

Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," requiring the Board of Finance and Revenue to make and certify certain annual reports to the Governor.

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

Section 1. Clause (e) of section 506, act of April 9, 1929 (P. L. 343), known as "The Fiscal Code," amended June 1, 1931 (P. L. 318), is amended to read: Clause (e), section 506, act of April 9, 1929, P. L. 343, amended June 1, 1931, P. L. 318, further amended.

Section 506. State Sinking Fund.—The Board of Finance and Revenue shall have the power, and its duty shall be,

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(e) To report and certify to the Governor [biennially] *annually*, for the preceding [two calendar years] *calendar year*, the amount received under and in accordance with existing laws, the amount of interest paid, the dates of the purchase of the public debt, the prices paid, the place where said sale was effected, the amount of the debt of the Commonwealth redeemed and held by them, and the number and amount of the bonds of the United States purchased and held in the Sinking Fund, and the amount and date of maturity of the respective loans of the Commonwealth, together with a summary statement of the receipts from all sources, and the expenditures of said fund, and a complete statement of the total amount of bonds and money remaining in said fund, whereupon the Governor shall direct the certificates representing the said indebtedness to be cancelled.

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Section 2. This act shall take effect immediately. Act effective immediately.

APPROVED—The 27th day of April, A. D. 1961.

DAVID L. LAWRENCE

No. 46

AN ACT

Prohibiting the erection and maintenance of certain advertising devices along highways on the National System of Interstate and Defense Highways; providing for the acquisition of such

devices and property use in connection with such devices by the Secretary of Highways; and providing penalties for violations.

Advertising devices adjacent to National System of Interstate and Defense Highways.

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

Section 1. Legislative Findings.—The General Assembly finds that it is in the public interest and for the public welfare to regulate the use of advertising devices adjacent to the National System of Interstate and Defense Highways in order to promote the safety, convenience and enjoyment of public travel, to preserve the scenic beauty of lands bordering on such highways, and to protect the public investment in such highways.

Section 2. Definitions.—As used in this act, the terms—

(a) “Advertising device” means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way within six hundred sixty feet of the edge of the right of way of a highway of the National System of Interstate and Defense Highways.

(b) “Erect” means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish.

(c) “Informational site” means an area or site established and maintained by the Secretary of Highways within or adjacent to the right of way of a highway on the National System of Interstate and Defense Highways, wherein panels for the display of advertising and informational signs may be erected and maintained.

(d) “Legible” means capable of being read without visual aid by a person of normal visual acuity.

(e) “Maintain” means to allow to exist.

(f) “Sign” means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way.

(g) “Trade name” shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(h) “Visible” means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

Section 3. Advertising Devices Absolutely Prohibited along Certain Highways.—After the effective date of this act, advertising devices may not be construed or erected within six hundred sixty feet of the edge of the right of way of a highway on the National System of Interstate and Defense Highways constructed in accordance with Title 23, United States Code, upon any *part of right of way the entire width of which is acquired subsequent to July 1, 1956, if any part of the advertising or informative contents of the advertising device is visible from any place on the main-traveled way of the highway: Provided, however, That this act shall not apply to segments of the National System of Interstate and Defense Highways which traverse commercial or industrial zones within the boundaries of any incorporated municipality, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulations or control or which traverse other areas where the land use as of September 21, 1959, was clearly established by law as industrial or commercial.

Section 4. Acquisition of Advertising Devices and Property.—

(a) The Secretary of Highways may acquire advertising devices and any property rights pertaining to, or used for, or in connection with advertising devices within six hundred sixty feet of the edge of the right of way of any highway on the National System of Interstate and Defense Highways, as designated in section 3 of this act, either by purchase from the owner thereof or by the exercise of the power of eminent domain.

(b) Condemnation, as provided in this section, shall be effective upon notice by the Secretary of Highways by registered mail to the owner of the property taken, and the preparation and filing of a plan.

(c) Damages consequent upon such taking shall be ascertained in the manner presently provided by law or in such manner as the Legislature may hereafter provide.

Section 5. Exceptions; Regulations of Secretary.—The following advertising devices or signs may be constructed, maintained, or erected within six hundred sixty feet of the edge of the right of way of a highway on the National System of Interstate and Defense Highways, subject to regulations which the Secretary of Highways shall promulgate relative to their location, number, size, lighting and design and standards: Provided, however, That such regulations shall not be more restrictive **than the minimum requirements of the na-

* "part of" omitted in original

** "then" in original,

tional standards as now promulgated, or hereafter amended, and promulgated by the Secretary of Commerce of the United States pursuant to Title 23, Section 131 of the United States Code, as amended.

(a) Class *1. Official Signs.—Directional or other official signs or notices erected and maintained by public bodies or agencies pursuant to and in accordance with direction or authorization contained in State or Federal law for the purpose of carrying out an official duty or responsibility.

(b) Class 2. On Premise Signs.—Signs not prohibited by law which are advertising the sale or lease of the real property upon which such signs are located, or signs advertising an activity being conducted on the real property upon which such signs are located, or signs advertising those agricultural products grown or produced on the real property where such signs are located: Provided, That

(1) Not more than one sign may be erected and maintained in such manner as to be visible from traffic proceeding in any one direction on any one Interstate Highway advertising the sale of or lease of the property on which that sign is located.

(2) Not more than one sign may be erected, which is visible from traffic proceeding in any one direction on an Interstate Highway for advertising activities being conducted on the property. Such sign may not be located, erected or maintained more than fifty feet from the advertised activity. Any sign which refers to, or itemizes any service rendered, or products sold may not be constructed, erected or maintained unless the name of the advertised activity on such sign is displayed as conspicuously as such trade name, except a Class 2 sign, not more than fifty feet from the advertised activity.

(c) Class 3. Signs in the Specific Interest of the Traveling Public.—Such signs authorized to be erected or maintained by State law and which are designed to give information in the interest of the traveling public.

(d) Class 4. Informational Site Signs.—(a) When, in the opinion of the Secretary of Highways and subject to agreements with the United States Secretary of Commerce, it will best serve the public interest, informational sites may be designated, designed, acquired, constructed, maintained and operated. Private funds and private organizations may share in the cost of any of the steps of establishing and operating or maintaining such sites: Provided, That this authority shall not be construed in

* "I" in original.

a manner that will permit the inequitable exclusion of any person or firm or any group of persons or firms from the advertising benefits of the site.

(b) Signs may be established at informational sites which advertise activities being conducted within twelve air miles of such signs or which are designated to give information in the specific interest of the traveling public.

(c) The following shall apply to signs and lighting:

(1) No sign may be permitted which is not placed upon a panel.

(2) No panel may be permitted to exceed thirteen feet in height or twenty-five feet in length including border and trim but excluding supports.

(3) No sign may be permitted to be legible from any place on the main-traveled way or a turning roadway.

(4) Not more than one sign concerning a single activity or place may be permitted within any one informational site.

(5) Signs concerning a single activity or place may be permitted within more than one informational site.

(6) No sign may be permitted which moves or has any animated or moving parts.

(7) Illumination of panels by other than white lights may not be permitted, and no sign placed on any panel may be permitted to contain, include or be illuminated by any other lights or any flashing intermittent or moving lights.

(8) No lighting may be permitted to be used in any way in connection with any panel unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the Interstate System or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle.

Section 6. Preservation of Local Regulations.—Nothing in this act shall abrogate or affect the validity or application of any local zoning ordinance or regulation which is more restrictive in controlling advertising devices than the provisions of this act.

Section 7. Certain Devices Absolutely Prohibited.—No sign or advertising device may be erected or maintained, pursuant to section 5 of this act which:

(a) attempts or appears to attempt to direct the movement of traffic or interfere with, imitates or resembles any official sign, signal or device;

(b) prevents the driver of a vehicle from having a clear and unobstructed view of approaching or merging traffic;

(c) contains, includes, or *is illuminated by any flashing, intermittent or moving light or lights;

(d) moves or has any animated or moving parts;

(e) exceeds twenty feet in length, width or height, or one hundred fifty square feet in area including border and trim but excluding supports, except On Premise Signs, advertising an activity being conducted on or not more than fifty feet from the advertised activity pursuant to section **5(b)(2). The size of informational site signs are to be governed by the provisions contained in section 5(d)(c)(2) of this act;

(f) is erected or maintained upon trees, or painted or drawn upon other natural features;

(g) impairs the visibility of any driver of any motor vehicle or ***interferes with any driver's operation of a motor vehicle.

Section 8. Abatement of Prohibited Advertising Devices.—In addition to the penalties prescribed in this act, the Secretary of Highways may institute any appropriate action or proceeding, after ten days' written notice of a violation to the person or persons maintaining such device, to prevent, restrain, correct or abate a violation, or to cause the removal of any advertising devices constructed, erected, maintained or repaired in violation of the provisions of this act, or the Secretary of Highways may have such devices corrected or removed by his employes. In the event of such removal, the person or persons responsible for the erection or maintenance of such device shall reimburse the Department of Highways for the cost of removal or correction of such device. Neither the Secretary of Highways nor any other employe acting at his direction shall be liable for trespass or in any civil action for damages based on entry onto land and removal or correction of advertising devices erected in violation of this act.

Section 9. Penalties for Violation.—Any person or persons responsible for the erection or maintenance of any advertising device in violation of this act, and any person or persons who shall knowingly suffer such device to be erected or maintained on his property, shall, upon summary conviction thereof, be sentenced to pay a fine of one hundred dollars (\$100) and, in default of the payment thereof, shall undergo imprisonment for thirty (30) days. Each day a device is maintained in violation of this act after conviction shall constitute a separate offense.

* "is" omitted in original.
 ** "6" in original.
 *** "interfere" in original.

Section 10. Severability.—The provisions of this act are severable. If any provision of this act is found by a court of record to be unconstitutional, the remaining provisions of the act shall, nevertheless, remain valid, unless the court finds that the valid provisions of the act are so essentially and inseparably connected with and so dependent upon the unconstitutional provision that it cannot be presumed that the General Assembly would have enacted the remaining valid provisions without the unconstitutional provision, or unless the court finds the remaining valid provisions standing alone are incomplete and are * incapable of being executed in accordance with the legislative intent.

Section 11. Effective Date.—This act shall take effect immediately. Act effective immediately.

APPROVED—The 28th day of April, A. D. 1961.

DAVID L. LAWRENCE

No. 47

AN ACT

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," imposing duties on the secretary relating to lights on certain vehicles, tractors and machinery; making it illegal to operate them during certain hours and providing penalties.

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

Section 1. Section 801, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," is amended by adding, after subsection (k), a new subsection to read: Section 801, act of April 29, 1959, P. L. 58, amended by adding a new subsection (l).

Section 801. Required Lighting Equipment.—

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** (l) *Lighting Standards to be Established by Secretary.*—If not otherwise provided for herein, the secretary shall adopt lighting standards for all vehicles, tractors and all types of machinery using the highways. No such vehicle, tractor or piece of machinery shall be operated between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise without complying with the standards adopted by the secretary.

Penalty. Any person violating any of the provisions of subsection (a), (b), (c), (d), (e) or (f) of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars *** (\$10.00) and

* "in" in original.

** "(1)" in original.

*** "(\$10.00)" in original.