

AMENDMENTS TO HOUSE BILL NO. 364

Sponsor: SENATOR BARTOLOTTA

Printer's No. 3908

1 Amend Bill, page 1, line 10, by striking out "(F) (2)" and
2 inserting

3 (f)

4 Amend Bill, page 2, line 9, by inserting a bracket before
5 "DRIVER"

6 Amend Bill, page 2, line 9, by inserting after "DRIVER"

7] owner

8 Amend Bill, page 2, lines 13 and 14, by striking out

9 "VIOLATION AND A FINE SHALL BE IMPOSED IN THE AMOUNT OF \$300"

10 and inserting

11 penalty with a fine of \$300

12 Amend Bill, page 2, line 15, by striking out "AFTER

13 ADMINISTRATIVE COSTS"

14 Amend Bill, page 2, line 17, by inserting after "OCCURRED"

15 , which shall be utilized for the installation or
16 maintenance of side stop signal arm enforcement systems
17 on school buses

18 Amend Bill, page 2, line 27, by striking out "OPERATOR" and
19 inserting

20 driver

21 Amend Bill, page 2, by inserting between lines 28 and 29

22 (3) For each violation under this section, the owner of
23 the vehicle shall be liable for the fine imposed unless the
24 owner is convicted of the same violation under section 3345,
25 or has a defense under subsection (f).

26 (4) A violation under this section shall not:

1 (i) be deemed a criminal conviction;
2 (ii) be made part of the operating record of the
3 individual upon whom the penalty is imposed under section
4 1535 (relating to schedule of convictions and points);
5 (iii) be the subject of merit rating for insurance
6 purposes; or
7 (iv) authorize imposition of surcharge points in the
8 provision of motor vehicle insurance coverage.

9 Amend Bill, page 3, line 6, by striking out "OPERATOR" and
10 inserting
11 driver

12 Amend Bill, page 3, line 10, by striking out "OPERATOR" and
13 inserting
14 driver

15 Amend Bill, page 3, line 15, by striking out all of said line
16 and inserting

17 (1) It shall be a defense to a prosecution using a side
18 stop signal arm enforcement system for a violation under
19 section 3345 that the person named in the citation was not
20 operating the vehicle at the time of the violation. The
21 person shall be required to submit evidence to the court that
22 the person was not the driver at the time of the alleged
23 violation.

24 Amend Bill, page 3, line 16, by striking out "(I)"

25 Amend Bill, page 3, lines 19 through 30; pages 4 and 5, lines
26 1 through 30; page 6, lines 1 through 5; by striking out all of
27 said lines on said pages and inserting

28 (3) It shall be a defense to a violation under this
29 section that the person named in the notice of the violation
30 was not operating the vehicle at the time of the violation.
31 The owner may be required to submit evidence that the owner
32 was not the driver at the time of the alleged violation.

33 (4) If an owner receives a notice of violation under
34 this section of a time period during which the vehicle was
35 reported to a police department of any state or municipality
36 as having been stolen, it shall be a defense to a violation
37 under this section that the vehicle has been reported to a
38 police department as stolen prior to the time the violation
39 occurred and had not been recovered prior to that time.

40 (5) It shall be a defense to a violation under this
41 section that the person receiving the notice of violation was

1 not the owner of the vehicle at the time of the offense.

2 * * *

3 Amend Bill, page 6, by inserting between lines 10 and 11

4 (h.1) Duty of school district.--A school district may enter
5 into an intergovernmental agreement with the primary police
6 department with authority to issue violations using an automated
7 side stop signal arm enforcement system. The primary police
8 department is the police department in any municipality in which
9 the school district is located. If a municipality in which the
10 school district where the violation occurred is located does not
11 have its own police department, the school district may petition
12 the State Police for review of the evidence package from the
13 automated side stop signal arm enforcement system.

14 (h.2) Duty of police and police department.--Police officers
15 and police departments enforcing violations of section 3345 and
16 using automated side stop signal arm enforcement systems shall:

17 (1) Review submitted evidence from the manufacturer or
18 vendor of a system to determine if there is sufficient
19 evidence that a violation under section 3345 occurred and
20 electronically certify the notice of violation.

21 (2) Provide information to a school district related to
22 the police or police department's capacity to view and
23 authorize the notice of violation.

24 Amend Bill, page 6, by inserting between lines 17 and 18

25 (i.1) Notice of violation, fines and contest.--The following
26 shall apply:

27 (1) The following shall apply to notice of violation:

28 (i) The primary police department for the school
29 entity in which the violation occurred shall mail or
30 electronically transfer a notice of the citation to the
31 person identified as having the care, custody or control
32 of the vehicle at the time of the violation. The proof
33 required under this section creates a rebuttable
34 presumption that the person having the care, custody or
35 control of the vehicle at the time of the violation was
36 the driver of the vehicle at the time of the violation.

37 (ii) The notice required under this paragraph shall
38 contain the following:

39 (A) The information described in the original
40 notice of violation.

41 (B) A statement that the person receiving the
42 notice was identified by the owner of the vehicle as
43 the person having the care, custody or control of the
44 vehicle at the time of the violation.

45 (C) A statement that the person may offer a
46 defense as described in subsection (f). If a person
47 identified by the owner as having care, custody or
48 control of the vehicle at the time of the violation

1 declines responsibility, the responsibility shall
2 revert to the owner of the vehicle.

3 (iii) The owner may not attempt to transfer
4 responsibility more than one time using this procedure.

5 (iv) If a person other than the owner denies the
6 person was the driver and declines responsibility, a new
7 notice shall be issued to the owner which shall include
8 the following:

9 (A) a statement that the other person declined
10 responsibility; and

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

15 (v) The person receiving the notice shall be
16 responsible for payment of the civil fine unless the
17 person either:

18 (A) returns a signed statement on a form
19 provided with the notice of violation that the person
20 was not the driver and declining responsibility, in
21 which case responsibility for the violation shall
22 revert to the owner; or

23 (B) admits to being the driver but denies
24 committing the violation, in which case the person
25 may contest the notice of violation in the same
26 manner as the owner may contest the violation.

27 (2) The following shall apply to payment of fine:

28 (i) An owner may admit responsibility for the
29 violation and pay the fine as indicated on the notice of
30 violation.

31 (ii) Payment of the fine shall operate as a final
32 disposition of the civil penalty.

33 (iii) If payment is not received or the owner has not
34 contested liability within 30 days of original notice,
35 the police department may turn the matter over to the
36 Magisterial District Judge where the violation occurred.
37 The Magisterial District Judge may assess liability upon
38 the owner for failure to pay the fine or contest
39 liability.

40 (3) The following shall apply to contesting liability or
41 notice:

42 (1) An owner may, within 30 days of the mailing of
43 the notice, contest liability in person or by mailing a
44 request in writing on the prescribed form, raising a
45 defense listed under subsection (f).

46 (ii) If an owner contests the notice of violation
47 and completes payment of applicable civil filing fees,
48 the primary police department shall file the notice of
49 violation and supporting documents with the Magisterial
50 District Judge where the violation occurred, and the
51 court shall hear and decide the matter.

1 Amend Bill, page 7, line 8, by inserting a bracket before
2 "MOTOR"

3 Amend Bill, page 7, line 8, by inserting a bracket after
4 "MOTOR"