
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 863 Session of
2015

INTRODUCED BY ARGALL, GREENLEAF, McILHINNEY AND EICHELBERGER,
JUNE 1, 2015

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JUNE 1, 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 for regulation and classification of contract
5 carrier and broker.

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

8 Section 1. Sections 2501(b) and 2502(b) of Title 66 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 2501. Declaration of policy and definitions.

11 * * *

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

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

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

8 "Contract carrier by motor vehicle."

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

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

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

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

29 (i) A lessor under a lease given on a bona fide sale
30 of a motor vehicle where the lessor retains or assumes no

1 responsibility for maintenance, supervision or control of
2 the motor vehicle so sold.

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

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

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

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

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

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

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

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

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

22 § 2502. Regulation and classification of contract carrier and
23 broker.

24 * * *

25 (b) Classification.--

26 (1) The commission may from time to time establish such
27 classifications of contract carriers by motor vehicle, or
28 brokers, as the special nature of the service of such
29 carriers or brokers shall require and as deemed necessary or
30 desirable in the public interest.

1 (2) The commission shall establish a separate
2 classification for contract carriers by motor vehicle within
3 paragraph (1)(ii) of the definition of "contract carrier by
4 motor vehicle" in section 2501(b) (relating to declaration of
5 policy and definitions). The commission shall require that a
6 contract carrier by motor vehicle classified under this
7 paragraph must be domiciled in this Commonwealth.
8 Section 2. This act shall take effect in 60 days.