

No. 183

AN ACT

SB 940

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," revising certain definitions to include Municipality Authorities, Port Authorities and Transportation Authorities established under the laws of Pennsylvania; providing for authorities the same exemptions from certain provisions relating to school buses which carriers subject to the Pennsylvania Public Utility Commission presently enjoy; and making safety glass provisions applicable to authorities.

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

Section 1. The definitions of "Mass Transportation Systems." and "Motor Omnibus." in section 102, act of April 29, 1959 (P.L.58), known as "The Vehicle Code," the former added December 1, 1959 (P.L.1626), are amended to read:

Section 102. Definitions.—The following words and phrases when used in this act shall, for the purpose of this act, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

* * *

"Mass Transportation Systems."—Persons **[subject to the jurisdiction] holding a certificate** of the Pennsylvania Public Utility Commission and Municipality Authorities, *Port Authorities, and Transportation Authorities established under the laws of the Commonwealth of Pennsylvania* that transport persons on schedule over fixed routes and derive over ninety (90) per cent of their intrastate scheduled revenue from scheduled operations within the county in which they have their principal place of business, or counties contiguous thereto.

* * *

"Motor Omnibus."—Any motor vehicle operated for the carriage of passengers for hire by individuals, associations, copartnerships or corporations, who or which were not engaged in the carriage of passengers for hire as common carriers prior to January 1, 1914, and who or which are not required under the laws of this Commonwealth to obtain from the Public Utility Commission of the Commonwealth of Pennsylvania a certificate of public convenience for the carriage of passengers for hire or motor vehicles of the bus type not operated for the carriage of passengers for hire except as herein provided. This definition shall not include or apply to any motor vehicle operated under contract with any school district, private school or parochial school of this Commonwealth for the transportation of school children or children

between their homes and Sunday school; such motor vehicles to come within the definition of commercial motor vehicle or motor vehicle: *Provided, however, That this exclusion shall not apply to a motor omnibus operated by a Municipality Authority, Port Authority or Transportation Authority.*

* * *

Section 2. Section 609 of the act, amended December 9, 1969 (P.L.336), is amended to read:

Section 609. Additional Examinations for School Bus Operators.— After July 1, 1950, no person shall operate a school bus carrying school children on the highways of this Commonwealth unless he (1) shall have satisfactorily passed an additional examination for school bus operators within the preceding five (5) years, to be given by the secretary or such agency as he may direct, establishing his fitness and competency to operate such school bus with safety and his knowledge of the laws and regulations relating to the operation of school buses; (2) carries a currently valid school bus operator's certificate issued by the secretary pursuant to such examination; (3) has satisfactorily passed a physical examination to be given by the physician for the school district by which he is employed; and (4) carries a certificate issued by the examining physician at the time of examination indicating that he has passed the prescribed physical examination, including an examination of the eyes. Such certificate issued by the examining physician shall be valid for a period of one (1) year from the date of its issuance. The provisions of this section shall not apply to operators employed by any person or company **[subject to the jurisdiction] holding a certificate** of the Pennsylvania Public Utility Commission *or by any Municipality Authority, Port Authority or Transportation Authority, who operate over regular routes in scheduled service, even if such operators also transport school children off such routes: Provided, That such operators shall have passed periodically administered physical examinations required by either the Public Utility Commission, the Interstate Commerce Commission or the department.*

Penalty.—Any person violating any of the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) and not more than fifty dollars (\$50.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not less than ten (10) days and not more than twenty-five (25) days.

Section 3. Subsections (i) and (j) of section 834 of the act, amended December 9, 1969 (P.L.343), are hereby amended to read:

Section 834. Official Inspections.—

* * *

(i) The secretary is hereby authorized and required to issue a certificate of school bus inspection for every vehicle owned by, or used under contract with, any school or school district which conforms with the

provisions of this act including regulations of the Bureau of Traffic Safety of the department. Such certificate shall bear the approval of and be countersigned by the Commissioner of the Pennsylvania State Police. This provision shall not apply to *motor buses operated by common carriers holding a certificate of the Public Utility Commission or to motor omnibuses operated by Municipality Authorities, Port Authorities or Transportation Authorities* over regular routes in scheduled service [under the authority of the Public Utility Commission] *even if such motor buses and motor omnibuses are also used for transportation of school children off such routes: Provided, That loading zones on any school route, off the certificated routes of common carriers or the regular scheduled routes of authorities, are in business or residence districts or are loading zones designated by official signs erected by the proper authorities.*

(j) The owner of every vehicle which is to be used for the transportation of school children shall, in addition to any other inspection required by this act, submit such vehicle to the Pennsylvania State Police sometime during every August, or prior to operating such vehicle for the transportation of school children during the school year, to determine whether such vehicle conforms with the provisions of this act including regulations of the Bureau of Traffic Safety of the department. This provision shall not apply to *motor buses operated by common carriers holding a certificate of the Public Utility Commission or to motor omnibuses operated by Municipality Authorities, Port Authorities or Transportation Authorities* over regular routes in scheduled service [under the authority of the Public Utility Commission] *even if such motor buses and motor omnibuses are also used for transportation of school children off such routes: Provided, That loading zones on any school route, off the certificated routes of common carriers or the regular scheduled routes of authorities, are in business or residence districts or are loading zones designated by official signs erected by the proper authorities.*

* * *

Penalty.—Any person violating any of the provisions of subsection (d), (e), (g), (h), (j) or (k) of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not more than ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days. Any person violating the provisions of subsection (h) of this section, shall be given by the arresting officer a ticket, whereon shall be indicated the date, time and place of arrest, and such person shall not be proceeded against more than one (1) time within any twenty-four hour period for the violation of said subsection.

Section 4. Subsections (a) and (a.2) and clauses (7), (12) and (14) of subsection (b) of section 840 of the act, added or amended December 9,

1969 (P.L.339), December 9, 1969 (P.L.343), December 9, 1969 (P.L.346), and December 9, 1969 (P.L.352), are amended to read:

Section 840. School Buses; Safety Requirements.—

(a) “School Bus,” for the purpose of this section, is any vehicle registered as a commercial vehicle, motor bus or motor omnibus, used for the transportation of school children: Provided, That the term “school bus” shall not include any motor buses operated by common carriers holding a certificate of the Public Utility Commission [**who also operate such motor buses over routes approved by such commission**] *or to motor omnibuses operated by Municipality Authorities, Port Authorities or Transportation Authorities over regular routes in scheduled service, even if such motor buses and motor omnibuses are also used for transportation of school children off such routes: Provided, That loading zones on any school route, off the certificated routes of common carriers or the regular scheduled routes of authorities, are in business or residence districts or are loading zones designated by official signs erected by the proper authorities:* And provided further, That all such *motor buses and motor omnibuses* comply with [**the**] *such* safety regulations [**of that commission**] *as the Public Utility Commission* and the Bureau of Traffic Safety of the department *shall promulgate for motor buses and motor omnibuses.*

* * *

(a.2) Existing standards applicable to school buses on September 1, 1970 shall remain in effect until revised. Such standards, when hereafter promulgated by the Bureau of Traffic Safety of the department may be revised not oftener than once each year, and whenever new standards are adopted, they shall be published at least six (6) months before they shall become effective, and shall apply only to vehicles thereafter purchased or put in use. Whenever any such vehicle, other than vehicles operated by common carriers holding a certificate of the Public Utility Commission [**who also operate such vehicles over routes approved by such commission**] *or by Municipality Authorities, Port Authorities or Transportation Authorities over regular routes in scheduled service, even if such motor buses and motor omnibuses are also used for transportation of school children off such routes,* is not classified as a school bus but has a pupil seating capacity in excess of ten (10) pupils, the Bureau of Traffic Safety of the department shall promulgate standards requiring by temporary or permanent signs and lights the identification of such vehicle as a school bus and the installation of lamps and signals, including the flashing red and amber signal lamps visible from the front and rear of such vehicle required by this act. The limitations as to the revision and publication of standards imposed on the Bureau of Traffic Safety of the department by this section shall not be applicable to the initial standards hereafter promulgated relative to such vehicles, but such limitations shall apply thereafter.

(b) No person shall own or operate a school bus carrying school

children on the highways of this Commonwealth that, in addition to the other requirements of this act, does not conform with the following:

* * *

(7) Every school bus shall be of a uniform color which shall be orange, and every such bus shall be labeled both in the front and in the rear with black letters, not less than six (6) inches in height, with the words "School Bus," showing to the outside. Any school bus purchased or repainted shall be of a uniform color of national school bus chrome, and every school bus shall be labeled both in front and in the rear with black letters, not less than eight (8) inches in height, with the words "School Bus," showing to the outside. The type, size and form of school bus signs to be displayed by buses [owned and] operated by **[a person or company subject to the jurisdiction] common carriers holding a certificate of the Public Utility Commission and motor omnibuses operated by Municipality Authorities, Port Authorities or Transportation Authorities over regular routes in scheduled service, at such times as such motor buses and motor omnibuses are used solely for transportation of school children and chaperones off such routes,** shall be determined by the Secretary of [Revenue] **Transportation** and the Commissioner of the Pennsylvania State Police. When a school bus is being operated upon a highway other than for the transportation of school children either to or from school, all the labels containing the words "School Bus" shall be removed, covered or concealed.

* * *

(12) **[The provisions of clause (7) of this section requiring labeling shall apply to all buses when used exclusively for the transportation of school children, whether or not the bus is owned and operated by a person or company subject to the jurisdiction of the Pennsylvania Public Utility Commission, but none of the other provisions of said clause or of clauses (9) and (9.1), of this section shall apply to buses subject to the jurisdiction of the Public Utility Commission.**

(14) Every school bus shall, in addition to any other equipment required by this act, be equipped with one (1) mirror so located as to reflect to the operator an unobstructed view of the area immediately in front of the bus.

Penalty.—Any person violating any of the provisions of this section, or standards or regulations promulgated hereunder, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not less than ten dollars (\$10.00) and not more than twenty-five dollars (\$25.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not less than five (5) days and not more than ten (10) days.

Section 5. This act shall take effect July 1, 1972.

APPROVED—The 10th day of January, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 183.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style with a large initial "C" and "T".

Secretary of the Commonwealth.