

AMENDMENTS TO HOUSE BILL NO. 254

Sponsor: SENATOR PILEGGI

Printer's No. 3443

1 Amend Bill, page 1, line 2, by inserting after "for"

2 display of registration plate and for

3 Amend Bill, page 1, line 2, by inserting after "permits"

4 ; providing for automated red light enforcement systems in
5 certain municipalities; and further providing for specific
6 powers of department and local authorities

7 Amend Bill, page 1, lines 5 through 8, by striking out all of
8 said lines and inserting

9 Section 1. Section 1332(b)(2) of Title 75 of the
10 Pennsylvania Consolidated Statutes is amended to read:
11 § 1332. Display of registration plate.

12 * * *

13 (b) Obscuring plate.--It is unlawful to display on any
14 vehicle a registration plate which:

15 * * *

16 (2) is obscured in any manner which inhibits the proper
17 operation of an automated red light enforcement system in
18 place pursuant to section 3116 (relating to automated red
19 light enforcement systems in first class cities) or 3117
20 (relating to automated red light enforcement systems in
21 certain municipalities); or

22 * * *

23 Section 2. Section 1505(e) of Title 75, amended October 25,
24 2011 (P.L.334, No.81), is amended and the section is amended by
25 adding a subsection to read:

26 Amend Bill, page 3, line 6, by striking out all of said lines
27 and inserting

28 Section 3. Section 3116 of Title 75, amended December 22,
29 2011 (P.L.596, No.129), is reenacted and amended to read:
30 § 3116. Automated red light enforcement systems in first class
31 cities.

32 (a) General rule.--

33 (1) A city of the first class, upon passage of an

1 ordinance, is authorized to enforce section 3112(a)(3)
2 (relating to traffic-control signals) by recording violations
3 using an automated red light enforcement system approved by
4 the department.

5 (2) This section shall only be applicable at
6 intersections in the city of the first class agreed upon by
7 the system administrator and the Secretary of Transportation
8 who shall consider using the automated red light enforcement
9 system at the following intersections:

10 (i) U.S. Route 1 (Roosevelt Boulevard) at Grant
11 Avenue, at Red Lion Road and at Cottman Street.

12 (ii) Kensington Avenue at Clearfield Street.

13 (iii) Richmond Street at Allegheny Avenue and at
14 Castor Avenue.

15 (iv) Aramingo Avenue at York Street.

16 (v) Thompson Street at Lehigh Avenue.

17 (vi) Broad Street at Washington Avenue.

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

23 (c) Certificate as evidence.--A certificate, or a facsimile
24 of a certificate, based upon inspection of recorded images
25 produced by an automated red light enforcement system and sworn
26 to or affirmed by a police officer employed by the city of the
27 first class shall be prima facie evidence of the facts contained
28 in it. The city must include written documentation that the
29 automated red light enforcement system was operating correctly
30 at the time of the alleged violation. A recorded image
31 evidencing a violation of section 3112(a)(3) shall be admissible
32 in any judicial or administrative proceeding to adjudicate the
33 liability for the violation.

34 (d) Penalty.--

35 (1) The penalty for a violation under subsection (a)
36 shall be a fine of \$100 unless a lesser amount is set by
37 ordinance.

38 (2) A fine is not authorized for a violation of this
39 section if any of the following apply:

40 (i) The intersection is being manually controlled.

41 (ii) The signal is in the mode described in section
42 3114 (relating to flashing signals).

43 (3) A fine is not authorized during:

44 (i) The first 120 days of operation of the automated
45 system at the initial intersection.

46 (ii) The first [60] 45 days for each additional
47 intersection selected for the automated system.

48 (3.1) A warning may be sent to the violator under
49 paragraph (3).

50 (4) A penalty imposed under this section shall not be
51 deemed a criminal conviction and shall not be made part of

1 the operating record under section 1535 (relating to schedule
2 of convictions and points) of the individual upon whom the
3 penalty is imposed, nor may the imposition of the penalty be
4 subject to merit rating for insurance purposes.

5 (5) No surcharge points may be imposed in the provision
6 of motor vehicle insurance coverage. Fines collected under
7 this section shall not be subject to 42 Pa.C.S. § 3571
8 (relating to Commonwealth portion of fines, etc.) or 3573
9 (relating to municipal corporation portion of fines, etc.).

10 (e) Limitations.--

11 (1) No automated red light enforcement system shall be
12 utilized in such a manner as to take a frontal view recorded
13 image of the vehicle as evidence of having committed a
14 violation.

15 (2) Notwithstanding any other provision of law, camera
16 equipment deployed as part of an automated red light
17 enforcement system as provided in this section must be
18 incapable of automated or user-controlled remote intersection
19 surveillance by means of recorded video images. Recorded
20 images collected as part of the automated red light
21 enforcement system must only record traffic violations and
22 may not be used for any other surveillance purposes. The
23 restrictions set forth in this paragraph shall not be deemed
24 to preclude a court of competent jurisdiction from issuing an
25 order directing that the information be provided to law
26 enforcement officials if the information is reasonably
27 described and is requested solely in connection with a
28 criminal law enforcement action.

29 (3) Notwithstanding any other provision of law,
30 information prepared under this section and information
31 relating to violations under this section which is kept by
32 the city of the first class, its authorized agents or its
33 employees, including recorded images, written records,
34 reports or facsimiles, names, addresses and the number of
35 violations under this section, shall be for the exclusive use
36 of the city, its authorized agents, its employees and law
37 enforcement officials for the purpose of discharging their
38 duties under this section and under any ordinances and
39 resolutions of the city. The information shall not be deemed
40 a public record under the act of [June 21, 1957 (P.L.390,
41 No.212), referred to] February 14, 2008 (P.L.6, No.3), known
42 as the Right-to-Know Law. The information shall not be
43 discoverable by court order or otherwise, nor shall it be
44 offered in evidence in any action or proceeding which is not
45 directly related to a violation of this section or any
46 ordinance or resolution of the city. The restrictions set
47 forth in this paragraph shall not be deemed to preclude a
48 court of competent jurisdiction from issuing an order
49 directing that the information be provided to law enforcement
50 officials if the information is reasonably described and is
51 requested solely in connection with a criminal law

1 enforcement action.

2 (4) Recorded images obtained through the use of
3 automated red light enforcement systems deployed as a means
4 of promoting traffic safety in a city of the first class
5 shall be destroyed within one year of final disposition of
6 any recorded event. The city shall file notice with the
7 Department of State that the records have been destroyed in
8 accordance with this section.

9 (5) Notwithstanding any other provision of law,
10 registered vehicle owner information obtained as a result of
11 the operation of an automated red light enforcement system
12 under this section shall not be the property of the
13 manufacturer or vendor of the automated red light enforcement
14 system and may not be used for any purpose other than
15 prescribed in this section.

16 (f) Defenses.--

17 (1) It shall be a defense to a violation under this
18 section that the person named in the notice of the violation
19 was not operating the vehicle at the time of the violation.
20 The owner may be required to submit evidence that the owner
21 was not the driver at the time of the alleged violation. The
22 city of the first class may not require the owner of the
23 vehicle to disclose the identity of the operator of the
24 vehicle at the time of the violation.

25 (2) If an owner receives a notice of violation pursuant
26 to this section of a time period during which the vehicle was
27 reported to a police department of any state or municipality
28 as having been stolen, it shall be a defense to a violation
29 pursuant to this section that the vehicle has been reported
30 to a police department as stolen prior to the time the
31 violation occurred and had not been recovered prior to that
32 time.

33 (3) It shall be a defense to a violation under this
34 section that the person receiving the notice of violation was
35 not the owner of the vehicle at the time of the offense.

36 (g) Department approval.--No automated red light enforcement
37 system may be used without the approval of the department, which
38 shall have the authority to promulgate regulations for the
39 certification and use of such systems.

40 (h) Duty of city.--If a city of the first class elects to
41 implement this section, the following provisions shall apply:

42 (1) The city may not use an automated red light
43 enforcement system unless there is posted an appropriate sign
44 in a conspicuous place before the area in which the automated
45 red light enforcement device is to be used notifying the
46 public that an automated red light enforcement device is in
47 use immediately ahead.

48 (2) The city shall designate or appoint the Philadelphia
49 Parking Authority as the system administrator to supervise
50 and coordinate the administration of notices of violation
51 issued under this section.

1 (3) The system administrator shall prepare a notice of
2 violation to the registered owner of a vehicle identified in
3 a recorded image produced by an automated red light
4 enforcement system as evidence of a violation of section
5 3112(a)(3). The issuance of the notice of violation must be
6 done by a police officer employed by the police department
7 with primary jurisdiction over the area where the violation
8 occurred. The notice of violation shall have attached to it a
9 copy of the recorded image showing the vehicle; the
10 registration number and state of issuance of the vehicle
11 registration; the date, time and place of the alleged
12 violation; that the violation charged is under section
13 3112(a)(3); and instructions for return of the notice of
14 violation. The text of the notice must be as follows:

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

19 (i) System administrator.--

20 (1) The system administrator may hire and designate
21 personnel as necessary or contract for services to implement
22 this section.

23 (2) The system administrator shall process fines issued
24 pursuant to this section.

25 (3) The system administrator shall submit an annual
26 report to the chairman and the minority chairman of the
27 Transportation Committee of the Senate and the chairman and
28 minority chairman of the Transportation Committee of the
29 House of Representatives. The report shall be considered a
30 public record under the Right-to-Know Law and include for the
31 prior year:

32 (i) The number of violations and fines issued.

33 (ii) A compilation of fines paid and outstanding.

34 (iii) The amount of money paid to a vendor or
35 manufacturer under this section.

36 (j) Notice to owner.--In the case of a violation involving a
37 motor vehicle registered under the laws of this Commonwealth,
38 the notice of violation must be mailed within 30 days after the
39 commission of the violation or within 30 days after the
40 discovery of the identity of the registered owner, whichever is
41 later, and not thereafter to the address of the registered owner
42 as listed in the records of the department. In the case of motor
43 vehicles registered in jurisdictions other than this
44 Commonwealth, the notice of violation must be mailed within 30
45 days after the discovery of the identity of the registered
46 owner, and not thereafter to the address of the registered owner
47 as listed in the records of the official in the jurisdiction
48 having charge of the registration of the vehicle. A notice of
49 violation under this section must be provided to an owner within
50 90 days of the commission of the offense.

51 (k) Mailing of notice and records.--Notice of violation must

1 be sent by first class mail. A manual or automatic record of
2 mailing prepared by the system administrator in the ordinary
3 course of business shall be prima facie evidence of mailing and
4 shall be admissible in any judicial or administrative proceeding
5 as to the facts contained in it.

6 (l) Payment of fine.--

7 (1) An owner to whom a notice of violation has been
8 issued may admit responsibility for the violation and pay the
9 fine provided in the notice.

10 (2) Payment must be made personally, through an
11 authorized agent, electronically or by mailing both payment
12 and the notice of violation to the system administrator.
13 Payment by mail must be made only by money order, credit card
14 or check made payable to the system administrator. The system
15 administrator shall remit the fine, less the system
16 administrator's operation and maintenance costs necessitated
17 by this section, to the department for deposit into a
18 restricted receipts account in the Motor License Fund. Fines
19 deposited in the fund under this paragraph shall be used by
20 the department to develop, by regulation, a Transportation
21 Enhancements Grant Program. The department shall award
22 transportation enhancement grants on a competitive basis. The
23 department may pay any actual administrative costs arising
24 from its administration of this section. The department may
25 not reserve, designate or set aside any specific level of
26 funds or percentage of funds to an applicant prior to the
27 completion of the application process, nor may the department
28 designate a set percentage of funds to an applicant. Grants
29 shall be awarded by the department based on the majority vote
30 of a selection committee consisting of four representatives,
31 with the secretary or his designee serving as chairman, of
32 the department appointed by the secretary and four members
33 appointed by the mayor of the city of the first class.
34 Priority shall be given to applications seeking grant funds
35 for transportation enhancements in the municipality where the
36 automated red light camera system is operated.

37 (3) Payment of the established fine and applicable
38 penalties shall operate as a final disposition of the case.

39 (m) Hearing.--

40 (1) An owner to whom a notice of violation has been
41 issued may, within 30 days of the mailing of the notice,
42 request a hearing to contest the liability alleged in the
43 notice. A hearing request must be made by appearing before
44 the system administrator during regular office hours either
45 personally or by an authorized agent or by mailing a request
46 in writing.

47 (2) Upon receipt of a hearing request, the system
48 administrator shall in a timely manner schedule the matter
49 before a hearing officer. The hearing officer shall be
50 designated by the city of the first class. Written notice of
51 the date, time and place of hearing must be sent by first

1 class mail to the owner.

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

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

11 (n) Compensation to manufacturer or vendor.--If a city of
12 the first class has established an automated red light
13 enforcement system deployed as a means of promoting traffic
14 safety and the enforcement of the traffic laws of this
15 Commonwealth or the city, the compensation paid to the
16 manufacturer or vendor of the automated red light enforcement
17 system may not be based upon the number of traffic citations
18 issued or a portion or percentage of the fine generated by the
19 citations. The compensation paid to the manufacturer or vendor
20 of the equipment shall be based upon the value of the equipment
21 and the services provided or rendered in support of the
22 automated red light enforcement system.

23 (o) Duration of yellow light change interval.--The duration
24 of the yellow light change interval at intersections where
25 automated red light enforcement systems are in use shall conform
26 to the yellow light change interval duration specified on the
27 traffic signal permit issued by the department or the first
28 class city.

29 (p) Revenue limitation.--A city of the first class may not
30 collect an amount equal to or greater than 5% of its annual
31 budget from the collection of revenue from the issuance and
32 payment of violations under this section.

33 (q) Expiration.--This section shall expire [June 30, 2012]
34 July 15, 2017.

35 Section 4. Title 75 is amended by adding a section to read:
36 § 3117. Automated red light enforcement systems in certain
37 municipalities.

38 (a) General rule.--A municipality, upon passage of an
39 ordinance, is authorized to enforce section 3112(a)(3) (relating
40 to traffic-control signals) by recording violations using an
41 automated red light enforcement system approved by the
42 department.

43 (b) Applicability.--

44 (1) This section shall only be applicable at
45 intersections in a municipality designated by the
46 municipality with the approval of the secretary under the
47 requirements of paragraph (2).

48 (2) No automated red light system shall be installed
49 until the municipality provides notice to the department of
50 the location of each intersection. After receiving notice and
51 before the system may be installed, the department shall have

1 60 days to review each proposed intersection and to issue a
2 recommendation to the municipality which shall include all of
3 the following:

4 (i) A statement on whether the proposed intersection
5 is an appropriate location for an automated red light
6 enforcement system.

7 (ii) The data on which the department based the
8 recommendation.

9 (3) No system shall be installed if the department does
10 not issue a recommendation approving the location to the
11 municipality.

12 (4) The department may identify the location of an
13 alternate intersection in the municipality that it determines
14 is appropriate for an automated red light enforcement system.

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

20 (d) Certificate as evidence.--A certificate, or a facsimile
21 of a certificate, based upon inspection of recorded images
22 produced by an automated red light enforcement system and sworn
23 to or affirmed by a police officer employed by the municipality
24 shall be prima facie evidence of the facts contained in it. The
25 municipality must include a written statement that the automated
26 red light enforcement system was operating correctly at the time
27 of the alleged violation. A recorded image evidencing a
28 violation of section 3112(a)(3) shall be admissible in any
29 judicial or administrative proceeding to adjudicate the
30 liability for the violation.

31 (e) Penalty.--

32 (1) The penalty for a violation under subsection (a)
33 shall be a fine of \$100 unless a lesser amount is set by
34 ordinance.

35 (2) A fine is not authorized for a violation of this
36 section if any of the following apply:

37 (i) The intersection is being manually controlled.

38 (ii) The signal is in the mode described in section
39 3114 (relating to flashing signals).

40 (3) A fine is not authorized during any of the
41 following:

42 (i) The first 60 days of operation of the automated
43 system at the initial intersection.

44 (ii) The first 30 days for each additional
45 intersection selected for the automated system.

46 (4) A warning may be sent to the violator under
47 paragraph (3).

48 (5) A penalty imposed under this section shall not be
49 deemed a criminal conviction and shall not be made part of
50 the operating record under section 1535 (relating to schedule
51 of convictions and points) of the individual upon whom the

1 penalty is imposed, nor may the imposition of the penalty be
2 subject to merit rating for insurance purposes.

3 (6) No surcharge points may be imposed in the provision
4 of motor vehicle insurance coverage. Fines collected under
5 this section shall not be subject to 42 Pa.C.S. § 3571
6 (relating to Commonwealth portion of fines, etc.) or 3573
7 (relating to municipal corporation portion of fines, etc.).

8 (f) Limitations.--

9 (1) No automated red light enforcement system shall be
10 utilized in such a manner as to take a frontal view recorded
11 image of the vehicle as evidence of having committed a
12 violation.

13 (2) Notwithstanding any other provision of law, camera
14 equipment deployed as part of an automated red light
15 enforcement system as provided under this section must be
16 incapable of automated or user-controlled remote intersection
17 surveillance by means of recorded video images. Recorded
18 images collected as part of the automated red light
19 enforcement system may only record traffic violations and may
20 not be used for any other surveillance purposes. The
21 restrictions set forth under this paragraph shall not be
22 deemed to preclude a court of competent jurisdiction from
23 issuing an order directing that the information be provided
24 to law enforcement officials if the information is reasonably
25 described and is requested solely in connection with a
26 criminal law enforcement action.

27 (3) Notwithstanding any other provision of law,
28 information prepared under this section and information
29 relating to violations under this section which is kept by
30 the municipality, its authorized agents or employees,
31 including recorded images, written records, reports or
32 facsimiles, names and addresses, shall be for the exclusive
33 use of the municipality, its authorized agents, its employees
34 and law enforcement officials for the purpose of discharging
35 their duties under this section and under any ordinances and
36 resolutions of the municipality. The information shall not be
37 deemed a public record under the act of February 14, 2008
38 (P.L.6, No.3), known as the Right-to-Know Law. The
39 information shall not be discoverable by court order or
40 otherwise, nor shall it be offered in evidence in any action
41 or proceeding which is not directly related to a violation of
42 this section or any ordinance or resolution of the
43 municipality. The restrictions set forth under this paragraph
44 shall not be deemed to preclude a court of competent
45 jurisdiction from issuing an order directing that the
46 information be provided to law enforcement officials if the
47 information is reasonably described and is requested solely
48 in connection with a criminal law enforcement action.

49 (4) Recorded images obtained through the use of
50 automated red light enforcement systems deployed as a means
51 of promoting traffic safety in a municipality shall be

1 destroyed within 30 days following the final disposition of
2 any recorded event. The municipality shall file notice with
3 the Department of State that the records have been destroyed
4 in accordance with this section.

5 (5) Notwithstanding any other provision of law,
6 registered vehicle owner information obtained as a result of
7 the operation of an automated red light enforcement system
8 under this section shall not be the property of the
9 manufacturer or vendor of the automated red light enforcement
10 system and may not be used for any purpose other than
11 prescribed in this section.

12 (g) Defenses.--

13 (1) It shall be a defense to a violation under this
14 section that the person named in the notice of the violation
15 was not operating the vehicle at the time of the violation.
16 The owner may be required to submit evidence that the owner
17 was not the driver at the time of the alleged violation. The
18 municipality may not require the owner of the vehicle to
19 disclose the identity of the operator of the vehicle at the
20 time of the violation.

21 (2) If an owner receives a notice of violation under
22 this section of a time period during which the vehicle was
23 reported to a police department of any state or municipality
24 as having been stolen, it shall be a defense to a violation
25 under this section that the vehicle has been reported to a
26 police department as stolen prior to the time the violation
27 occurred and had not been recovered prior to that time.

28 (3) It shall be a defense to a violation under this
29 section that the person receiving the notice of violation was
30 not the owner or lessor of the vehicle at the time of the
31 offense.

32 (h) Department approval.--No automated red light enforcement
33 system may be used without the approval of the department, which
34 shall have the authority to promulgate regulations for the
35 certification and use of such systems.

36 (i) Duty of municipality.--If a municipality elects to
37 implement this section, the following provisions shall apply:

38 (1) The municipality may not use an automated red light
39 enforcement system unless an appropriate sign is posted in a
40 conspicuous place before the area in which the automated red
41 light enforcement device is to be used notifying the public
42 that an automated red light enforcement device is in use
43 immediately ahead.

44 (2) The municipality or its designee shall serve as the
45 system administrator to supervise and coordinate the
46 administration of notices of violations issued under this
47 section.

48 (3) The following apply:

49 (i) The system administrator shall prepare a notice
50 of violation to the registered owner of a vehicle
51 identified in a recorded image produced by an automated

1 red light enforcement system as evidence of a violation
2 of section 3112(a) (3). The issuance of the notice of
3 violation must be done by a police officer employed by
4 the police department with primary jurisdiction over the
5 area where the violation occurred. The notice of
6 violation must have attached to it all of the following:

7 (A) A copy of the recorded image showing the
8 vehicle.

9 (B) The registration number and state of
10 issuance of the vehicle registration.

11 (C) The date, time and place of the alleged
12 violation.

13 (D) Notice that the violation charged is under
14 section 3112(a) (3).

15 (E) Instructions for return of the notice of
16 violation.

17 (ii) The text of the notice must be as follows:

18 This notice shall be returned personally, by mail
19 or by an agent duly authorized in writing, within
20 30 days of issuance. A hearing may be obtained
21 upon the written request of the registered owner.

22 (j) System administrator.--

23 (1) The system administrator may hire and designate
24 personnel as necessary or contract for services to implement
25 this section.

26 (2) The system administrator shall process fines issued
27 under this section.

28 (3) The system administrator shall submit an annual
29 report to the chairman and minority chairman of the
30 Transportation Committee of the Senate and the chairman and
31 minority chairman of the Transportation Committee of the
32 House of Representatives. The report shall be considered a
33 public record under the act of February 14, 2008 (P.L.6,
34 No.3), known as the Right-to-Know Law, and include for the
35 prior year:

36 (i) The number of violations and fines issued.

37 (ii) A compilation of fines paid and outstanding.

38 (iii) The amount of money paid to a vendor or
39 manufacturer under this section.

40 (k) Notice to owner.--In the case of a violation involving a
41 motor vehicle registered under the laws of this Commonwealth,
42 the notice of violation must be mailed within 30 days after the
43 commission of the violation or within 30 days after the
44 discovery of the identity of the registered owner, whichever is
45 later, to the address of the registered owner as listed in the
46 records of the department. In the case of motor vehicles
47 registered in jurisdictions other than this Commonwealth, the
48 notice of violation must be mailed within 30 days after the
49 discovery of the identity of the registered owner to the address
50 of the registered owner as listed in the records of the official
51 in the jurisdiction having charge of the registration of the

1 vehicle. A notice of violation under this section must be
2 provided to an owner within 90 days of the commission of the
3 offense.

4 (1) Mailing of notice and records.--Notice of violation must
5 be sent by first class mail. A manual or automatic record of
6 mailing prepared by the system administrator in the ordinary
7 course of business shall be prima facie evidence of mailing and
8 shall be admissible in any judicial or administrative proceeding
9 as to the facts contained in it.

10 (m) Payment of fine.--

11 (1) An owner to whom a notice of violation has been
12 issued may admit responsibility for the violation and pay the
13 fine provided in the notice.

14 (2) Except as provided in paragraph (2.1), payment must
15 be made personally, through an authorized agent,
16 electronically or by mailing both payment and the notice of
17 violation to the system administrator. Payment by mail must
18 be made only by money order, credit card or check made
19 payable to the system administrator. The system administrator
20 shall remit the fine, less the system administrator's
21 operation and maintenance costs necessitated under this
22 section, to the department for deposit into a restricted
23 receipts account in the Motor License Fund. Fines deposited
24 in the fund under this paragraph shall be used by the
25 department for a Transportation Enhancements Grant Program.
26 The department shall award transportation enhancement grants
27 on a competitive basis subject to a selection committee
28 established by the secretary. The department may pay any
29 actual administrative costs arising from its administration
30 of this section. The department may not reserve, designate or
31 set aside any specific level of funds or percentage of funds
32 to an applicant prior to the completion of the application
33 process, nor may the department designate a set percentage of
34 funds to an applicant. Priority shall be given to
35 applications seeking grant funds for transportation
36 enhancements in the municipality where the automated red
37 light camera system is operated.

38 (2.1) In a city of the second class, payment must be
39 made personally, through an authorized agent, electronically
40 or by mailing both payment and the notice of violation to the
41 system administrator. Payment by mail must be made only by
42 money order, credit card or check payable to the system
43 administrator. The system administrator shall remit the fine,
44 less the system's operation and maintenance costs
45 necessitated under this section, to the department for
46 deposit into a restricted receipts account in the Motor
47 License Fund. Fines deposited in the fund under this
48 paragraph shall be used by the department for a
49 Transportation Enhancement Grants Program. The department
50 shall award transportation enhancement grants on a
51 competitive basis. The department may pay any actual

1 administrative costs arising from its administration of this
2 section. The department may not reserve, designate or set
3 aside any specific level of funds or percentage of funds to
4 an applicant prior to the completion of the application
5 process, nor may the department designate a set percentage of
6 funds to an applicant. Grants shall be awarded by the
7 department based on the majority vote of a selection
8 committee consisting of four representatives of the
9 department appointed by the secretary and four members
10 appointed by the mayor of the city of the second class, with
11 the secretary or his designee serving as chairman. Priority
12 shall be given to applications seeking grant funds for
13 transportation enhancements in the municipality where the
14 automated red light camera system is operated.

15 (3) Payment of the established fine and applicable
16 penalties shall operate as a final disposition of the case.
17 (n) 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 must be made by appearing before
22 the system administrator during regular office hours either
23 personally or by an authorized agent or by mailing a request
24 in writing.

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

31 (3) The hearing shall be informal; the rules of evidence
32 shall not apply; and the decision of the hearing officer
33 shall be final, subject to the right of the owner to appeal
34 the decision to the magisterial district judge.

35 (4) If the owner requests in writing that the decision
36 of the hearing officer be appealed to the magisterial
37 district judge, the system administrator shall file the
38 notice of violation and supporting documents with the
39 magisterial district judge, who shall hear and decide the
40 matter de novo.

41 (o) Compensation to manufacturer or vendor.--If a
42 municipality has established an automated red light enforcement
43 system deployed as a means of promoting traffic safety and the
44 enforcement of the traffic laws of this Commonwealth or the
45 municipality, the compensation paid to the manufacturer or
46 vendor of the automated red light enforcement system may not be
47 based upon the number of traffic citations issued or a portion
48 or percentage of the fine generated by the citations. The
49 compensation paid to the manufacturer or vendor of the equipment
50 shall be based upon the value of the equipment and the services
51 provided or rendered in support of the automated red light

1 enforcement system.

2 (p) Duration of yellow light change interval.--The duration
3 of the yellow light change interval at intersections where
4 automated red light enforcement systems are in use shall conform
5 to the yellow light change interval duration specified on the
6 traffic signal permit issued by the department or municipality.

7 (q) Revenue limit.--A municipality may not collect an amount
8 equal to or greater than 5% of its annual budget from the
9 collection of revenue from the issuance and payment of
10 violations under this section.

11 (r) Expiration.--This section shall expire July 15, 2017.

12 (s) Definitions.--As used in this section:

13 (1) The term "designee" shall include a person, business
14 entity or governmental entity, including the department.

15 (2) The term "municipality" means:

16 (i) A city, borough or township with a population
17 under the 2010 Federal Decennial Census exceeding 20,000
18 with a police agency accredited by the Pennsylvania
19 Chiefs of Police Association in a county of the second
20 class A.

21 (ii) A city, borough or township with a population
22 under the 2010 Federal Decennial Census exceeding 20,000
23 with a police agency accredited by the Pennsylvania
24 Chiefs of Police Association in a county of the third
25 class with a population between 490,000 and 510,000.

26 (iii) A city of the second class.

27 Section 5. Section 6109(a)(1), (f) and (h) of Title 75 are
28 amended and the section is amended by adding a subsection to
29 read:

30 § 6109. Specific powers of department and local authorities.

31 (a) Enumeration of police powers.--The provisions of this
32 title shall not be deemed to prevent the department on State-
33 designated highways and local authorities on streets or highways
34 within their physical boundaries from the reasonable exercise of
35 their police powers. The following are presumed to be reasonable
36 exercises of police power:

37 (1) Except as limited by [subsection] subsections (g)
38 and (h), regulating or prohibiting stopping, standing or
39 parking.

40 * * *

41 (f) Delegation of powers authorized.--Except as set forth in
42 [subsection] subsections (g) and (h), nothing contained in this
43 section shall be deemed to prevent local authorities by
44 ordinance or resolution of the local governing body from
45 delegating their powers under subsection (a)(1) or (22) to a
46 parking authority established pursuant to 53 Pa.C.S. Ch. 55
47 (relating to parking authorities).

48 (g) Delegation of powers in cities of the first class.--

49 (1) Notwithstanding any contrary provision of 53 Pa.C.S.
50 Ch. 55 or this title, beginning on March 31, 2014, the
51 parking authority of a city of the first class shall enforce

1 and administer the system of on-street parking regulation in
2 a city of the first class on behalf of the city. The system
3 of on-street parking regulation shall include all ordinances
4 and resolutions enacted or adopted by the city of the first
5 class pursuant to the powers specified under subsection (a)
6 (1) and those certain stopping, standing and parking
7 provisions provided in sections 3351 (relating to stopping,
8 standing and parking outside business and residence
9 districts), 3353 (relating to prohibitions in specified
10 places) and 3354 (relating to additional parking
11 regulations).

12 (2) Any revenues generated pursuant to the system of on-
13 street parking regulation authorized by this subsection shall
14 be collected by the authority on behalf of the city of the
15 first class and disbursed as provided in this paragraph,
16 subject to adjustment under paragraph (3). Beginning with its
17 fiscal year ending in 2015, upon the conclusion of each of
18 its fiscal years, the authority shall transfer the revenues
19 of the system of on-street parking regulation net of the
20 operating and administrative expenses of the system of on-
21 street parking regulation as follows:

22 (i) Up to \$35,000,000 in the aggregate after taking
23 into account any monthly remittances to the city in which
24 it is located.

25 (ii) In the event the net annual revenue of the
26 system of on-street parking regulation exceeds
27 \$35,000,000, the authority shall transfer all of the
28 excess to the general fund of a school district of the
29 first class coterminous with the city.

30 (3) The amount set forth in paragraph (2)(i) shall be
31 adjusted each fiscal year beginning with the fiscal year
32 ending in 2014 by increasing the \$35,000,000 aggregate amount
33 by an amount equal to \$35,000,000 multiplied by the
34 percentage increase, if any, in the gross revenue generated
35 by the system of on-street parking regulation. No adjustment
36 shall be made if the gross revenue generated by the system of
37 on-street parking regulation did not increase over the prior
38 fiscal year.

39 (4) The provisions of section 696(h)(1) of the act of
40 March 10, 1949 (P.L.30, No.14), known as the Public School
41 Code of 1949, shall not apply to amounts transferred to a
42 school district of the first class under this subsection. Any
43 portion of the excess net revenue of the system of on-street
44 parking regulation not transferred to a school district of
45 the first class must be transferred to the city of the first
46 class in which the authority is located.

47 (5) As used in this subsection, the following words and
48 phrases shall have the meanings given to them in this
49 paragraph:

50 "Administer." To provide any services or materials
51 necessary to enforce any ordinance or resolution enacted in

1 order to regulate or prohibit the stopping, standing or
2 parking of motor vehicles in a city of the first class or
3 those certain stopping, standing and parking provisions
4 provided in sections 3351, 3353 and 3354, including, but not
5 limited to:

6 (i) The installation and maintenance of all
7 equipment, including parking meters, on and along
8 highways, streets and roadways.

9 (ii) The installation and maintenance of all
10 signage, including signage for handicapped parking,
11 residential permit parking and loading areas, on and
12 along highways, streets and roadways.

13 (iii) The operation and management of any
14 handicapped parking, residential parking and loading area
15 permit programs.

16 "Enforce." The issuance of parking violation notices or
17 citations, the immobilization, towing and impoundment of
18 motor vehicles and the collection of fines, penalties, costs
19 and fees, including independent collection agency fees, for
20 violations of any ordinance or resolution enacted in order to
21 regulate or prohibit the stopping, standing or parking of
22 motor vehicles in a city of the first class and those certain
23 stopping, standing and parking provisions provided in this
24 section and sections 3351, 3353 and 3354.

25 (h) Delegation of powers in cities of the second class.--

26 (1) Notwithstanding any contrary provision of 53 Pa.C.S.
27 Ch. 55 or this title, beginning on January 1, 2005, the
28 parking authority of a city of the second class shall enforce
29 and administer all ordinances and resolutions enacted or
30 adopted by the city of the second class pursuant to the
31 powers specified under subsection (a)(1) and those certain
32 stopping, standing and parking provisions provided in
33 sections 3351 (relating to stopping, standing and parking
34 outside [of] business and residence districts), 3353
35 (relating to prohibitions in specified places) and 3354
36 (relating to additional parking regulations).

37 (2) Beginning on March 1, 2005, the parking authority of
38 a city of the second class shall enter into an agreement with
39 the city of the second class for the transfer of a portion of
40 the fines, penalties and costs collected pursuant to this
41 subsection, which the parking authority board deems
42 reasonable, to the city of the second class.

43 (3) As used in this subsection, the following words and
44 phrases shall have the meanings given to them in this
45 paragraph:

46 "Administer." To provide any services or materials
47 necessary to enforce any ordinance or resolution enacted in
48 order to regulate or prohibit the stopping, standing or
49 parking of motor vehicles in a city of the second class or
50 those certain stopping, standing and parking provisions
51 provided in sections 3351, 3353 and 3354, including, but not

1 limited to:

2 (i) The installation and maintenance of all
3 equipment, including parking meters, on and along
4 highways, streets and roadways.

5 (ii) The installation and maintenance of all
6 signage, including signage for handicapped parking,
7 residential permit parking and loading areas, on and
8 along highways, streets and roadways.

9 (iii) The operation and management of any
10 handicapped parking, residential parking and loading area
11 permit programs.

12 (iv) The adjudication of all disputed parking
13 violation notices or citations issued through enforcement
14 by the parking authority in a city of the second class.

15 "Enforce." The issuance of parking violation notices or
16 citations, the immobilization, towing and impoundment of
17 motor vehicles and the collection of fines, penalties and
18 costs, including independent collection agency fees, for
19 violations of any ordinance or resolution enacted in order to
20 regulate or prohibit the stopping, standing or parking of
21 motor vehicles in a city of the second class and those
22 certain stopping, standing and parking provisions provided in
23 sections 3351, 3353 and 3354.

24 Section 6. This act shall take effect as follows:

25 (1) The amendment of 75 Pa.C.S. § 1505(e) shall take
26 effect in 60 days.

27 (2) The reenactment and amendment of 75 Pa.C.S. § 3116
28 shall take effect immediately.

29 (3) The amendment of 75 Pa.C.S. § 6109(a)(1), (f) and
30 (h) shall take effect July 1, 2012, or immediately, whichever
31 is later.

32 (4) This section shall take effect immediately.

33 (5) The remainder of this act shall take effect in 90
34 days.