

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1468

Session of
1979

INTRODUCED BY MESSRS. DORR, LAUGHLIN AND WILSON, JUNE 6, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 13, 1979

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing an exclusion from
3 the definitions of common carrier by motor vehicle and
4 contract carrier by motor vehicle.

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

7 Section 1. The definitions of "common carrier by motor
8 vehicle" of section 102 and "contract carrier by motor vehicle"
9 in section 2501(b) of Title 66, act of November 25, 1970
10 (P.L.707, No.230), known as the Pennsylvania Consolidated
11 Statutes, added July 1, 1978 (P.L.598, No.116), are amended by
12 adding paragraphs to read:

13 § 102. Definitions.

14 Subject to additional definitions contained in subsequent
15 provisions of this part which are applicable to specific
16 provisions of this part, the following words and phrases when
17 used in this part shall have, unless the context clearly
18 indicates otherwise, the meanings given to them in this section:

19 * * *

1 "Common carrier by motor vehicle." Any common carrier who or
2 which holds out or undertakes the transportation of passengers
3 or property, or both, or any class of passengers or property,
4 between points within this Commonwealth by motor vehicle for
5 compensation, whether or not the owner or operator of such motor
6 vehicle, or who or which provides or furnishes any motor
7 vehicle, with or without driver, for transportation or for use
8 in transportation of persons or property as aforesaid, and shall
9 include common carriers by rail, water, or air, and express or
10 forwarding public utilities insofar as such common carriers or
11 such public utilities are engaged in such motor vehicle
12 operations, but does not include:

13 * * *

14 (10) Transportation furnished by a nonprofit
15 organization exclusively for members of the organization and
16 their guests. FOR PURPOSES OF THIS PARAGRAPH THE PHRASE <—
17 "NONPROFIT ORGANIZATION" SHALL MEAN ANY NONPROFIT CORPORATION
18 OR REGULARLY ESTABLISHED NONPROFIT, RELIGIOUS OR CHARITABLE
19 ASSOCIATION OF PERSONS, THE PRINCIPLE PURPOSE OF WHICH
20 ORGANIZATION IS NOT TRANSPORTATION, ANY TRAVEL OR
21 TRANSPORTATION PERFORMED BEING INCIDENTAL TO SUCH NONPROFIT,
22 RELIGIOUS OR CHARITABLE PURPOSE. THE TERM "GUEST" SHALL MEAN
23 A PERSON WHO IS BEING SO TRANSPORTED AT THE PERSONAL
24 INVITATION OF A MEMBER OF THE ORGANIZATION. IN NO EVENT SHALL
25 THE NUMBER OF GUESTS SO TRANSPORTED EXCEED 50% OF THE SEATING
26 CAPACITY OF THE MOTOR VEHICLE.

27 * * *

28 § 2501. Declaration of policy and definitions.

29 * * *

30 (b) Definitions.--The following words and phrases when used

1 in this part shall have, unless the context clearly indicates
2 otherwise, the meanings given to them in this subsection:

3 * * *

4 "Contract carrier by motor vehicle."

5 (1) The term "contract carrier by motor vehicle"
6 includes any person or corporation who or which provides or
7 furnishes transportation of passengers or property, or both,
8 or any class of passengers or property, between points within
9 this Commonwealth by motor vehicle for compensation, whether
10 or not the owner or operator of such motor vehicle, or who or
11 which provides or furnishes, with or without drivers, any
12 motor vehicle for such transportation, or for use in such
13 transportation, other than as a common carrier by motor
14 vehicle.

15 (2) The term "contract carrier by motor vehicle" does
16 not include:

17 (i) A lessor under a lease given on a bona fide sale
18 of a motor vehicle where the lessor retains or assumes no
19 responsibility for maintenance, supervision or control of
20 the motor vehicle so sold.

21 (ii) Any bona fide agricultural cooperative
22 association transporting property exclusively for the
23 members of such association on a nonprofit basis, or any
24 independent contractor hauling exclusively for such
25 association.

26 (iii) Any owner or operator of a farm transporting
27 agricultural products from or farm supplies to such farm,
28 or any independent contractor hauling agricultural
29 products or farm supplies, exclusively, for one or more
30 owners or operators of farms.

1 (iv) Transportation of school children for school
2 purposes or to and from school sponsored extra curricular
3 activities whether as participants or spectators,
4 together with chaperons who might accompany them as
5 designated by the board of school districts not exceeding
6 five in number, or between their homes and Sunday school
7 in any motor vehicle owned by the school district,
8 private school or parochial school, or the transportation
9 of school children between their homes and school or to
10 and from school sponsored extra curricular or educational
11 activities whether as participants or spectators,
12 together with chaperons who might accompany them as
13 designated by the board of school directors not exceeding
14 five in number, if the person performing the extra
15 curricular transportation has a contract for the
16 transportation of school children between their homes and
17 school, with the private or parochial school, with the
18 school district or jointure in which the school is
19 located, or with a school district that is a member of a
20 jointure in which the school is located if the jointure
21 has no contracts with other persons for the
22 transportation of students between their homes and
23 school, and if the person maintains a copy of all
24 contracts in the vehicle at all times, or children
25 between their homes and Sunday school in any motor
26 vehicle operated under contract with the school district,
27 private school or parochial school.

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

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

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

7 (viii) Transportation by towing of wrecked or
8 disabled motor vehicles.

9 (ix) Any person or corporation who or which
10 furnishes transportation for any injured, ill or dead
11 person.

12 (x) Transportation furnished by a nonprofit
13 organization exclusively for members of the organization
14 and their guests. FOR PURPOSES OF THIS PARAGRAPH THE <—
15 PHRASE "NONPROFIT ORGANIZATION" SHALL MEAN ANY NONPROFIT
16 CORPORATION OR REGULARLY ESTABLISHED NONPROFIT, RELIGIOUS
17 OR CHARITABLE ASSOCIATION OF PERSONS, THE PRINCIPLE
18 PURPOSE OF WHICH ORGANIZATION IS NOT TRANSPORTATION, ANY
19 TRAVEL OR TRANSPORTATION PERFORMED BEING INCIDENTAL TO
20 SUCH NONPROFIT, RELIGIOUS OR CHARITABLE PURPOSE. THE TERM
21 "GUEST" SHALL MEAN A PERSON WHO IS BEING SO TRANSPORTED
22 AT THE PERSONAL INVITATION OF A MEMBER OF THE
23 ORGANIZATION. IN NO EVENT SHALL THE NUMBER OF GUESTS SO
24 TRANSPORTED EXCEED 50% OF THE SEATING CAPACITY OF THE
25 MOTOR VEHICLE.

26 Section 2. This act shall take effect immediately.