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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 857 Session of  
2015

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INTRODUCED BY ARGALL, RAFFERTY, MENSCH, McILHINNEY, EICHELBERGER  
AND HUGHES, MAY 29, 2015

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
MAY 29, 2015

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AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, in contract carrier by motor vehicle  
3 and broker, further providing for declaration of policy and  
4 definitions; and prescribing penalties.

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

7 Section 1. Section 2501(b) of Title 66 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 2501. Declaration of policy and definitions.

10 \* \* \*

11 (b) Definitions.--The following words and phrases when used  
12 in this part shall have, unless the context clearly indicates  
13 otherwise, the meanings given to them in this subsection:

14 "Broker." Any person or corporation not included in the term  
15 "motor carrier" and not a bona fide employee or agent of any  
16 such carrier, or group of such carriers, who or which, as  
17 principal or agent, sells or offers for sale any transportation  
18 by a motor carrier, or the furnishing, providing, or procuring

1 of facilities therefor, or negotiates for, or holds out by  
2 solicitation, advertisement, or otherwise, as one who sells,  
3 provides, furnishes, contracts, or arranges for such  
4 transportation, or the furnishing, providing, or procuring of  
5 facilities therefor, other than as a motor carrier directly or  
6 jointly, or by arrangement with another motor carrier, and who  
7 does not assume custody as a carrier.

8 "Contract carrier by motor vehicle."

9 (1) The term "contract carrier by motor vehicle"  
10 includes [any]:

11 (i) Any person or corporation who or which provides  
12 or furnishes transportation of passengers or property, or  
13 both, or any class of passengers or property, between  
14 points within this Commonwealth by motor vehicle for  
15 compensation, whether or not the owner or operator of  
16 such motor vehicle, or who or which provides or  
17 furnishes, with or without drivers, any motor vehicle for  
18 such transportation, or for use in such transportation,  
19 other than as a common carrier by motor vehicle.

20 (ii) Any person or corporation who or which provides  
21 or furnishes transportation of household property between  
22 residential dwellings within this Commonwealth by motor  
23 vehicle for compensation, owns or operates the motor  
24 vehicle and provides or furnishes a driver of the motor  
25 vehicle for such transportation or for the use in such  
26 transportation.

27 (2) The term "contract carrier by motor vehicle" does  
28 not include:

29 (i) A lessor under a lease given on a bona fide sale  
30 of a motor vehicle where the lessor retains or assumes no

1 responsibility for maintenance, supervision or control of  
2 the motor vehicle so sold.

3 (ii) Any bona fide agricultural cooperative  
4 association transporting property exclusively for the  
5 members of such association on a nonprofit basis, or any  
6 independent contractor hauling exclusively for such  
7 association.

8 (iii) Any owner or operator of a farm transporting  
9 agricultural products from or farm supplies to such farm,  
10 or any independent contractor hauling agricultural  
11 products or farm supplies, exclusively, for one or more  
12 owners or operators of farms.

13 (iv) Transportation of school children for school  
14 purposes or to and from school-related activities whether  
15 as participants or spectators, with their chaperones, or  
16 between their homes and Sunday school in any motor  
17 vehicle owned by the school district, private school or  
18 parochial school, or the transportation of school  
19 children between their homes and school or to and from  
20 school-related activities whether as participants or  
21 spectators, with their chaperones, if the person  
22 performing the school-related transportation has a  
23 contract for the transportation of school children  
24 between their homes and school, with the private or  
25 parochial school, with the school district or jointure in  
26 which the school is located, or with a school district  
27 that is a member of a jointure in which the school is  
28 located if the jointure has no contracts with other  
29 persons for the transportation of students between their  
30 homes and school, and if the person maintains a copy of

1 all contracts in the vehicle at all times, or children  
2 between their homes and Sunday school in any motor  
3 vehicle operated under contract with the school district,  
4 private school or parochial school. Each school district  
5 shall adopt regulations regarding the number of  
6 chaperones to accompany students in connection with  
7 school-related activities.

8 (v) Any person or corporation who or which uses, or  
9 furnishes for use, dump trucks for the transportation of  
10 ashes, rubbish, excavated or road construction materials.

11 (vi) Transportation of voting machines to and from  
12 polling places by any person or corporation for or on  
13 behalf of any political subdivision of this Commonwealth  
14 for use in any primary, general or special election.

15 (vii) Transportation of pulpwood, chemical wood, saw  
16 logs or veneer logs from woodlots.

17 (viii) Transportation by towing of wrecked or  
18 disabled motor vehicles.

19 (ix) Any person or corporation who or which  
20 furnishes transportation for any injured, ill or dead  
21 person.

22 Section 2. Title 66 is amended by adding a section to read:

23 § 2510. Penalties.

24 (a) Offense defined.--A person that operates as a contract  
25 carrier by motor vehicle within paragraph (1)(ii) of the  
26 definition of "contract carrier by motor vehicle" in section  
27 2501(b) (relating to declaration of policy and definitions) and  
28 in violation of this chapter commits an offense.

29 (b) Grading.--A person convicted under subsection (a) shall  
30 be guilty of a misdemeanor of the third degree and shall, upon

1 conviction, be sentenced to pay a fine in the amount of \$5,000  
2 for a first offense or \$10,000 for a second or subsequent  
3 offense.

4 (c) Other penalties.--In addition to the fine imposed under  
5 subsection (b), a person convicted under subsection (a) shall be  
6 subject to the following:

7 (1) Suspension of registration under 75 Pa.C.S. § 1375  
8 (relating to suspension of registration of unapproved  
9 carriers).

10 (2) Forfeiture of the motor vehicle in accordance with  
11 the procedure established by the commission under subsection  
12 (d).

13 (d) Duty of commission.--The commission shall, by  
14 regulation, establish a procedure for the forfeiture of motor  
15 vehicles used in violation of this section.

16 (e) Deposit of fines and proceeds of forfeiture.--All fines  
17 imposed and collected and proceeds from the sale of motor  
18 vehicles forfeited under this section shall be deposited into  
19 the General Fund and shall be deemed an augmentation to any  
20 appropriation to the commission, provided that the money is used  
21 for motor carrier enforcement by the commission.

22 Section 3. This act shall take effect in 60 days.