

the provisions of this act, but not in excess of two million five hundred thousand dollars (\$2,500,000), is hereby specifically appropriated to the Department of Highways for such purposes.

APPROVED—The 9th day of May, A. D. 1957.

GEORGE M. LEADER

No. 55

AN ACT

Amending the act of May 28, 1937 (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act, prescribing and

regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," excluding buses owned by, or under contract with, school districts, private or parochial schools for the transportation of school children to and from school sponsored extra curricular activities from the definition of common carrier by motor vehicle and contract carrier by motor vehicle.

Public Utility
Law.

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

Clauses (6) and (7), section 2, act of May 28, 1937, P. L. 1053, amended May 31, 1956, P. L. 1902, further amended.

Section 1. Clauses (6) and (7) of section 2, act of May 28, 1937 (P. L. 1053), known as the "Public Utility Law," amended May 31, 1956 (P. L. 1902), are amended to read:

Section 2. Definitions.—The following words, terms and phrases shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

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(6) "Common Carrier by Motor Vehicle" means any common carrier who or which holds out or undertakes the transportation of passengers or property, or both, or any class of passengers or property, between points within this Commonwealth by motor vehicle for compensation, whether or not the owner or operator of such motor vehicle, or who or which provides or furnishes any motor vehicle, with or without driver, for transportation or for use in transportation of persons or property as aforesaid, and shall include common carriers by rail, water, or air, and express or forwarding public utilities in so far as such common carriers or such public utilities are engaged in such motor vehicle operations, but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance, supervision, or control of the motor vehicles so sold; or (b) transportation of school children for school purposes or to and from school sponsored extra curricular activities whether as participants or spectators or between their homes and Sunday school in any motor vehicle owned by any school district, private school or parochial school, or transportation of school children [between their homes and school] for school purposes or to and from school sponsored extra curricular activities whether as participants or spectators or children between their homes and Sunday school in any motor

vehicle operated under contract with any school district, private school or parochial school; or (c) any owner or operator of a farm, transporting agricultural products from, or farm supplies to, such farm, or any independent contractor or cooperative agricultural association hauling agricultural products or farm supplies exclusively for one or more owners or operators of farms; (d) any person or corporation who or which uses, or furnishes for use, dump trucks for the transportation of ashes, rubbish, excavated and road construction materials; (e) transportation of property by the owner to himself, or to purchasers directly from him, in vehicles owned and operated by the owner of such property and not otherwise used in transportation of property for compensation for others; (f) transportation of voting machines to and from polling places by any person or corporation for or on behalf of any political subdivision of this Commonwealth for use in any primary, general or special election; (g) transportation of pulpwood or chemical wood from woodlots; (h) transportation by towing of wrecked or disabled motor vehicles; or (i) any person or corporation who or which furnishes transportation for any injured, ill or dead person.

(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes transportation of passengers or property, or both, or any class of passengers or property, between points within this Commonwealth by motor vehicle for compensation, whether or not the owner or operator of such motor vehicle, or who or which provides or furnishes, with or without drivers, any motor vehicle for such transportation, or for use in such transportation, other than as a common carrier by motor vehicle, but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance, supervision or control of the motor vehicle so sold; or (b) any bona fide agricultural cooperative association transporting property exclusively for the members of such association on a nonprofit basis, or any independent contractor hauling exclusively for such association; or (c) any owner or operator of a farm transporting agricultural products from or farm supplies to such farm, or any independent contractor hauling agricultural products or farm supplies, exclusively, for one or more owners or operators of farms; (d) transportation of school children for school purposes *or to and from school sponsored extra curricular activities whether as participants or spectators* or between their homes and Sunday school in any motor vehicle owned by any school district, private school or parochial school, or the transportation of school children [between their homes and school] *for school purposes or*

to and from school sponsored extra curricular activities whether as participants or spectators or children between their homes and Sunday school in any motor vehicle operated under contract with any school district, private school or parochial school; or (e) any person or corporation who or which uses, or furnishes for use, dump trucks for the transportation of ashes, rubbish, excavated or road construction materials; or (f) transportation of voting machines to and from polling places by any person or corporation for or on behalf of any political subdivision of this Commonwealth for use in any primary, general or special election; (g) transportation of pulpwood or chemical wood from woodlots; (h) transportation by towing of wrecked or disabled motor vehicles; or (i) any person or corporation who or which furnishes transportation for any injured, ill or dead person.

Act effective
immediately.

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Section 2. This act shall take effect immediately.

APPROVED—The 10th day of May, A. D. 1957.

GEORGE M. LEADER

No. 56

AN ACT

Amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," changing limitations upon the operation of commercial motor vehicles for carriage of passengers.