Review of Pennsylvania Legislation 1939 - Public Utilities

F.E. Reader

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deposits in banking institutions except that the latter does not contain the age restriction and requires the other notice of the trust to be in writing.8

HAROLD S. IRWIN*

X. PUBLIC UTILITIES

Several changes were made in the Public Utility Law of 1937.1 Section 2, subsection 6, was amended by excluding from the definition of a "common carrier by motor vehicle" the following: "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" (this provision is clearly unnecessary, for such a person is not a common or contract carrier and could not constitutionally be regulated by the Commission); any person furnishing transportation to school children exclusively; and any person using, or furnishing for use, dump trucks for the transportation of ashes, rubbish, excavated and road construction materials. This amendment was accomplished by the passage of two separate acts, neither of which referred to the other. The Act of June 15, 1939,2 added paragraphs (b) and (c), while the Act of June 21, 1939,3 added paragraph (b) (sic!).4

Section 2, subsection 7, was amended by excluding from the definition of a "contract carrier by motor vehicle" the following: independent contractor hauling exclusively for an agricultural cooperative association; the owner or operator of a farm transporting agricultural products from or farm supplies to such farm (which person would clearly be a private carrier and not constitutionally subject to Commission regulation); independent contractor hauling agricultural products or farm supplies exclusively for one or more operators or owners of farms; a person furnishing transportation of school children exclusively; and any person using or furnishing for use dump trucks for the transportation of ashes, rubbish, excavated or road construction materials.5

Section 2, subsection 10, was amended by adding a proviso that no property owned by any municipal corporation of the Commonwealth shall be subject to the Commission's jurisdiction or the terms of the Act, except as elsewhere expressly provided.6

8Id., Sec. 904.
*Professor of Law, Dickinson School of Law.

1Act of May 28, 1937, P. L. 1053, 66 PURD. STATS. (Pa.) § 1101.
2P. L. 390.
3P. L. 636.
4See 66 PURD. STATS. (Pa.) § 1102.
6Act of March 21, 1939, P. L. 10, 66 PURD. STATS. (Pa.) § 1102.
Paragraph (b) was added to Section 405 and provides that every motor carrier is prohibited from interchanging, receiving or delivering with, from, or to any common carrier which does not have a certificate authorizing it to transport property within the jurisdiction of the Act.\(^7\) The same Act adds a proviso to Section 915 to the effect that all motor carriers of passengers whose current liquid assets do not exceed their current liabilities by $100,000 must cover each vehicle with a public liability policy in such amounts as the Commission may prescribe, but not less than a five and ten thousand dollar policy. It also adds a new Section to Article IX (Section 922)\(^8\) which requires the Department of Revenue to cooperate in the issuance of registration plates for commercial vehicles which will identify those operating under Commission certificates, without the need of separate identification plates; and a new Section to Article XIII (1315)\(^9\) fixing penalties for violations by officers, agents, employes, shippers, or consignees of any provisions of the Act relating to motor carriers.

F. E. Reader*  

XI. RESTITUTION

The Act of June 24, 1937,\(^1\) made the property of an indigent person liable for the expenses of his support and burial incurred by any public body whether such property was owned "at" the time the expenses were incurred or "acquired thereafter." The Act of June 9, 1939,\(^2\) amends the former Act and provides for such liability only "if such property was owned during the time the expenses were incurred or if the right to ownership of such property existed or was acquired during the time such expenses were incurred."

The Act of 1937 made a judgment for moneys so expended a lien upon the real estate of the indigent person and made it collectible as other judgments.

The Act of 1939 provides that the home of the indigent person shall not be subject to execution "during the lifetime of the indigent person, surviving spouse, or dependent children."

In *Watts' Estate*,\(^3\) it is said:

"From the general tenor and purpose of this legislation, it is clear that there was an implied obligation on the part of the beneficiary to repay the state for its assistance, if, and when, he was in a position to

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\(^7\) Act of June 21, 1939, P. L. 636, 66 PURD. STATS. (Pa.) § 1175.  
\(^8\) 66 PURD. STATS. (Pa.) § 1362.  
\(^9\) 66 PURD. STATS. (Pa.) § 1505.  
*Professor of Law, Dickinson School of Law.

\(^1\) P. L. 2045.  
\(^3\) 336 Pa. 151, 7 A. (2d) 329, decided July 3, 1939.