

## 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 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 and chaperons from the definition of common carrier by motor vehicle and contract carrier by motor vehicle in certain cases.

**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 10, 1957, P. L. 129, 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 10, 1957 (P. L. 129), 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, *together with chaperons who might accompany them as designated by the board of school directors not exceeding five in number*, or between their homes and Sunday school in any motor vehicle owned by [any] the school district, private school or parochial school, or transportation of school children [for school purposes] *between their homes and school or to and from school sponsored extra curricular or educational activities whether as participants or spectators, together with chaperons who might accompany them as designated by the board of school directors not exceeding five in number, if the person performing the extra curricular transportation has a contract for the transportation of school children between their homes and school, with the private or parochial school, with the school district or jointure in which the school is located, or with a school district that is a member of a jointure in which the school is located if the jointure has no contracts with other persons for the transportation of students between their homes and school, and if the person maintains a copy of all contracts in the vehicle at all times*, or children between their homes and Sunday school in any motor vehicle operated under contract with [any] the 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" in original.

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, *together with chaperons who might accompany them as designated by the board of school districts not exceeding five in number*, or between their homes and Sunday school in any motor vehicle owned by [any] the school district, private school or parochial school, [of] or the transportation of school children [for school purposes] *between their homes and school* or to and from school sponsored extra curricular or educational activi-

ties whether as participants or spectators, *together with chaperons who might accompany them as designated by the board of school directors not exceeding five in number, if the person performing the extra curricular transportation has a contract for the transportation of school children between their homes and school, with the private or parochial school, with the school district or jointure in which the school is located, or with a school district that is a member of a jointure in which the school is located if the jointure has no contracts with other persons for the transportation of students between their homes and school, and if the person maintains a copy of all contracts in the vehicle at all times,* or children between their homes and Sunday school in any motor vehicle operated under contract with [any] the 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.

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Section 2. This act shall take effect immediately.

Act effective  
immediately.

APPROVED—The 10th day of November, A. D. 1959.

DAVID L. LAWRENCE

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No. 515

AN ACT

Amending the act of May 27, 1949 (P. L. 1903), entitled "An act providing for powers, responsibilities, duties and limitations of the Governor, Adjutant General, Department of Military Affairs, Pennsylvania State Armory Board, Military Reservation Commission in connection with the armed Military and Naval forces and the internal security of the Commonwealth; for the definition, organization, powers and limitations of the unorganized militia, Pennsylvania National Guard, Pennsylvania Guard, Naval Militia, Pennsylvania Naval Militia and for coordination with the government of the United States in the organization and functioning of the Pennsylvania National Guard and the National Guard of the United States apportioned the Commonwealth," including the Pennsylvania Air National Guard with the provisions of this act.