
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1769 Session of
2015

INTRODUCED BY DAY, D. COSTA, KNOWLES, DeLUCA AND JOZWIAK,
DECEMBER 19, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, DECEMBER 19, 2015

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in contract carrier by motor vehicle
3 and broker, further providing for declaration of policy and
4 definitions; and providing for penalties.

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

7 Section 1. Section 2501(b) of Title 66 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 2501. Declaration of policy and definitions.

10 * * *

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

14 "Broker." Any person or corporation not included in the term
15 "motor carrier" and not a bona fide employee or agent of any
16 such carrier, or group of such carriers, who or which, as
17 principal or agent, sells or offers for sale any transportation
18 by a motor carrier, or the furnishing, providing, or procuring
19 of facilities therefor, or negotiates for, or holds out by

1 solicitation, advertisement, or otherwise, as one who sells,
2 provides, furnishes, contracts, or arranges for such
3 transportation, or the furnishing, providing, or procuring of
4 facilities therefor, other than as a motor carrier directly or
5 jointly, or by arrangement with another motor carrier, and who
6 does not assume custody as a carrier.

7 "Contract carrier by motor vehicle."

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

10 (i) Any person or corporation who or which provides
11 or furnishes transportation of passengers or property, or
12 both, or any class of passengers or property, between
13 points within this Commonwealth by motor vehicle for
14 compensation, whether or not the owner or operator of
15 such motor vehicle, or who or which provides or
16 furnishes, with or without drivers, any motor vehicle for
17 such transportation, or for use in such transportation,
18 other than as a common carrier by motor vehicle.

19 (ii) Any person or corporation that provides or
20 furnishes transportation of household property between
21 residential dwellings within this Commonwealth by motor
22 vehicle for compensation, owns or operates the motor
23 vehicle and provides or furnishes a driver of the motor
24 vehicle with the transportation or use of the
25 transportation.

26 (2) The term "contract carrier by motor vehicle" does
27 not include:

28 (i) A lessor under a lease given on a bona fide sale
29 of a motor vehicle where the lessor retains or assumes no
30 responsibility for maintenance, supervision or control of

1 the motor vehicle so sold.

2 (ii) Any bona fide agricultural cooperative
3 association transporting property exclusively for the
4 members of such association on a nonprofit basis, or any
5 independent contractor hauling exclusively for such
6 association.

7 (iii) Any owner or operator of a farm transporting
8 agricultural products from or farm supplies to such farm,
9 or any independent contractor hauling agricultural
10 products or farm supplies, exclusively, for one or more
11 owners or operators of farms.

12 (iv) Transportation of school children for school
13 purposes or to and from school-related activities whether
14 as participants or spectators, with their chaperones, or
15 between their homes and Sunday school in any motor
16 vehicle owned by the school district, private school or
17 parochial school, or the transportation of school
18 children between their homes and school or to and from
19 school-related activities whether as participants or
20 spectators, with their chaperones, if the person
21 performing the school-related transportation has a
22 contract for the transportation of school children
23 between their homes and school, with the private or
24 parochial school, with the school district or jointure in
25 which the school is located, or with a school district
26 that is a member of a jointure in which the school is
27 located if the jointure has no contracts with other
28 persons for the transportation of students between their
29 homes and school, and if the person maintains a copy of
30 all contracts in the vehicle at all times, or children

1 between their homes and Sunday school in any motor
2 vehicle operated under contract with the school district,
3 private school or parochial school. Each school district
4 shall adopt regulations regarding the number of
5 chaperones to accompany students in connection with
6 school-related activities.

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

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

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

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

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

21 Section 2. Title 66 is amended by adding a section to read:

22 § 2510. Penalties.

23 (a) Offense defined.--A person that operates as a contract
24 carrier by motor vehicle under paragraph (1)(ii) of the
25 definition of "contract carrier by motor vehicle" in section
26 2501(b) (relating to declaration of policy and definitions) in
27 violation of this chapter commits an offense.

28 (b) Grading.--A person convicted under subsection (a)
29 commits a misdemeanor of the third degree and shall, upon
30 conviction, be sentenced to pay a fine of \$5,000 for a first

1 offense and \$10,000 for a second or subsequent offense.

2 (c) Other penalties.--In addition to the fine imposed under
3 subsection (b), a person convicted under subsection (a) may also
4 be subject to the following:

5 (1) Suspension of registration under 75 Pa.C.S. § 1375
6 (relating to suspension of registration of unapproved
7 carriers).

8 (2) Confiscation and impoundment of vehicle. A sheriff,
9 upon an order issued by the court having jurisdiction over
10 the property, is empowered to confiscate and impound vehicles
11 which have been used to provide contract carrier by motor
12 vehicle service in violation of this section or commission
13 regulations. The process for the disposition of impounded
14 vehicles as set forth under 75 Pa.C.S. § 6310 (relating to
15 disposition of impounded vehicles, combinations and loads).

16 (d) Deposit of costs, fines and proceeds of forfeitures.--
17 Notwithstanding section 3315 (relating to disposition of fines
18 and penalties), all costs and fines collected and penalties
19 recovered under this section shall be deposited into the General
20 Fund and shall be deemed an augmentation to any appropriation to
21 the commission. All amounts appropriated to the commission under
22 this section shall be used to administer and enforce this
23 chapter and commission regulations applicable to motor carriers.

24 Section 3. This act shall take effect in 60 days.