

## AMENDMENTS TO HOUSE BILL NO. 1803

Sponsor: REPRESENTATIVE GEIST

Printer's No. 2310

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

2 further providing for automated red light enforcement  
3 systems in first class cities; and

4 Amend Bill, page 1, lines 6 and 7, by striking out all of  
5 said lines and inserting

6 Section 1. Section 3116(e)(3), (f), (i)(3), (l) and (q) of  
7 Title 75 of the Pennsylvania Consolidated Statutes, amended  
8 December 22, 2011 (P.L.596, No.129), are amended to read:

9 § 3116. Automated red light enforcement systems in first class  
10 cities.

11 \* \* \*

12 (e) Limitations.--

13 \* \* \*

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

1 enforcement action.

2 \* \* \*

3 (f) Defenses.--

4 (1) It shall be a defense to a violation under this  
5 section that the person named in the notice of the violation  
6 was not operating the vehicle at the time of the violation.  
7 The owner may be required to submit evidence that the owner  
8 was not the driver at the time of the alleged violation. The  
9 city of the first class may not require the owner of the  
10 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 a time period during which the vehicle was  
14 reported to a police department of any state or municipality  
15 as having been stolen, it shall be a defense to a violation  
16 pursuant to this section that the vehicle has been reported  
17 to a police department as stolen prior to the time the  
18 violation occurred and had not been recovered prior to that  
19 time.

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

23 (4) It shall be a defense to a violation under this  
24 section that the person receiving the notice of violation was  
25 driving a bus with passengers on board at the time of the  
26 violation and that a sudden stop could have injured those  
27 passengers.

28 \* \* \*

29 (i) System administrator.--

30 \* \* \*

31 (3) The system administrator shall submit an annual  
32 report to the chairman and the minority chairman of the  
33 Transportation Committee of the Senate and the chairman and  
34 minority chairman of the Transportation Committee of the  
35 House of Representatives. The report shall be considered a  
36 public record under the Right-to-Know Law and include for the  
37 prior year:

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

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

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

42 \* \* \*

43 (l) Payment of fine.--

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

47 (2) Payment must be made personally, through an  
48 authorized agent or by mailing both payment and the notice of  
49 violation to the system administrator. Payment by mail must  
50 be made only by money order, credit card or check made  
51 payable to the system administrator. The system administrator

1 shall remit the fine, less the system administrator's  
2 operation and maintenance costs necessitated by this section,  
3 to the department for deposit into the Motor License Fund.  
4 Fines deposited in the fund under this paragraph shall be  
5 used by the department to develop, by regulation, a  
6 Transportation Enhancements Grant Program. The department  
7 shall award transportation enhancement grants on a  
8 competitive basis. The department may pay any actual  
9 administrative costs arising from its administration of this  
10 section. The department may not reserve, designate or set  
11 aside any specific level of funds or percentage of funds to  
12 an applicant prior to the completion of the application  
13 process, nor may the department designate a set percentage of  
14 funds to an applicant. Grants shall be awarded by the  
15 department on recommendation of a selection committee  
16 consisting of four representatives of the department  
17 appointed by the secretary and four members appointed by the  
18 mayor of the city of the first class.

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

21 \* \* \*

22 (q) Expiration.--This section shall expire [June 30, 2012]  
23 December 31, 2016.

24 Section 2. Section 6109(h) of Title 75 is amended to read:

25 Amend Bill, page 3, line 27, by striking out "2" and  
26 inserting