

AMENDMENTS TO HOUSE BILL NO. 364

Sponsor: SENATOR BARTOLOTTA

Printer's No. 1974

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"
2 in rules of the road in general, further providing for
3 enforcement of failure to stop for school bus with flashing
4 red lights; and,

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

7 Section 1. Section 3345.1(b)(1), (c), (f)(2), (h)
8 introductory paragraph, (i) and (m) of Title 75 of the
9 Pennsylvania Consolidated Statutes are amended, subsection (e)
10 is amended by adding a paragraph and the section is amended by
11 adding subsections to read:

12 § 3345.1. Enforcement of failure to stop for school bus with
13 flashing red lights.

14 * * *

15 (b) Applicability.--

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

22 * * *

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

26 (1) The penalty for the violation shall be [as provided
27 in sections 1535(a) (relating to schedule of convictions and
28 points) and 3345.] a civil violation and a fine shall be
29 imposed in the amount of \$300. The fine shall be distributed
30 as follows after administrative costs:

31 (i) \$250 to the school district where the violation
32 occurred;

33 (ii) \$25 to the police department that reviewed the
34 evidence package to determine the violation occurred; and

35 (iii) \$25 to the School Bus Safety Grant Program
36 Account.

37 (1.1) The fine under paragraph (1) shall not be subject

1 to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of
2 finances, etc.) or 3573 (relating to municipal corporation
3 portion of fines, etc.).

4 (2) [(Reserved).] A rebuttable presumption shall exist
5 that the owner of the vehicle was the operator at the time of
6 the alleged violation.

7 * * *

8 (e) Limitations.--

9 * * *

10 (1.1) (i) To the extent practical, an automated side
11 stop signal arm enforcement system shall use necessary
12 technologies to ensure that photographs or recorded video
13 images produced by the system shall not identify the
14 operator, the passengers or the contents of the vehicle.

15 (ii) No notice of liability issued under this
16 section may be dismissed solely because a photograph or
17 recorded video image allows for the identification of the
18 operator, passengers or contents of the vehicle as long
19 as a reasonable effort has been made to comply with this
20 paragraph.

21 * * *

22 (f) Defenses.--

23 * * *

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

27 (ii) The owner shall provide to the court or vendor
28 for the school entity a sworn affidavit signed under
29 penalty of perjury containing the name and address of the
30 person who had care, custody or control of the motor
31 vehicle, including an employee of the owner or the person
32 who was renting or leasing the motor vehicle at the time
33 of the alleged violation.

34 (iii) The primary police department for the school
35 entity shall mail or electronically transfer a notice of
36 the citation to the person identified as having the care,
37 custody or control of the motor vehicle at the time of
38 the violation. The proof required under this section
39 creates a rebuttable presumption that the person having
40 the care, custody or control of the motor vehicle at the
41 time of the violation was the operator of the motor
42 vehicle at the time of the violation.

43 (iv) The notice required under this paragraph shall
44 contain the following:

45 (A) The information described in the original
46 notice of violation.

47 (B) A statement that the person receiving the
48 notice was identified by the owner of the motor
49 vehicle as the person having the care, custody or
50 control of the motor vehicle at the time of the
51 violation.

1 (C) A statement that the person may offer a
2 defense as described in this subsection. If a person
3 identified by the owner as having care, custody or
4 control of the motor vehicle at the time of the
5 violation, the responsibility shall revert to the
6 owner of the vehicle.

7 (v) The owner may not attempt to transfer
8 responsibility more than one time using this procedure.

9 (vi) If a person other than the owner denies the
10 person was the operator and declines responsibility, a
11 new notice shall be issued to the owner which shall
12 include the following:

13 (A) a statement that the other person declined
14 responsibility; and

15 (B) a provision allowing for the option of
16 paying the civil fine or contesting the violation by
17 a stated date that shall not be less than 20 days
18 from the mailing of the new notice.

19 (vii) The person receiving the notice shall be
20 responsible for payment of the civil fine unless the
21 person either:

22 (A) returns a signed statement on a form
23 provided with the notice of violation that the person
24 was not the operator and declining responsibility, in
25 which case responsibility for the violation shall
26 revert to the owner; or

27 (B) admits to being the operator but denies
28 committing the violation, in which case the person
29 may contest the notice of violation in the same
30 manner as the owner may contest the violation.

31 * * *

32 (g.1) Duty of school district.--A school district may enter
33 into an intergovernmental agreement with the primary police
34 department with authority to issue violations using an automated
35 side stop signal arm enforcement system. The primary police
36 department is the police department in any municipality in which
37 the school district is located. If a municipality in which the
38 school district where the violation occurred is located does not
39 have its own police department, the school district may petition
40 the State Police for review of the evidence package from the
41 automated side stop signal arm enforcement system.

42 (g.2) Duty of police and police department.--Police officers
43 and police departments enforcing violations of section 3345 and
44 using automated side stop signal arm enforcement systems shall:

45 (1) Review submitted evidence from the manufacturer or
46 vendor of a system to determine if there is sufficient
47 evidence that a violation under section 3345 occurred and
48 electronically certify the notice of violation.

49 (2) Provide information to a school district or
50 contracted company that provides school transportation with
51 information related to the police or police department's

1 capacity to view and authorize the notice of violation.

2 (h) Duty of manufacturer or vendor.--A manufacturer or
3 vendor of side stop signal arm enforcement systems shall submit
4 the following information to the [school entity] police or
5 police department:

6 * * *

7 (i) [Compensation to manufacturer or vendor.--The
8 compensation paid to the manufacturer or vendor of the side stop
9 signal arm enforcement system may not be based on the number of
10 citations issued. The compensation paid to the manufacturer or
11 vendor of the equipment shall be based upon the value of the
12 equipment and services provided or rendered in support of the
13 side stop signal arm enforcement system.] (Reserved).

14 * * *

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

18 "Local board of school directors." A board of directors or
19 other governing authority of a school entity.

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

23 "Pupil transportation." The transport of resident pupils of
24 a school district to and from preprimary, primary or secondary
25 schools and students to or from public, private or parochial
26 schools. The term does not include transportation for field
27 trips.

28 "School entity." A school district, area [vocational-
29 technical] career and technical school, intermediate unit,
30 charter school, regional charter school or cyber charter school.

31 "Side stop signal arm enforcement system" or "system." A
32 camera system with two or more camera sensors and computers that
33 produce recorded video and two or more film or digital
34 photographic still images of a motor vehicle being used or
35 operated in a manner that violates section 3345.

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

38 Section 2. Section 4572 of Title 75 is amended by adding a
39 subsection to read:

40 Amend Bill, page 1, line 15, by inserting after "students."

41 Nothing under this subsection shall be construed to permit
42 an activity by a driver of a school vehicle prohibited under
43 section 3351 (relating to stopping, standing and parking outside
44 business and residence districts) or 3353 (relating to
45 prohibitions in specified places).

46 Amend Bill, page 1, line 17, by striking out "2" and
47 inserting

