
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 458 Session of
2017

INTRODUCED BY ARGALL, COSTA, RAFFERTY AND MENSCH,
FEBRUARY 28, 2017

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 28, 2017

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in general provisions, further
3 providing for definitions; in contract carrier by motor
4 vehicle and broker, further providing for declaration of
5 policy and definitions; and, in violations and penalties,
6 further providing for unauthorized operation by carriers and
7 brokers.

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

10 Section 1. The definition of "common carrier by motor
11 vehicle" in section 102 of Title 66 of the Pennsylvania
12 Consolidated Statutes, amended November 4, 2016, (P.L.1222,
13 No.164), is amended to read:

14 § 102. Definitions.

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

20 * * *

1 "Common carrier by motor vehicle." As follows:

2 (1) Any common carrier who or which holds out or
3 undertakes the transportation of passengers or property, or
4 both, or any class of passengers or property, between points
5 within this Commonwealth by motor vehicle for compensation,
6 whether or not the owner or operator of such motor vehicle,
7 or who or which provides or furnishes any motor vehicle, with
8 or without driver, for transportation or for use in
9 transportation of persons or property as aforesaid[, and
10 shall include common].

11 (2) The term includes:

12 (i) Common carriers by rail, water, or air, and
13 express or forwarding public utilities insofar as such
14 common carriers or such public utilities are engaged in
15 such motor vehicle operations[, but].

16 (ii) A person who provides or furnishes
17 transportation of household property between residential
18 dwelling within this Commonwealth by motor vehicle for
19 compensation, owns or operates the motor vehicle and
20 provides or furnishes a driver of the motor vehicle with
21 the transportation.

22 (3) The term does not include:

23 [(1)] (i) A lessor under a lease given on a bona
24 fide sale of a motor vehicle where the lessor retains or
25 assumes no responsibility for maintenance, supervision,
26 or control of the motor vehicles so sold.

27 [(2)] (ii) Transportation of school children for
28 school purposes or to and from school-related activities
29 whether as participants or spectators, with their
30 chaperones, or between their homes and Sunday school in

1 any motor vehicle owned by the school district, private
2 school or parochial school, or transportation of school
3 children between their homes and school or to and from
4 school-related activities whether as participants or
5 spectators, with their chaperones, if the person
6 performing the school-related transportation has a
7 contract for the transportation of school children
8 between their homes and school, with the private or
9 parochial school, with the school district or jointure in
10 which the school is located, or with a school district
11 that is a member of a jointure in which the school is
12 located if the jointure has no contracts with other
13 persons for the transportation of students between their
14 homes and school, and if the person maintains a copy of
15 all contracts in the vehicle at all times, or children
16 between their homes and Sunday school in any motor
17 vehicle operated under contract with the school district,
18 private school or parochial school. Each school district
19 shall adopt regulations regarding the number of
20 chaperones to accompany students in connection with
21 school-related activities.

22 [(3)] (iii) Any owner or operator of a farm
23 transporting agricultural products from, or farm supplies
24 to, such farm, or any independent contractor or
25 cooperative agricultural association hauling agricultural
26 products or farm supplies exclusively for one or more
27 owners or operators of farms.

28 [(4)] (iv) Any person or corporation who or which
29 uses, or furnishes for use, dump trucks for the
30 transportation of ashes, rubbish, excavated and road

1 construction materials. This paragraph does not include
2 the use or furnishing of five-axle tractor trailers.

3 [(5)] (v) Transportation of property by the owner to
4 himself, or to purchasers directly from him, in vehicles
5 owned and operated by the owner of such property and not
6 otherwise used in transportation of property for
7 compensation for others.

8 [(6)] (vi) Transportation of voting machines to and
9 from polling places by any person or corporation for or
10 on behalf of any political subdivision of this
11 Commonwealth for use in any primary, general, municipal
12 or special election.

13 [(7)] (vii) Transportation of pulpwood, chemical
14 wood, saw logs or veneer logs from woodlots.

15 [(8)] (viii) Transportation by towing of wrecked or
16 disabled motor vehicles.

17 [(9)] (ix) Any person or corporation who or which
18 furnishes transportation for any injured, ill or dead
19 person.

20 [(10)] (x) A person or entity that is any of the
21 following:

22 [(i)] (A) A transportation network company.

23 [(ii)] (B) A transportation network company
24 driver.

25 (xi) A motor carrier when the motor carrier provides
26 transportation of household goods in containers or
27 trailers that are entirely packed, loaded, unloaded or
28 unpacked by an individual other than an employee or agent
29 of the motor carrier.

30 * * *

1 Section 2. Section 2501(b) of Title 66, amended November 4,
2 2016 (P.L.1222, No.164), is amended to read:

3 § 2501. Declaration of policy and definitions.

4 * * *

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

8 "Broker." Any person or corporation not included in the term
9 "motor carrier" and not a bona fide employee or agent of any
10 such carrier, or group of such carriers, who or which, as
11 principal or agent, sells or offers for sale any transportation
12 by a motor carrier, or the furnishing, providing, or procuring
13 of facilities therefor, or negotiates for, or holds out by
14 solicitation, advertisement, or otherwise, as one who sells,
15 provides, furnishes, contracts, or arranges for such
16 transportation, or the furnishing, providing, or procuring of
17 facilities therefor, other than as a motor carrier directly or
18 jointly, or by arrangement with another motor carrier, and who
19 does not assume custody as a carrier. The term does not include
20 a transportation network company or a transportation network
21 company driver.

22 "Contract carrier by motor vehicle."

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

25 (i) Any person or corporation who or which provides
26 or furnishes transportation of passengers or property, or
27 both, or any class of passengers or property, between
28 points within this Commonwealth by motor vehicle for
29 compensation, whether or not the owner or operator of
30 such motor vehicle, or who or which provides or

1 furnishes, with or without drivers, any motor vehicle for
2 such transportation, or for use in such transportation,
3 other than as a common carrier by motor vehicle.

4 (ii) Any person or corporation that provides or
5 furnishes transportation of household property between
6 residential dwellings within this Commonwealth by motor
7 vehicle for compensation, owns or operates the motor
8 vehicle and provides or furnishes a driver of the motor
9 vehicle with the transportation or use of the
10 transportation.

11 (2) The term "contract carrier by motor vehicle" does
12 not include:

13 (i) A lessor under a lease given on a bona fide sale
14 of a motor vehicle where the lessor retains or assumes no
15 responsibility for maintenance, supervision or control of
16 the motor vehicle so sold.

17 (ii) Any bona fide agricultural cooperative
18 association transporting property exclusively for the
19 members of such association on a nonprofit basis, or any
20 independent contractor hauling exclusively for such
21 association.

22 (iii) Any owner or operator of a farm transporting
23 agricultural products from or farm supplies to such farm,
24 or any independent contractor hauling agricultural
25 products or farm supplies, exclusively, for one or more
26 owners or operators of farms.

27 (iv) Transportation of school children for school
28 purposes or to and from school-related activities whether
29 as participants or spectators, with their chaperones, or
30 between their homes and Sunday school in any motor

1 vehicle owned by the school district, private school or
2 parochial school, or the transportation of school
3 children between their homes and school or to and from
4 school-related activities whether as participants or
5 spectators, with their chaperones, if the person
6 performing the school-related transportation has a
7 contract for the transportation of school children
8 between their homes and school, with the private or
9 parochial school, with the school district or jointure in
10 which the school is located, or with a school district
11 that is a member of a jointure in which the school is
12 located if the jointure has no contracts with other
13 persons for the transportation of students between their
14 homes and school, and if the person maintains a copy of
15 all contracts in the vehicle at all times, or children
16 between their homes and Sunday school in any motor
17 vehicle operated under contract with the school district,
18 private school or parochial school. Each school district
19 shall adopt regulations regarding the number of
20 chaperones to accompany students in connection with
21 school-related activities.

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

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

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

1 (viii) Transportation by towing of wrecked or
2 disabled motor vehicles.

3 (ix) Any person or corporation who or which
4 furnishes transportation for any injured, ill or dead
5 person.

6 (x) A transportation network company or a
7 transportation network company driver.

8 (xi) A motor carrier when the motor carrier provides
9 transportation of household goods in containers or
10 trailers that are entirely packed, loaded, unloaded or
11 unpacked by an individual other than an employee or agent
12 of the motor carrier.

13 Section 3. Section 3310 of Title 66 is amended to read:

14 § 3310. Unauthorized operation by carriers and brokers.

15 (a) General rule.--Any person or corporation operating as a
16 motor carrier or as a common carrier by airplane, and any
17 operator or employee of such carrier, and any person or
18 corporation operating as a broker, without a certificate of
19 public convenience, permit or license, authorizing the service
20 performed, as required by this part, shall be guilty of a
21 summary offense, and any subsequent offense by such person or
22 corporation shall constitute a misdemeanor of the third degree.

23 (b) Transportation of household property violations.--Any
24 person or corporation operating as a common carrier under
25 paragraph (2)(ii) of the definition of "common carrier by motor
26 vehicle" in section 102 (relating to definitions) or contract
27 carrier by motor vehicle under paragraph (1)(ii) of the
28 definition of "contract carrier by motor vehicle" in section
29 2501(b) (relating to declaration of policy and definitions) in
30 violation of this title commits an offense.

1 (c) Sentencing.--

2 (1) A person convicted under subsection (b) commits a
3 misdemeanor of the third degree and shall, upon conviction,
4 be sentenced to pay a fine of \$5,000 for a first offense and
5 \$10,000 for a second or subsequent offense.

6 (2) In addition to the penalty imposed under paragraph
7 (1), a person convicted under subsection (b) may also be
8 subject to the following:

9 (i) Suspension of registration under 75 Pa.C.S. §
10 1375 (relating to suspension of registration of
11 unapproved carriers).

12 (ii) Confiscation and impoundment of vehicle. A
13 sheriff, upon an order issued by the court and having
14 jurisdiction over the property, is empowered to
15 confiscate and impound vehicles which have been used to
16 provide common carrier by motor vehicle service or
17 contract carrier by motor vehicle service in violation of
18 subsection (b) or commission regulations. The process for
19 the disposition of impounded vehicles shall be as set
20 forth under 75 Pa.C.S. § 6310 (relating to disposition of
21 impounded vehicles, combinations and loads).

22 (d) Deposit of costs, fines and proceeds of forfeitures.--
23 Notwithstanding section 3315 (relating to disposition of fines
24 and penalties), all costs and fines collected and penalties
25 recovered under subsection (c) shall be deposited into the
26 General Fund and shall be deemed an augmentation to any
27 appropriation to the commission. All amounts appropriated to the
28 commission under this section shall be used to administer and
29 enforce this chapter and commission regulations applicable to
30 motor carriers.

1 Section 4. This act shall take effect in 60 days.