who insures or agrees to insure title to the surface of land in any instrument in writing which does not comply with the provisions of section 1 of this act, shall be liable in damages in an action in assumpsit, based upon implied contract, to the same extent as if he had expressly agreed, warranted and insured that all coal underneath the surface described or referred to in such instrument in writing and the complete right to surface support therefor were included in the property sold, conveyed, transferred, released, quitclaimed, agreed to be sold, conveyed, transferred, released or quitclaimed, or the title to which was

Provisions in deeds, etc., with respect to land subsidence.

Every deed, etc., to include provisions as specified herein.

Omission of provision renders vendor, etc., liable to legal action for damages.

insured or agreed to be insured. Failure to comply with the provisions of section 1 of this act shall not create, convey, transfer, enlarge, impair or otherwise affect any right to or waiver of surface support or any title to land or any other estate or interest in land, and shall not impair or otherwise affect any waiver or release of damages or any immunity from liability or damages other than by giving rise to a cause of action as hereinabove specifically provided.

Waiver prohibited.

Section 3. The provisions of this act may not be waived in any manner whatsoever.

Construction.

Section 4. Nothing contained in this act shall be construed to affect in any way whatsoever any waiver of surface support, any release from damages or any other title, right, estate, interest, liability or exoneration, from liability created, granted, excepted, reserved or otherwise dealt with in any deed, agreement of sale, title insurance policy or other instrument in writing, which was executed or delivered prior to the effective date of this act.

Effective date.

Section 5. This act shall take effect July 1, 1958.

APPROVED—The 17th day of July, A. D. 1957.

GEORGE M. LEADER

No. 432

AN ACT

Amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," providing additional enforcement procedures on traffic violations in cities of the third class.

The Vehicle Code.

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