

at any time during the entire year. No such dog training area shall be of less than one hundred acres, nor of more than two hundred fifty acres, nor shall permits be issued for more than eight special dog training areas in any one county, except that in counties of the second class permits shall not be issued for more than ten special dog training areas.

\* \* \*

Section 2. This act shall take effect immediately.

APPROVED—The 23d day of July, A. D. 1965.

WILLIAM W. SCRANTON

---

No. 138

AN ACT

HB 876

Repealing the act of May 11, 1901 (P. L. 166), entitled "An act providing for the commutation of sentences, for good behavior of convicts in prisons, penitentiaries, workhouses and county jails of this State, and regulations governing the same."

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

Section 1. The act of May 11, 1901 (P. L. 166), entitled "An act providing for the commutation of sentences, for good behavior of convicts in prisons, penitentiaries, workhouses and county jails of this State, and regulations governing the same," is repealed.

APPROVED—The 23d day of July, A. D. 1965.

WILLIAM W. SCRANTON

---

No. 139

AN ACT

HB 1083

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," redefining "common carrier by motor vehicle" and "contract carrier by motor vehicle" to exclude the hauling of saw logs and veneer logs.

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

Section 1. Clauses (6) and (7) of section 2, act of May 28, 1937 (P. L. 1053), known as the "Public Utility Law," amended November 10, 1959 (P. L. 1470), 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:

\* \* \*

(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 the school district, private school or parochial school, or transportation of school children 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 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 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, saw logs or veneer logs 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 the school district, private school or parochial school, or the transportation of school children 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 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, saw logs or veneer logs 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.

\* \* \*

Section 2. This act shall take effect immediately.

APPROVED—The 23d day of July, A. D. 1965.

WILLIAM W. SCRANTON

---

No. 140

AN ACT

SB 155

Amending the act of June 3, 1937 (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," increasing the amount which agents may retain for issuing resident 'hunters' licenses.

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

Section 1. The first paragraph of section 311, act of June 3, 1937 (P. L. 1225), known as "The Game Law," amended May 9, 1949 (P. L. 958), is amended to read:

Section 311. Agents to Collect and Remit License Fees; Reports; Compensation.—The agents designated by the Department of Revenue for the collection of said license fees, for their services rendered in collecting and paying over the same, shall, as long as they continue to be agents of the Department of Revenue, be allowed to retain not to exceed the sum of [fifteen] twenty cents from the amount paid for each resident hunter's license, and not to exceed thirty-five cents from the amount paid for each nonresident hunter's license, which amount shall be full compensation for services rendered by them under the provisions of this act, such compensation to be disposed of by the respective issuing agents as may now or hereafter be provided by law. Each issuing agent other than a county treasurer shall remit all balances arising from this source within five days after the end of each month to the State Treasurer, through the Department of Revenue upon a form to be supplied by the Department of Revenue, which monthly remittance shall be accompanied by a copy of the list of licenses issued during the previous month. All such moneys shall be placed in the Game Fund by the State Treasurer.

\* \* \*

---

<sup>1</sup>"hunter's" in original.