

AMENDMENTS TO SENATE BILL NO. 1098

Sponsor: REPRESENTATIVE TAYLOR

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

3 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
4 Statutes, in rules of the road in general, further providing
5 for meeting or overtaking school bus and providing for
6 enforcement of failure to stop for school bus with flashing
7 red lights.

8 Amend Bill, page 1, lines 8 through 19; pages 2 through 17,
9 lines 1 through 30; page 18, lines 1 through 24; by striking out
10 all of said lines on said pages and inserting

11 Section 1. Section 3345(a.1)(1) and (j) of Title 75 of the
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 3345. Meeting or overtaking school bus.

14 * * *

15 (a.1) Reports by school bus operators.--

16 (1) The operator of a school bus who observes a
17 violation of subsection (a) may prepare a signed, written
18 report which indicates that a violation has occurred. To the
19 extent possible, the report shall include the following
20 information:

21 (i) Information, if any, pertaining to the identity
22 of the alleged violator.

23 (ii) The license number and color of the vehicle
24 involved in the violation.

25 (iii) The time and approximate location at which the
26 violation occurred.

27 (iv) Identification of the vehicle as an automobile,
28 station wagon, motor truck, motor bus, motorcycle or
29 other type of vehicle.

30 (v) Whether the school bus is equipped with a side
31 stop signal arm enforcement system under section 3345.1
32 (relating to enforcement of failure to stop for school
33 bus with flashing red lights).

34 * * *

35 (j) Penalty.--A person who violates subsection (a) or (f.1)

1 commits a summary offense and shall, upon conviction, be
2 sentenced to pay a fine of \$250[.] and a \$35 surcharge. The
3 surcharge shall be deposited into the School Bus Safety Grant
4 Program Fund.

5 Section 2. Title 75 is amended by adding a section to read:
6 \$ 3345.1. Enforcement of failure to stop for school bus with
7 flashing red lights.

8 (a) General rule.--A school district may install and operate
9 a side stop signal arm enforcement system for the purpose of
10 enforcing the provisions of section 3345 (relating to meeting or
11 overtaking school bus) as reported under section 3345(a.1).

12 (b) Applicability.--

13 (1) Except as provided in paragraph (2), this section
14 shall apply to a driver of a motor vehicle meeting or
15 overtaking a school bus stopped on a highway or trafficway
16 when the red signal lights on the school bus are flashing and
17 the side stop signal arms are activated as described in
18 section 3345.

19 (2) Nothing in this section shall supersede the
20 provisions of:

21 (i) Section 3105(h) (relating to drivers of
22 emergency vehicles).

23 (ii) Section 3345 (c) or (d).

24 (c) Liability.--For each violation of section 3345 enforced
25 under this section, the driver of the motor vehicle shall be
26 liable as follows:

27 (1) The penalty for the violation shall be as provided
28 in sections 1535(a) (relating to schedule of convictions and
29 points) and 3345.

30 (2) (Reserved).

31 (d) Certificate as evidence.--A certificate, or a facsimile
32 of a certificate, based upon inspection of recorded images
33 produced by a side stop signal arm enforcement system and sworn
34 to or affirmed by a police officer shall be prima facie evidence
35 of the facts contained in it. The school district or the
36 contracted company that provides pupil transportation must
37 include written documentation that the side stop signal arm
38 enforcement system was operating correctly at the time of the
39 alleged violation. A recorded image evidencing a violation of
40 section 3345 shall be admissible in any judicial or
41 administrative proceeding to adjudicate the liability for the
42 violation.

43 (e) Limitations.--

44 (1) (i) Notwithstanding any other provision of law,
45 equipment deployed as part of a side stop signal arm
46 enforcement system as provided under this section must be
47 incapable of automated or user-controlled remote
48 intersection surveillance by means of recorded video
49 images.

50 (ii) Recorded images collected as part of the side
51 stop signal arm enforcement system may only record

1 violations of section 3345 and may not be used for any
2 other surveillance purposes.

3 (iii) Restrictions under this paragraph shall not be
4 deemed to preclude a court of competent jurisdiction from
5 issuing an order directing that the information be
6 provided to law enforcement officials if the information
7 is reasonably described and is requested solely in
8 connection with a criminal law enforcement action.

9 (2) (i) Notwithstanding any other provision of law,
10 information prepared under this section and information
11 relating to violations of section 3345 enforced under
12 this section which is kept by the police department of
13 the police officer having the authority to exercise
14 police power in the area where the violation occurred,
15 its authorized agents or employees, including recorded
16 images, written records, reports or facsimiles, names,
17 addresses and the number of violations under this
18 section, shall be for the exclusive use of the department
19 of the police officer having the authority to exercise
20 police power in the area where the violation occurred,
21 its authorized agents or employees and law enforcement
22 officials for the purpose of discharging their duties
23 under this section.

24 (ii) The information shall not be deemed a public
25 record under the act of February 14, 2008 (P.L.6, No.3),
26 known as the Right-to-Know Law.

27 (iii) The information may be discoverable by court
28 order or otherwise and may be offered in evidence in any
29 action or proceeding which is directly related to a
30 violation of section 3345 enforced under this section or
31 any other violation in connection with a criminal law
32 enforcement action.

33 (3) Images obtained through the use of a side stop
34 signal arm enforcement system shall be destroyed within one
35 year of final disposition of the recorded event. The vendor
36 of a side stop signal arm enforcement system shall notify the
37 school district by written notice in accordance with this
38 section that the records have been destroyed.

39 (4) Notwithstanding any other provision of law,
40 registered vehicle owner information obtained as a result of
41 the operation of a side stop signal arm enforcement system
42 shall not be the property of the manufacturer or vendor of
43 the system and may not be used for any purpose other than
44 prescribed in this section.

45 (f) Defenses.--

46 (1) It shall be a defense to a prosecution using a side
47 stop signal arm enforcement system for a violation under
48 section 3345 that the person named in the citation was not
49 operating the vehicle at the time of the violation. The
50 person shall be required to submit evidence to the court that
51 the person was not the driver at the time of the alleged

1 violation.

2 (2) The person named in the citation shall not be
3 required to identify the actual driver of the vehicle at the
4 time the violation occurred.

5 (3) (i) The owner of a rented or leased motor vehicle
6 shall provide to the court a sworn affidavit signed under
7 penalty of perjury containing the name and address of the
8 person who had care, custody or control of the motor
9 vehicle at the time of the alleged violation.

10 (ii) The court may mail or electronically transfer
11 the information contained in the sworn affidavit to the
12 police department with jurisdiction for further
13 investigation.

14 (4) If the person receives a citation under section 3345
15 of a time period during which the vehicle was reported to the
16 police department of any state or municipality as having been
17 stolen, it shall be a defense to the violation that the
18 vehicle has been reported to a police department as stolen
19 prior to the time the violation occurred and has not been
20 recovered prior to that time.

21 (5) It shall be a defense to a prosecution using a side
22 stop signal arm enforcement system for a violation under
23 section 3345 that the person receiving the citation was not
24 the owner of the vehicle at the time of the offense if the
25 person can provide valid documentation of nonownership to the
26 court.

27 (g) Approval.--

28 (1) A school district may enter into an agreement with a
29 private vendor or manufacturer to provide a side stop signal
30 arm enforcement system on each bus within its fleet, whether
31 owned, contracted or leased, up to and including the
32 installation, operation and maintenance of the systems.

33 (2) Except as otherwise provided, an agreement under
34 this section shall take effect in a school district by vote
35 of the board of school directors. The meeting to consider
36 approval of a side stop signal arm enforcement system shall
37 be properly noticed under 65 Pa.C.S. Ch. 7 (relating to open
38 meetings).

39 (h) Duty of manufacturer or vendor.--A manufacturer or
40 vendor of side stop signal arm enforcement systems shall submit
41 the following information to the school district:

42 (1) A copy of the recorded image showing the vehicle.

43 (2) The license plate number and state of issuance of
44 the motor vehicle.

45 (3) The date, time and place of the alleged violation.

46 (i) Compensation to manufacturer or vendor.--The
47 compensation paid to the manufacturer or vendor of the side stop
48 signal arm enforcement system may not be based on the number of
49 citations issued. The compensation paid to the manufacturer or
50 vendor of the equipment shall be based upon the value of the
51 equipment and services provided or rendered in support of the

1 side stop signal arm enforcement system.

2 (j) Department approval.--

3 (1) No side stop signal arm enforcement system may be
4 used without the approval of the department, which shall have
5 the authority to promulgate regulations for the certification
6 and use of such systems.

7 (2) In order to facilitate the prompt implementation of
8 this section, regulations promulgated by the department under
9 this section during the two years following the effective
10 date of this section shall be deemed temporary regulations,
11 which shall expire no later than three years following the
12 effective date of this section or upon promulgation of final
13 regulations. The temporary regulation shall not be subject
14 to:

15 (i) Sections 201, 202, 203, 204 and 205 of the act
16 of July 31, 1968 (P.L.769, No.240), referred to as the
17 Commonwealth Documents Law.

18 (ii) The act of June 25, 1982 (P.L.633, No.181),
19 known as the Regulatory Review Act.

20 (iii) Section 204 (b) of the act of October 15, 1980
21 (P.L.950, No.164), known as the Commonwealth Attorneys
22 Act.

23 (k) School Bus Safety Grant Program.--The School Bus Safety
24 Grant Program Fund is established as a restricted receipts
25 account in the Motor License Fund. The surcharge established
26 under section 3345(j) shall be deposited into the fund and shall
27 be used by the department to implement the School Bus Safety
28 Grant Program, which is established to promote and increase
29 school bus safety education and training throughout this
30 Commonwealth. The department shall award school bus safety
31 grants on a competitive basis. The department may pay any actual
32 administrative costs arising from the administration of this
33 section out of the fines deposited into the fund. Independent
34 school bus contractors and school districts are eligible for the
35 grant. The department shall develop a uniform application
36 process and regulations to administer the grant program.

37 (l) Contracted companies.--

38 (1) No contracted company that provides pupil
39 transportation shall be liable if a side stop signal arm
40 enforcement system is vandalized or otherwise malfunctions.

41 (2) Nothing in this section shall be construed to
42 require a contracted company that provides pupil
43 transportation to take a bus out of service due to a
44 nonfunctioning side stop signal arm enforcement system,
45 except that a contracted company shall allow the manufacturer
46 or vendor of the side stop signal arm enforcement system
47 access to the bus when the bus is not in service at a time
48 mutually agreeable to the contractor and vendor.

49 (3) Independent school bus contractors shall not be held
50 responsible for costs associated with the side stop signal
51 arm enforcement system, including, but not limited to,

1 installation, maintenance, repair, replacement or removal of
2 the system.

3 (m) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection unless the context clearly indicates otherwise:

6 "Manufacturer" or "vendor." A company that creates, owns or
7 has a license or permission to sell, lease or distribute a side
8 stop signal arm enforcement system.

9 "Pupil transportation." The transport of resident pupils of
10 a school district to and from preprimary, primary or secondary
11 schools and students to or from public, private or parochial
12 schools. The term does not include transportation for field
13 trips.

14 "Side stop signal arm enforcement system" or "system." A
15 camera system with two or more camera sensors and computers that
16 produce recorded video and two or more film or digital
17 photographic still images of a motor vehicle being used or
18 operated in a manner that violates section 3345.

19 "Side stop signal arms." As described in section 4552(b.1)
20 (relating to general requirements for school buses).

21 Section 3. This act shall take effect as follows:

22 (1) The following provisions shall take effect
23 immediately:

24 (i) This section.

25 (ii) The addition of 75 Pa.C.S. § 3345.1(j).

26 (2) The remainder of this act shall take effect in six
27 months.