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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 458 Session of  
2017

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

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
DECEMBER 5, 2017

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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:

1 \* \* \*

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

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

12 (2) The term includes:

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

17 (ii) A person ~~who provides or furnishes~~ THAT HOLDS <--  
18 ITSELF OUT TO PROVIDE OR FURNISH transportation of  
19 household property between residential dwellings within  
20 this Commonwealth by motor vehicle for compensation, owns  
21 or operates the motor vehicle and provides or furnishes a  
22 driver of the motor vehicle with the transportation.

23 (3) The term does not include:

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

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

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

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

29 [(4)] (iv) Any person or corporation who or which  
30 uses, or furnishes for use, dump trucks for the

1 transportation of ashes, rubbish, excavated and road  
2 construction materials. This paragraph does not include  
3 the use or furnishing of five-axle tractor trailers.

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

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

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

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

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

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

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

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

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

1 \* \* \*

2 Section 2. Section 2501(b) of Title 66, amended November 4,  
3 2016 (P.L.1222, No.164), is amended to read:

4 § 2501. Declaration of policy and definitions.

5 \* \* \*

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

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

23 "Contract carrier by motor vehicle."

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

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

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

5 (ii) Any person or corporation that ~~provides or~~ <--  
6 ~~furnishes~~ HOLDS ITSELF OUT TO PROVIDE OR FURNISH <--  
7 transportation of household property between residential  
8 dwellings within this Commonwealth by motor vehicle for  
9 compensation, owns or operates the motor vehicle and  
10 provides or furnishes a driver of the motor vehicle with  
11 the transportation or use of the transportation.

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

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

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

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

28 (iv) Transportation of school children for school  
29 purposes or to and from school-related activities whether  
30 as participants or spectators, with their chaperones, or

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

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

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

30 (vii) Transportation of pulpwood, chemical wood, saw

1 logs or veneer logs from woodlots.

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

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

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

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

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

15 § 3310. Unauthorized operation by carriers and brokers.

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

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



1 violation of this title shall be ordered to pay an  
2 administrative penalty as prescribed in subsection (c).

3 (c) Penalties.--

4 (1) The amount of the administrative fine under  
5 subsection (b) shall be \$5,000 for a first violation and  
6 \$10,000 for a second or subsequent violation.

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

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

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

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

1 motor carriers.

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