

Section 501 of  
the act, amended  
May 21, 1943,  
P. L. 451,  
further amended.

Section 4. Section 501 of the act, amended May 21, 1943 (P. L. 451), is amended to read:

Section 501. Procedure for Denial or Revocation of Licenses.—The licenses of [airports, landing fields,] *landing areas, commercial airports*, air navigation facilities, and such other licenses or certificates that the commission may, under authority of this act, issue, shall be denied or revoked only after the applicant or licensee shall have been accorded a hearing, or opportunity for a hearing thereon. Within ten (10) days after notice that application for registration and license has been denied, or the license or certificate revoked, the applicant or holder may file a written request with the commission for a public hearing thereon. The chairman of the commission, upon receipt of the request, shall arrange forthwith:

(1) For a public hearing to be held within twenty (20) days after such receipt, in such place as the commission deems most practicable and convenient, and

(2) Give the applicant or holder at least ten (10) days' notice of the hearing, unless an earlier hearing is consented to by him.

Notice may be served personally upon the applicant or holder, or sent him by registered mail. The decision of the commission, if in accordance with law shall be final.

Act effective  
immediately.

Section 5. This act shall take effect immediately.

APPROVED—The 17th day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 358

AN ACT

Relating to motion picture films, reels, or stereopticon views or slides; providing a system of listing the first showing of each film, reel or view and a system of registration of exhibitors, sellers, lessors and users of films, reels or views; disapproval of films, reels or views which are obscene or unsuitable for children and of advertising matter used in connection therewith; imposing powers and duties upon the Pennsylvania State Board of Motion Picture Control; and providing penalties for the violation of this act.

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

Section 1. Definitions.—As used in the act:

(1) The term "board" refers to the Pennsylvania State Board of Motion Picture Control in the Department of Public Instruction.

Pennsylvania  
State Board of  
Motion Picture  
Control.

Definitions.

(2) The term "film" refers to what is usually known as a motion picture film.

(3) The term "view" refers to what is usually known as a stereopticon view or slide or to one or more frames of a motion picture film.

(4) The word "person" includes an association, co-partnership or a corporation.

(5) The term "unsuitable for children" means a film, reel or view which is obscene or which incites to crime.

(6) A film, reel or view shall be deemed "obscene" if to the average person applying contemporary community standards its dominant theme, taken as a whole, appeals to prurient interest.

(7) The term "incites to crime" refers to a film, reel or view which represents or portrays as acceptable conduct or as conduct worthy of emulation the commission of any crime, or the manifesting of contempt for law.

(8) The term "child" means any person less than seventeen years of age.

Section 2. Board of Motion Picture Control.—The State Board of Motion Picture Control, hereinafter called the board, shall consist of a chairman and two members; they shall be residents of Pennsylvania and shall be appointed by the Governor for a term of four years. Two members of the board shall constitute a \*quorum. The chairman shall receive an annual salary of five thousand five hundred dollars (\$5,500) and the other members shall receive an annual salary of five thousand dollars (\$5,000) each. The board may employ such clerks, stenographers and other employes as it deems necessary.

Section 3. Duties of Persons Who Sell, Lease, Lend, Exhibit or Use Films, Reels or Views.—Every person intending to sell, lease, lend, exhibit or use any film, reel or view in Pennsylvania, shall register with the board, giving his name, trade name if any, and address. Each registrant shall notify the board at least forty-eight hours before the first showing of any film, reel or view in Pennsylvania, and shall notify the board where and when each such showing will take place. Upon the request of the board at any time after the first showing of the film, reel or view, the registrant shall furnish the board with an exact copy of such film, reel or view for examination.

Section 4. Fees.—For the annual registration of each person who intends to sell, lease, lend, exhibit or use any motion picture film, reel or view in Pennsylvania, the board shall receive, on or before the first day of July of

\* "quorm" in original.

each year, a fee of one dollar (\$1). For the listing of the first showing of each motion picture film, reel or view in Pennsylvania, the board shall receive, at the time of the listing, a fee of fifty cents (50¢) for each one thousand two hundred lineal feet or less.

Section 5. Disapprovals by Board.—The board shall have the power to examine any film, reel or view which shall have been exhibited at least once in Pennsylvania in order to determine whether such film, reel or view is obscene or unsuitable for children. If the board finds that any such film, reel or view is obscene, it shall disapprove such film, reel or view. If the board finds that such film, reel or view is unsuitable for children, it shall disapprove such film, reel or view for exhibition to children.

Section 6. Notification to Registrant.—The board shall promptly notify each registrant of the disapproval of any film, reel or view, and the disapproval of any film, reel or view as unsuitable for children.

Section 7. Record of Examination.—The board shall keep a record of all examinations made by it of films, reels or views, noting on the record all films, reels or views which have been disapproved or disapproved as unsuitable for children with the reason for such disapproval. A record of all such disapprovals shall be published by the board at the end of each week or earlier if such earlier publication is deemed desirable by the board. In addition, a record of all such disapprovals shall be forwarded promptly to the district attorney of each county of this Commonwealth in which the board has reason to believe the disapproved films, reels or views are being or have been or are scheduled to be exhibited, together with such data as will assist the district attorney in the performance of his duties.

Section 8. Use of Films, Reels or Views Prohibited.—No person shall sell, lease, lend, exhibit or use any motion picture film, reel or view in Pennsylvania, which has been disapproved by the board, or shall exhibit to children any film, reel or view which has been disapproved by the board as unsuitable for children. This section shall not apply to films or reels containing current news, events or happenings, commonly known as news reels.

Section 9. Re-examination and Appeal.—Any registrant who was exhibiting, selling, lending, leasing, or using any film, reel or view which film, reel or view has been disapproved or disapproved as unsuitable for children, may appeal from such order of disapproval and such film, reel or view will be promptly re-examined in

the presence of such registrant by two or more members of the board, and the same finally disapproved or disapproved as unsuitable for children or the order of disapproval or disapproval as unsuitable for children vacated promptly after such re-examination with the right of appeal from the decision of the board to the court of common pleas of the proper county.

Section 10. Injunction.—The board may apply to the court of common pleas of any county in which a film, reel or view which has been disapproved is about to be shown or is being shown or in which any film, reel or view which has been disapproved as unsuitable for children is about to be shown or is being shown to children, for an injunction to restrain the showing of such film, reel or view upon the affidavit of a member of the board that the film, reel or view has been disapproved or disapproved as unsuitable for children, the court may issue a preliminary injunction.

Section 11. Regulation of Advertising Matter.—No person shall cause to be printed or displayed in Pennsylvania any advertising matter to aid in or advertise the showing of any motion picture film, reel or view which has been disapproved by the board.

Section 12. Rules.—In carrying out and enforcing the purposes of this act, it may adopt such reasonable rules as it may deem necessary. Such rules shall not be inconsistent with the laws of Pennsylvania.

Section 13. Penalties.—Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000), or to be sentenced to imprisonment not exceeding six months, or both.

Section 14. Limitation of Scope of Act.—This act does not apply to any sale, lease, loan, exhibition or use of films, reels or views for purely educational, charitable, fraternal, family or religious purpose by any religious association, fraternal society, family, library, museum, public school or private school, or to any sale, lease, loan, exhibition or use of films, commonly known as industrial, business, institutional, advertising or training films, or films concerned exclusively with the advancement of law, medicine and other professions: Provided, That any such film is not exhibited or to be exhibited in theatres or in public places of entertainment commonly used as such.

Section 15. Repeal.—The act of May 15, 1915 (P. L. 534), entitled "An act relating to motion-picture films, Act of May 15, 1915, P. L. 534. repealed.

reels, or stereopticon views or slides; providing a system of examination, approval, and regulation thereof, and of the banners, posters, and other like advertising matter used in connection therewith; creating the Board of Censors; and providing penalties for the violation of this act," is repealed.

All other acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 16. Appropriation.—The sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, is hereby appropriated to the Department of Public Instruction for the enforcement of this act.

Act effective immediately.

Section 17. Effective Date.—This act shall take effect immediately.

APPROVED—The 17th day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 359

AN ACT

Amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," changing the provisions relating to bond required in awarding contracts and further regulating checks accompanying bids.

The Third Class City Code.

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

Section 1901, act of June 23, 1931, P. L. 932, reenacted and amended June 28, 1951, P. L. 662 and May 6, 1957, P. L. 105, further amended.

Section 1. Section 1901, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662) and amended May 6, 1957 (P. L. 105), is amended to read:

Section 1901. Power to Make Contracts; Regulations Concerning Contracts.—(a) Each city may make contracts for carrying into execution the \*provisions of this act and the laws of the Commonwealth. The council shall, by ordinance, provide for and regulate the award of all contracts. No contract shall be entered into or purchase made by the city in an amount involving more than two hundred dollars except upon council's approval thereof. All contracts or purchases not in excess of one thousand dollars shall be by note or memorandum in writing, signed by the officer or employe making the purchase or contract.

(b) All services and personal properties required by any city, or any department thereof, where the amount

\* "provision" in original.