

lawful for any person or political subdivision to operate any commercial vehicle for the carriage of passengers. A copy of any lease or contract shall be maintained in the vehicle at all times.

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 twenty-five (\$25) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Date when
effective.

Section 3. The provisions of section two of this act shall take effect in ten (10) days.

APPROVED—The 31st day of May, A. D. 1956.

GEORGE M. LEADER

No. 630

AN ACT

Amending the act of May twenty-eight, one thousand nine hundred thirty-seven (Pamphlet Laws 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 and children to Sunday school from the definition of common carrier by motor vehicle and contract carrier by motor vehicle.

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

Public Utility
Law.

Section 1. Clauses (6) and (7) of section two, act of May twenty-eight, one thousand nine hundred thirty-seven (Pamphlet Laws 1053), known as the "Public Utility Law," amended April nineteen, one thousand nine hundred fifty-one (Pamphlet Laws 220), are amended to read:

Clauses (6) and (7), section 2, act of May 28, 1937, P. L. 1053, amended April 19, 1951, P. L. 220, further amended.

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 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 or children between their homes and Sunday school* in any motor vehicle operated under con-

tract with any school district, [which transportation is lawfully paid for by the school district from district funds] *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 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 or children between their homes and Sunday school in any motor vehicle operated under contract with any school district, [which transportation is lawfully paid for by the school district from district funds] 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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APPROVED—The 31st day of May, A. D. 1956.

GEORGE M. LEADER

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No. 631

AN ACT

Amending the act of May twenty, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," extending the time for claiming credit for service with a school district of the first class and increasing the time of service which may be claimed.

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

Section 1. Section eleven, act of May twenty, one thousand nine hundred fifteen (Pamphlet Laws 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," amended August twenty-four, one thousand nine hundred fifty-three (Pamphlet Laws 1375), is amended to read:

Section 11. The time of service herein specified, namely, twenty years, or in case of the lesser pension, fifteen years or more but less than twenty years, shall

Cities of first class—pensions.

Section 11, act of May 20, 1915, P. L. 566, amended August 24 1953, P. L. 1375, further amended.