

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 704 Session of
2001

INTRODUCED BY GREENLEAF, STOUT, BELL AND MOWERY, MARCH 27, 2001

REFERRED TO TRANSPORTATION, MARCH 27, 2001

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, authorizing automated red light enforcement
3 systems.

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

6 Section 1. Section 102 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended by adding definitions to read:
8 § 102. Definitions.

9 Subject to additional definitions contained in subsequent
10 provisions of this title which are applicable to specific
11 provisions of this title, the following words and phrases when
12 used in this title shall have, unless the context clearly
13 indicates otherwise, the meanings given to them in this section:

14 * * *

15 "Automated red light enforcement system." A device with one
16 or more motor vehicle sensors working in conjunction with a
17 traffic control signal to produce recorded images of motor
18 vehicles entering an intersection against a red signal

1 indication.

2 * * *

3 "Recorded images." Images recorded by an automated red light
4 enforcement system on any of the following:

5 (1) Two or more photographs.

6 (2) Two or more microphotographs.

7 (3) Two or more electronic images.

8 * * *

9 Section 2. Title 75 is amended by adding a section to read:

10 § 3112.1. Automated red light enforcement systems.

11 (a) General rule.--A local authority may adopt an ordinance
12 authorizing the use of an automated red light enforcement system
13 that is approved by the department in order to enforce section
14 3112(a)(3) (relating to traffic-control signals).

15 (b) Owner liability.--For each violation pursuant to this
16 section, the owner of the vehicle shall be liable for the
17 penalty imposed, unless the owner is convicted of the same
18 violation under another section of this title or has a valid
19 defense under subsection (d).

20 (c) Penalty.--The maximum penalty for a violation under
21 subsection (a), including any surcharge, is \$100. The fine shall
22 be payable to the local authority. Penalties imposed under this
23 section shall not be deemed a criminal conviction, and shall not
24 be made part of the operating record under section 1535
25 (relating to schedule of convictions and points) of the person
26 upon whom the penalty is imposed, nor shall the imposition of
27 the penalty be subject to merit rating for insurance purposes.
28 No surcharge points shall be imposed in the provision of motor
29 vehicle coverage. Fines collected under this section shall not
30 be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth

1 portion of fines, etc.) or 3573 (relating to municipal
2 corporation portion of fines, etc.).

3 (d) Defenses.--

4 (1) It shall be a valid defense to a violation under
5 this section that the person named in the notice of the
6 violation was not operating the vehicle at the time of the
7 violation. The owner may be required to submit evidence that
8 the owner was not the driver at the time of the alleged
9 violation. The local authority may not require the owner of
10 the vehicle to disclose the identity of the operator of the
11 vehicle at the time of the violation.

12 (2) If an owner receives a notice of violation pursuant
13 to this section of any time period during which the vehicle
14 was reported to a police department of any state or
15 municipality as having been stolen, it shall be a valid
16 defense to a violation pursuant to this section that the
17 vehicle has been reported to a police department as stolen
18 prior to the time the violation occurred and had not been
19 recovered prior to that time.

20 (3) It shall be a valid defense to a violation under
21 this section that the person receiving the notice of
22 violation was not the owner of the vehicle at the time of the
23 offense.

24 (e) Department approval.--No automated red light enforcement
25 system may be used without the approval of the department, which
26 shall have the authority to promulgate regulations for the
27 certification and use of such systems.

28 (f) Power of local authority.--A local authority may hire
29 and designate personnel as may be necessary or contract for
30 services to implement this section.

1 (g) Duty of local authority.--When a local authority elects
2 to implement this section, the following provisions shall apply:

3 (1) The local authority may not use an automated red
4 light enforcement system unless there is posted an
5 appropriate sign in a conspicuous place before the area in
6 which the automated red light enforcement device is to be
7 used notifying the public that an automated red light
8 enforcement device is in use immediately ahead.

9 (2) The local authority shall designate or appoint a
10 system administrator to supervise and coordinate the
11 administration of notices or violation issued pursuant to
12 this section.

13 (3) It shall be the duty of the system administrator to
14 issue a notice of violation to the registered owner of any
15 vehicle identified in any recorded images produced by an
16 automated red light enforcement system as evidence of a
17 violation of section 3112(a)(3). The notice of violation
18 shall have attached to it a copy of the recorded image
19 showing the vehicle, the registration number and state of
20 issuance of the vehicle registration, the date, time and
21 place of the alleged violation, that the violation charged is
22 under section 3112(a)(3), and instructions for return of the
23 notice of violation. The text of the notice shall be as
24 follows:

25 This notice shall be returned personally, by mail or by
26 an agent duly authorized in writing, within 30 days of
27 issuance. A hearing may be obtained upon the written
28 request of the registered owner.

29 (h) Notice to owner.--The notice of violation shall be
30 mailed within 21 days of the violation to the address of the

1 registered owner as listed in the records of the department.

2 (i) Mailing of notice and records.--Notices of violation
3 shall be sent by first class mail. A manual or automatic record
4 of mailing prepared by the system administrator in the ordinary
5 course of business shall be prima facie evidence thereof and
6 shall be admissible in any judicial or administrative proceeding
7 as to the facts contained therein.

8 (j) Payment of fine.--An owner to whom a notice of violation
9 has been issued may admit responsibility for the violation and
10 pay the fine provided therein. Payment shall be made personally,
11 through an authorized agent or by mailing both payment and the
12 notice of violation to the system administrator. Payment by mail
13 shall be made only by money order, credit card or check made
14 payable to the local authority. Payment of the established fine
15 and any applicable penalties shall operate as a final
16 disposition of the case.

17 (k) Hearing.--

18 (1) An owner to whom a notice of violation has been
19 issued may, within 30 days of the mailing of the notice,
20 request a hearing to contest the liability alleged in the
21 notice. A hearing request shall be made by appearing before
22 the system administrator during regular office hours either
23 personally or by duly authorized agent or by mailing a
24 request in writing.

25 (2) Upon receipt of a hearing request, the system
26 administrator shall schedule in a timely manner the matter
27 before a hearing officer. The hearing officer shall be
28 designated by the local authority. Written notice of the
29 date, time and place of hearing shall be sent by first class
30 mail to the owner.

1 (3) The hearing shall be informal, the rules of evidence
2 shall not apply and the decision of the hearing officer shall
3 be final, subject to the right of the owner to appeal the
4 decision to the appropriate district justice or traffic
5 court.

6 (4) If the owner requests in writing that the decision
7 of the hearing officer be appealed to the district justice or
8 traffic court, the system administrator shall file the notice
9 of violation and supporting documents with the district
10 justice or traffic court which shall hear and decide the
11 matter de novo.

12 (1) Payment to manufacturer or vendor prohibited.--If the
13 local authority has established an automated red light
14 enforcement system for the enforcement of section 3112(a)(3),
15 then no portion of any fine collected through the use of such
16 system may be paid to the manufacturer or vendor of the
17 automated red light enforcement system. The compensation paid by
18 the agency for such equipment shall be based upon the value of
19 such equipment and may not be based upon the number of violation
20 notices issued or the revenue generated by such equipment.

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