

AMENDMENTS TO HOUSE BILL NO. 1284

Sponsor: SENATOR LANGERHOLC

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1 Amend Bill, page 1, lines 9 through 13, by striking out all
2 of 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 automated enforcement of failure to stop for school bus
6 with flashing red lights, for automated speed enforcement
7 systems in active work zones and for pilot program for
8 automated speed enforcement system on designated highway and
9 providing for automated speed enforcement study and for pilot
10 program for automated speed enforcement systems in designated
11 school zones; and imposing a penalty.

12 Amend Bill, page 36, lines 29 and 30; page 37, lines 1
13 through 11; by striking out all of said lines on said pages and
14 inserting

15 Section 1. Section 3345.1(e)(4), (f)(3), (i.2)(1), (2)(v)
16 and (3)(i), (ii) and (iii), (i.3)(3) and (i.4)(4) of Title 75 of
17 the Pennsylvania Consolidated Statutes, amended October 23, 2023
18 (P.L.134, No.19), are amended to read:

19 § 3345.1. Automated enforcement of failure to stop for school
20 bus with flashing red lights.

21 * * *

22 (e) Limitations.--

23 * * *

24 (4) Notwithstanding any other provision of law,
25 [registered] motor vehicle owner information obtained as a
26 result of the operation of a side stop signal arm enforcement
27 system shall not be the property of the school entity, system
28 administrator on the school entity's behalf or contracted
29 company that provides pupil transportation and may not be
30 used for any purpose other than prescribed in this section.

31 * * *

32 (f) Defenses.--

33 (3) It shall be a defense to a violation under this
34 section that the owner of the motor vehicle named in the
35 notice of the violation was not [operating] driving the motor

1 vehicle at the time of the violation. The owner may be
2 required to submit evidence that the owner was not the driver
3 at the time of the alleged violation. The owner [of the motor
4 vehicle] may not be required to disclose the identity of the
5 [operator] driver of the motor vehicle at the time of the
6 violation.

7 * * *

8 (i.2) Notice of violation.--

9 (1) Upon certification from a primary police department
10 that a violation of this section has occurred as required by
11 subsection (h.2), a school entity, or a system administrator
12 on the school entity's behalf, shall initiate an action to
13 enforce this section by sending an administrative notice of
14 violation to the [registered] owner of the motor vehicle
15 identified by a side stop signal arm enforcement system as
16 violating this section.

17 (2) The notice of violation shall include all of the
18 following:

19 * * *

20 (v) Notice that the owner of the motor vehicle is
21 charged with a violation of this section.

22 * * *

23 (3) A notice of violation shall be sent by first class
24 mail as follows:

25 (i) In the case of a violation involving a motor
26 vehicle [registered under] subject to the laws of this
27 Commonwealth, the notice of violation must be mailed
28 within 30 days after the commission of the violation or
29 within 30 days after the discovery of the identity of the
30 [registered] owner, whichever is later, and not
31 thereafter to the address of the [registered] owner
32 listed in the records of the department.

33 (ii) In the case of motor vehicles [registered in]
34 from jurisdictions other than this Commonwealth, the
35 notice of violation must be mailed within 30 days after
36 the discovery of the identity of the [registered] owner
37 and not thereafter to the address of the [registered]
38 owner as listed in the records of the official in the
39 jurisdiction having charge of the registration of the
40 motor vehicle.

41 (iii) A notice of violation under this section shall
42 be invalid unless provided to the [registered] owner
43 within 90 days of the commission of the violation.

44 * * *

45 (i.3) Payment of fine.--Payment of the fine shall be as
46 follows:

47 * * *

48 (3) If payment is not received within 90 days of the
49 mailing date of the notice of violation, the school entity,
50 or a system administrator on the school entity's behalf, may
51 request an applicable credit collection agency to resolve the

1 payment amount owed.
2 (i.4) Contest of violation.--The procedure for contesting a
3 violation of this section shall be as follows:

4 * * *

5 (4) If, within 45 days of issuance of the decision of
6 the department's hearing officer, the owner of the motor
7 vehicle requests in writing an appeal of the decision of the
8 department's hearing officer, [the school entity, or the
9 system administrator on the school entity's behalf,] the
10 owner shall file the notice of violation and supporting
11 documents with the office of the magisterial district judge
12 for the magisterial district where the violation occurred. A
13 magisterial district judge shall hear and decide the matter
14 de novo and shall be restricted to finding an owner liable or
15 not liable for violating this section and shall not assign
16 damages to an owner or otherwise impose penalties on primary
17 police departments, police officers, school entities, system
18 administrators or other persons involved in the appeal
19 process[.], except as otherwise provided under 42 Pa.C.S. §
20 1726 (relating to establishment of taxable costs), which may
21 only be assessed to the school entity or system administrator
22 on the school entity's behalf.

23 * * *

24 Section 2. Section 3369(b), (c.1), (d)(1), (2), (3), (4) and
25 (5), (e), (f), (g), (h)(1), (3) and (4), (i), (j) and (k) of
26 Title 75 are amended to read:

27 § 3369. Automated speed enforcement systems in active work
28 zones.

29 * * *

30 (b) Applicability.--This section shall apply to Federal aid
31 highways only under the jurisdiction of the department and the
32 Pennsylvania Turnpike Commission. An automated speed enforcement
33 system may not be used unless:

34 (1) At least two appropriate warning signs are
35 conspicuously placed before the active work zone notifying
36 the public that an automated speed enforcement [device]
37 system is in use.

38 (2) [At least one of the signs indicates if the
39 automated speed enforcement system is active or not active.]
40 The first warning sign under paragraph (1) shall:

41 (i) Be the largest size available in conformance
42 with Federal regulations, unless the department or the
43 Pennsylvania Turnpike Commission determines that a
44 smaller size is necessary to ensure the safety of the
45 work zone.

46 (ii) Clearly and accurately indicate if the
47 automated speed enforcement system is active and in use.

48 (iii) Be placed at least 1,000 feet before the
49 active work zone, unless the department or the
50 Pennsylvania Turnpike Commission determines that a lesser
51 distance is necessary to ensure the safety of the work

1 zone, comply with Federal regulations or provide adequate
2 traffic control in the work zone and is capable of
3 providing the most advanced notification as practical.

4 (iv) Be followed immediately by the posted speed
5 limit of the active work zone and prior to the placement
6 of the automated speed enforcement system.

7 (3) An appropriate sign is conspicuously placed in the
8 middle, if appropriate, and at the end of the active work
9 zone.

10 (3.1) The posted speed limit of the active work zone is
11 placed at an appropriate location within the active work zone
12 to provide adequate notice to drivers.

13 (4) A notice identifying the location of the specific
14 highway segment where the automated speed enforcement system
15 is in use and posted at the active work zone and on the
16 department's or Pennsylvania Turnpike Commission's publicly
17 accessible Internet website. The notice on the websites shall
18 remain throughout the period of use.

19 * * *

20 (c.1) Owner liability.--For each violation under this
21 section, the owner of the motor vehicle shall be liable for the
22 penalty imposed unless the owner is convicted of the same
23 violation under another provision of this title or has a defense
24 under subsection (g). For the purposes of this section, the
25 lessee of a leased vehicle shall be considered the owner of a
26 motor vehicle.

27 (d) Notice of violation.--

28 (1) (i) An action to enforce this section shall be
29 initiated by an administrative notice of violation to the
30 [registered] owner of a motor vehicle identified by an
31 automated speed enforcement system as violating this
32 section. A notice of violation based upon inspection of
33 recorded images produced by an automated speed
34 enforcement system and sworn or affirmed by an authorized
35 member of the Pennsylvania State Police shall be prima
36 facie evidence of the facts contained in the notice. The
37 Pennsylvania State Police shall receive certification
38 from the department, the Pennsylvania Turnpike Commission
39 or the system administrator when an automated speed
40 enforcement system is active in accordance with
41 subsection (b).

42 (ii) The notice of violation must include written
43 verification that the automated speed enforcement system
44 was operating correctly at the time of the alleged
45 violation and the date of the most recent inspection that
46 confirms the automated speed enforcement system to be
47 operating properly.

48 (iii) An automated speed enforcement system operator
49 shall complete training offered by the manufacturer or
50 vendor of the automated speed enforcement system,
51 including training on any devices critical to the

1 operation of the system, or the manufacturer's or
2 vendor's representative in the procedures for setting up,
3 testing and operating an automated speed enforcement
4 system. Upon completion of the training, the manufacturer
5 or vendor or manufacturer's or vendor's representative
6 shall issue a signed certificate to the automated speed
7 enforcement system [device] operator, which shall be
8 admitted as evidence in any court proceeding for a
9 violation involving an automated speed enforcement system
10 [device]. An automated speed enforcement system [device]
11 operator shall fill out and sign a daily log for an
12 automated speed enforcement system, which:

13 (A) states the date, time and location of the
14 [device] system setup;

15 (B) states that the automated speed enforcement
16 system [device] operator successfully performed and
17 the automated speed enforcement system [device]
18 passed the self-tests specified by the manufacturer
19 or vendor of the automated speed enforcement system
20 [device];

21 (C) shall be kept on file; and

22 (D) shall be admitted in any proceeding for a
23 violation involving an automated speed enforcement
24 system [device].

25 (iv) An automated speed enforcement system [device]
26 shall undergo an annual calibration check performed by a
27 calibration laboratory. The calibration laboratory shall
28 issue a signed certificate of calibration after the
29 annual calibration check, which shall be kept on file and
30 shall be admitted as evidence in any proceeding for a
31 violation involving an automated speed enforcement system
32 [device].

33 (v) The following shall be attached to the notice of
34 violation:

35 (A) A copy of the recorded image showing the
36 motor vehicle with its license plate visible.

37 (B) The registration number and state of
38 issuance of the motor vehicle registration.

39 (C) Verification that the automated speed
40 enforcement system was operating correctly at the
41 time of the alleged violation and the date of the
42 most recent inspection that confirms the automated
43 speed enforcement system to be operating properly.

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

46 (E) Notice that the violation charged is under
47 this section.

48 (F) Instructions for return of the notice of
49 violation.

50 (2) In the case of a violation involving a motor vehicle
51 [registered under] subject to the laws of this Commonwealth,

1 the notice of violation shall be mailed within 30 days after
2 the commission of the violation or within 30 days after the
3 discovery of the identity of the [registered] owner,
4 whichever is later, to the address of the [registered] owner
5 as listed in the records of the department.

6 (3) In the case of a violation involving a motor vehicle
7 [registered in] from a jurisdiction other than this
8 Commonwealth, the notice of violation shall be mailed within
9 30 days after the discovery of the identity of the
10 [registered] owner to the address of the [registered] owner
11 as listed in the records of the official in the jurisdiction
12 having charge of the registration of the vehicle.

13 (4) A notice of violation shall be invalid unless
14 provided to [an] the owner within 90 days of the offense.

15 (5) The notice shall include the following text:

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

21 * * *

22 (e) Penalty.--

23 (1) If a person violates this section as a first
24 offense, the person shall receive a written warning.

25 (2) The penalty for a violation under this section shall
26 be a fine of \$75 for the second offense and \$150 for the
27 third and subsequent offenses, and the fine shall not be
28 subject to 42 Pa.C.S. § 3571 (relating to Commonwealth
29 portion of fines, etc.) or 3573 (relating to municipal
30 corporation portion of fines, etc.).

31 (2.1) A person does not commit a second or subsequent
32 offense unless the second offense occurs at least 15 days
33 after the mailing date of the written warning.

34 (3) The fine or warning is not authorized during times
35 when the automated speed enforcement work area is not active
36 and not in use.

37 (4) A penalty imposed under this section shall not:

38 (i) be deemed a criminal conviction;

39 (ii) be made part of the operating record of the
40 individual upon whom the penalty is imposed under section
41 1535 (relating to schedule of convictions and points);

42 (iii) be the subject of merit rating for insurance
43 purposes; or

44 (iv) authorize imposition of surcharge points in the
45 provision of motor vehicle insurance coverage.

46 (5) If a person who has a prior violation of this
47 section before the effective date of this paragraph commits
48 another violation of this section after the effective date of
49 this paragraph, the violation after the effective date of
50 this paragraph shall be deemed a first offense and any
51 violation occurring after that violation shall constitute an

1 additional offense.

2 (f) Limitations.--

3 (1) Recorded images collected as part of the automated
4 speed enforcement system may record only violations of this
5 section and may not be used for any other surveillance
6 purposes. The restrictions provided in this paragraph shall
7 not preclude a court of competent jurisdiction from issuing
8 an order directing that the information be provided to law
9 enforcement officials, if the information is requested solely
10 in connection with a criminal law enforcement action and is
11 reasonably described.

12 (2) Notwithstanding any other provision of law,
13 information gathered and maintained under this section that
14 is kept by the Commonwealth, its authorized agents or its
15 employees, including recorded images, written records, motor
16 vehicle information, reports or facsimiles, names and
17 addresses, shall be for the exclusive purpose of discharging
18 its duties under this section. The information shall not be
19 deemed a public record under the act of February 14, 2008
20 (P.L.6, No.3), known as the Right-to-Know Law. The
21 information shall not be discoverable by court order or
22 otherwise or be admissible as evidence in a proceeding except
23 to determine liability under this section. The restrictions
24 provided in this paragraph shall not preclude a court of
25 competent jurisdiction from issuing an order directing that
26 the information be provided to law enforcement officials, if
27 the information is requested solely in connection with a
28 criminal law enforcement action and is reasonably described.

29 (3) Recorded images obtained through the use of
30 automated speed enforcement systems deployed as a means of
31 promoting traffic safety in automated speed enforcement work
32 areas shall be destroyed within one year of final disposition
33 of a notice of violation, except that images subject to a
34 court order under paragraph (1) or (2) shall be destroyed
35 within two years after the date of the order, unless further
36 extended by court order. The department, the Pennsylvania
37 Turnpike Commission or the system administrator shall retain
38 evidence that the records have been destroyed in accordance
39 with this section.

40 (4) Notwithstanding any other provision of law,
41 [registered] motor vehicle owner information obtained as a
42 result of the operation of an automated speed enforcement
43 system under this section shall be the exclusive property of
44 the Commonwealth and not the property of the manufacturer or
45 vendor of the automated speed enforcement system and may not
46 be used for a purpose other than prescribed in this section.

47 (5) [A] An intentional violation of this subsection
48 shall constitute a misdemeanor of the third degree punishable
49 by a \$500 fine. Each violation shall constitute a separate
50 and distinct offense.

51 (g) Defenses.--

1 (1) It shall be a defense to a violation under this
2 section that the motor vehicle was reported to a police
3 department as stolen prior to the time the violation occurred
4 and was not recovered prior to that time.

5 (2) It shall be a defense to a violation under this
6 section that the person receiving the notice of violation was
7 not the owner of the motor vehicle at the time of the
8 offense.

9 (3) It shall be a defense to a violation under this
10 section that the [device] automated speed enforcement system
11 being used to determine speed was not in compliance with
12 section 3368 (relating to speed timing devices) with respect
13 to testing for accuracy, certification or calibration.

14 (4) It shall be a defense to a violation under this
15 section that the person named in the notice of the violation
16 was not driving the motor vehicle at the time of the
17 violation. The department or system administrator may require
18 the owner to submit evidence that the owner was not the
19 driver at the time of the alleged violation. The owner of the
20 motor vehicle may not be required to disclose the identity of
21 the driver of the motor vehicle at the time of the violation.

22 (h) Authority and duties of department and Pennsylvania
23 Turnpike Commission.--

24 (1) The department and Pennsylvania Turnpike Commission
25 shall establish [a five-year] an automated speed enforcement
26 system program [not later than 18 months following the
27 effective date of this section].

28 * * *

29 (3) (i) The department and Pennsylvania Turnpike
30 Commission shall serve directly or through a contracted
31 private service with a manufacturer or vendor as the
32 system administrator of the program. Compensation under a
33 contract authorized by this paragraph shall be based only
34 upon the value of equipment and services provided or
35 rendered in support of the automated speed enforcement
36 system program and may not be based on the quantity of
37 notices of violation issued or amount of fines imposed or
38 generated.

39 (ii) The system administrator shall prepare and
40 issue notices of violation.

41 (iii) Two restricted accounts are established in the
42 State Treasury for fines remitted under this section to
43 the department and Pennsylvania Turnpike Commission,
44 respectively. The system administrator of the department
45 or Pennsylvania Turnpike Commission, if any, shall send
46 an invoice to the department or Pennsylvania Turnpike
47 Commission based, respectively, on the services under
48 subparagraph (i) and the Pennsylvania State Police under
49 subsection (d)(1)(i). The department, Pennsylvania
50 Turnpike Commission and the Pennsylvania State Police
51 shall use the appropriate restricted account to pay for

1 the administration of the [pilot] program and the system
2 administrator's invoice costs, if applicable. Remaining
3 fines shall be allocated by the department or
4 Pennsylvania Turnpike Commission [for the first three
5 years as follows:

6 (A) Forty-five percent of the fines from
7 violations occurring in an automated speed
8 enforcement work area shall be deposited into a
9 restricted account in the State Treasury on a
10 quarterly basis. The Department of Revenue shall,
11 within 90 days of the date of deposit, transfer to
12 the Pennsylvania State Police an amount equivalent to
13 the previous quarterly deposit to be used by the
14 Pennsylvania State Police as follows:

15 (I) Fifty-five percent of the funds shall be
16 dedicated and used for the purpose of recruiting,
17 training or equipping Pennsylvania State Police
18 Cadets.

19 (II) Forty-five percent of the funds shall
20 be dedicated and used to pay for an increased
21 Pennsylvania State Trooper presence in work zones
22 on the State road system managed by the
23 department or the Pennsylvania Turnpike
24 Commission. Funds under this subclause shall be
25 in addition to any contractual agreement between
26 the department or the Pennsylvania Turnpike
27 Commission and the Pennsylvania State Police for
28 enforcement in work zones on the State road
29 system managed by the department or the
30 Pennsylvania Turnpike Commission.

31 (B) Fifteen percent of the fines from violations
32 occurring in an automated speed enforcement work area
33 shall be transferred to the department or the
34 Pennsylvania Turnpike Commission, whichever State
35 road system utilized the automated speed enforcement
36 system, for the purpose of work zone safety, traffic
37 safety and educating the motoring public on work zone
38 safety, at the discretion of the department or
39 Pennsylvania Turnpike Commission.

40 (C) Forty percent of the fines from violations
41 occurring in an automated speed enforcement work area
42 shall be deposited in the Motor License Fund and
43 shall be appropriated by the General Assembly.

44 (iv) Remaining fines shall be allocated by the
45 department or Pennsylvania Turnpike Commission for the
46 last two years to develop a Work Zone and Highway Safety
47 Program. At a minimum, funds from the Work Zone and
48 Highway Safety Program shall be used for improvement
49 projects and countermeasures to improve the safety in
50 work zones and on highways. Funds may also be used to
51 increase awareness of distracted driving and

1 transportation enhancements established under section
2 3116 (relating to automated red light enforcement systems
3 in first class cities).

4 (v) If the amount of funds under subparagraph (iii)
5 (A) is lower than the amount of funds under subparagraph
6 (iii)(A) for the previous fiscal year, funds from the
7 Motor License Fund may not be used to supplement the
8 funds for the current fiscal year. Funding provided for
9 under subparagraph (iii)(A) shall be supplemental and
10 shall not prohibit the Pennsylvania State Police from
11 obtaining additional funding from any other means.

12 (vi) If the five-year program is not extended by the
13 General Assembly, any remaining fines remitted to the
14 department or Pennsylvania Turnpike Commission shall be
15 used as provided under subparagraph (iv).

16 (vii) The system administrator shall provide an
17 appropriate printed form by which owners may challenge a
18 notice of violation and convenient hearing hours and
19 times in each of the following metropolitan areas for
20 challenges to be heard as provided in this section: Erie,
21 Harrisburg, Philadelphia, Pittsburgh and Scranton. The
22 form may be included with or as part of the notice of
23 violation.] to develop a Work Zone and Highway Safety
24 Program. At a minimum, funds from the Work Zone and
25 Highway Safety Program shall be used for improvement
26 projects, enforcements and countermeasures to improve the
27 safety in work zones and on highways. Funds may also be
28 used to increase awareness of distracted driving and
29 transportation enhancements established under section
30 3116 (relating to automated red light enforcement systems
31 in first class cities).

32 (viii) The system administrator shall provide an
33 appropriate form by which owners of the motor vehicles
34 may challenge a notice of violation. A hearing to contest
35 liability may be in person or be conducted through live-
36 stream synchronous video conferencing or similar virtual
37 presence technology and shall be only at reasonable times
38 set by the system administrator. Challenges to be heard
39 in person shall be conducted in, at least, Erie,
40 Harrisburg, Philadelphia, Pittsburgh and Scranton. The
41 form may be included with or as part of the notice of
42 violation.

43 (4) Not later than April 1 annually, the department, the
44 Pennsylvania Turnpike Commission and the Pennsylvania State
45 Police shall submit a report on the program for the preceding
46 calendar year to the chairperson and minority chairperson of
47 the Transportation Committee of the Senate and the
48 chairperson and minority chairperson of the Transportation
49 Committee of the House of Representatives. The report shall
50 be a public record under the Right-to-Know Law and include:

51 (i) The number of vehicular accidents and related

1 serious bodily injuries and deaths in all work zones and
2 in automated speed enforcement work areas where the
3 program operated.

4 (ii) Speed data.

5 (iii) The number of notices of violation issued and
6 contested.

7 (iv) The amount of fines imposed and collected.

8 (v) Amounts paid under contracts authorized by this
9 section.

10 [(vi) The number of hours of Pennsylvania State
11 Police presence in work zones that were provided as a
12 result of the funds under paragraph (3)(iii)(A)(II).]

13 (vii) Use of funds under paragraph [(3)(iv)] (3)
14 (iii).

15 (i) Payment of fine.--

16 (1) An owner of a motor vehicle may admit responsibility
17 for the violation and pay the fine provided in the notice
18 personally, through an authorized agent, electronically or by
19 mailing both payment and the notice of violation to the
20 system administrator.

21 (2) Payment by mail must be made only by money order,
22 credit card or check made payable to the Commonwealth, the
23 Pennsylvania Turnpike Commission or the system administrator,
24 as applicable.

25 (3) Payment of the fine shall operate as a final
26 disposition of the case.

27 (4) [If payment is not received within 90 days of
28 original notice, the department or Pennsylvania Turnpike
29 Commission may turn the matter over to applicable credit
30 collection agencies.] If payment is not received within 90
31 days of the mailing of the notice of violation, the
32 department or Pennsylvania Turnpike Commission may request an
33 applicable credit collection agency to resolve the payment
34 amount owed.

35 (j) Contest.--

36 (1) An owner of a motor vehicle may, within 30 days of
37 the mailing date of the notice, request a hearing to contest
38 liability by appearing before the system administrator either
39 personally or by an authorized agent or by [mailing a request
40 in writing on the prescribed form. Appearances in person
41 shall be only at the locations and times set by the system
42 administrator.] sending a request on the prescribed form. A
43 hearing to contest liability may be in person or be conducted
44 through live-stream synchronous video conferencing or similar
45 virtual presence technology as described under subsection (h)
46 (3)(viii).

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 designated by the department or
50 Pennsylvania Turnpike Commission. Written notice of the date,
51 time and place of hearing must be presented or sent by first

1 class mail to the owner of the motor vehicle.

2 (3) The hearing shall be informal and the rules of
3 evidence shall not apply. The decision of the hearing officer
4 shall be made within 45 days from the hearing date and shall
5 be final, subject to the right of the owner of the motor
6 vehicle to appeal the decision under paragraph (4).

7 (4) If, within 45 days of issuance of the decision of
8 the hearing officer, the owner of the motor vehicle requests
9 in writing [that the decision of the hearing officer be
10 appealed, the system administrator] an appeal of the decision
11 of the hearing officer, the owner of the motor vehicle shall
12 file the notice of violation and supporting documents with
13 the office of the magisterial district judge for the
14 magisterial district where the violation occurred, and [the]
15 a magisterial district judge shall hear and decide the matter
16 de novo and shall be restricted to finding an owner liable or
17 not liable for violating this section.

18 [(k) Expiration.--This section shall expire five years from
19 the effective date of this section.]

20 Section 2.1. Section 3370 heading, (a), (b), (d)(2) and (4),
21 (f), (g), (i), (j)(1) and (3), (k), (m)(1), (n)(1) and (2), (o)
22 and (q) of Title 75 are amended and subsection (d) is amended by
23 adding a paragraph to read:

24 § 3370. [Pilot program for automated speed enforcement system
25 on designated highway] Automated speed enforcement
26 system on designated highways.

27 (a) General rule.--[A pilot program is established to
28 provide for an automated speed enforcement system on the
29 designated highway.] A program is established to provide for an
30 automated speed enforcement system on U.S. Route 1 (Roosevelt
31 Boulevard) between Ninth Street and the Philadelphia County line
32 shared with Bucks County in a city of the first class. The
33 following shall apply:

34 (1) A city of the first class, upon passage of an
35 ordinance, is authorized to enforce section 3362 (relating to
36 maximum speed limits) on Roosevelt Boulevard by recording
37 violations using an automated speed enforcement system
38 approved by the department.

39 [(2) This section shall only be applicable in a city of
40 the first class in areas agreed upon by the system
41 administrator and the Secretary of Transportation using the
42 automated speed enforcement system on U.S. Route 1 (Roosevelt
43 Boulevard) between Ninth Street and the Philadelphia County
44 line shared with Bucks County.]

45 (3) A city of the first class may expand the automated
46 speed enforcement system beyond Roosevelt Boulevard to no
47 more than five corridors if the following conditions are met:

48 (i) The city of the first class, in consultation
49 with the department, proposes a new State or local
50 highway corridor within the borders of the city of the
51 first class according to speed data and speed-related

1 accidents involving vehicles or pedestrians. Each
2 proposed corridor must include a beginning segment and an
3 end segment on the same State or local route within the
4 borders of the city of the first class.

5 (ii) The city of the first class conducts an
6 engineering and traffic investigation under section
7 6109(e) (relating to specific powers of department and
8 local authorities) on the posted speed limit within a
9 proposed State or local highway corridor for an automated
10 speed enforcement system.

11 (iii) The city of the first class provides at least
12 one opportunity for public comment regarding the proposed
13 State or local highway corridor.

14 (4) When the conditions under paragraph (3) have been
15 met, a city of the first class, upon passage of an ordinance
16 for each new corridor, is authorized to enforce section 3362
17 (relating to maximum speed limits) by recording violations
18 using an automated speed enforcement system approved by the
19 department.

20 (b) Owner liability.--For each violation under this section,
21 the owner of the motor vehicle shall be liable for the penalty
22 imposed unless the owner is convicted of the same violation
23 under another section of this title or has a defense under
24 subsection (g). For the purposes of this section, the lessee of
25 a leased vehicle shall be considered the owner of the motor
26 vehicle.

27 * * *

28 (d) Penalty.--The following shall apply:

29 * * *

30 (2) A penalty is authorized only for a violation of this
31 section if each of the following apply:

32 (i) At least two appropriate warning signs are
33 conspicuously placed at the beginning and end and at two-
34 mile intervals of the designated highway notifying the
35 public that an automated speed enforcement [device]
36 system is in use.

37 (ii) A notice identifying the location of the
38 automated speed enforcement system is posted on the
39 [department's] city of the first class's or system
40 administrator's publicly accessible Internet website
41 throughout the period of use.

42 * * *

43 (4) The system administrator may provide a written
44 warning to the [registered] owner of a motor vehicle
45 determined to have violated this section during the first 30
46 days of operation of the automated speed enforcement system.

47 * * *

48 (7) If a person who has a prior violation of this
49 section before the effective date of this paragraph commits
50 another violation of this section after the effective date of
51 this paragraph, the violation after the effective date of

1 this paragraph shall be deemed a first offense and any
2 violation occurring after that violation shall constitute an
3 additional offense.

4 (f) Limitations.--The following shall apply:

5 (1) No automated speed enforcement system shall be
6 utilized in such a manner as to take a frontal view recorded
7 image of the motor vehicle as evidence of having committed a
8 violation.

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

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

48 (4) Recorded images obtained through the use of
49 automated speed enforcement systems deployed as a means of
50 promoting traffic safety in a city of the first class shall
51 be destroyed within one year of final disposition of any

1 recorded event except that images subject to a court order
2 under paragraph (2) or (3) shall be destroyed within two
3 years after the date of the order, unless further extended by
4 court order. The city shall file notice with the [Department
5 of State] department that the records have been destroyed in
6 accordance with this section.

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

14 (6) [A] An intentional violation of this subsection
15 shall constitute a misdemeanor of the third degree punishable
16 by a \$500 fine. Each violation shall constitute a separate
17 and distinct offense.

18 (g) Defenses.--The following shall apply:

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

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

36 (3) It shall be a defense to a violation under this
37 section that the person receiving the notice of violation was
38 not the owner of the motor vehicle at the time of the
39 offense.

40 (4) It shall be a defense to a violation under this
41 section that the [device] automated speed enforcement system
42 being used to determine speed was not in compliance with
43 section 3368 (relating to speed timing devices) with respect
44 to testing for accuracy, certification or calibration.

45 * * *

46 (i) Duty of city.--[If a city of the first class elects to
47 implement this section, the] The following provisions shall
48 apply:

49 (1) [The city] A city of the first class may not use an
50 automated speed enforcement system unless there is posted an
51 appropriate sign in a conspicuous place before the area in

1 which the automated speed enforcement [device] system is to
2 be used notifying the public that an automated speed
3 enforcement [device] system is in use immediately ahead.

4 (2) [The city] A city of the first class shall designate
5 or appoint the Philadelphia Parking Authority as the system
6 administrator to supervise and coordinate the administration
7 of notices of violation issued under this section.

8 Compensation under a contract authorized by this paragraph
9 shall be based only upon the value of equipment and services
10 provided or rendered in support of the automated speed
11 enforcement system program and may not be based on the
12 quantity of notices of violation issued or amount of fines
13 imposed or generated.

14 (3) The system administrator shall prepare a notice of
15 violation to the [registered] owner of a motor vehicle
16 identified in a recorded image produced by an automated speed
17 enforcement system as evidence of a violation of section
18 3362. The notice of violation must be issued by a police
19 officer employed by the police department with primary
20 jurisdiction over the area where the violation occurred. The
21 notice of violation shall have the following attached to it:

22 (i) a copy of the recorded image showing the motor
23 vehicle;

24 (ii) the registration number and state of issuance
25 of the motor vehicle registration;

26 (iii) the date, time and place of the alleged
27 violation;

28 (iv) notice that the violation charged is under
29 section 3362; and

30 (v) instructions for return of the notice of
31 violation, which shall read:

32 This notice shall be returned personally, by mail or
33 by an agent duly authorized in writing, within 30
34 days of issuance. A hearing may be obtained upon the
35 written request of the [registered] owner of the
36 motor vehicle.

37 (j) System administrator.--The following shall apply:

38 (1) The system administrator may hire and designate
39 personnel as necessary or contract for services through a
40 manufacturer or vendor to implement this section.

41 * * *

42 (3) Not later than [April] September 1 annually, the
43 system administrator shall submit an annual report to the
44 chairperson and the minority chairperson of the
45 Transportation Committee of the Senate and the chairperson
46 and minority chairperson of the Transportation Committee of
47 the House of Representatives. The report shall be considered
48 a public record under the Right-to-Know Law and include for
49 the prior year:

50 (i) The number of violations and fines issued and
51 data regarding the speeds of motor vehicles in the

1 enforcement area.

2 (ii) A compilation of penalties paid and outstanding
3 and violations contested.

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

6 (iv) The number of vehicular and pedestrian
7 accidents and related serious bodily injuries and deaths
8 along the designated highway.

9 (k) Notice to owner.--In the case of a violation involving a
10 motor vehicle [registered under] subject to the laws of this
11 Commonwealth, the notice of violation must be mailed within 30
12 days after the commission of the violation or within 30 days
13 after the discovery of the identity of the [registered] owner of
14 the motor vehicle, whichever is later, and not thereafter to the
15 address of the [registered] owner as listed in the records of
16 the department. In the case of motor vehicles [registered in]
17 from jurisdictions other than this Commonwealth, the notice of
18 violation must be mailed within 30 days after the discovery of
19 the identity of the [registered] owner to the address of the
20 [registered] owner as listed in the records of the official in
21 the jurisdiction having charge of the registration of the motor
22 vehicle. A notice of violation under this section must be
23 provided to [an] the owner of the motor vehicle within 90 days
24 of the commission of the offense.

25 * * *

26 (m) Payment of fine.--The following shall apply:

27 (1) An owner of a motor vehicle to whom a notice of
28 violation has been issued may admit responsibility for the
29 violation and pay the fine provided in the notice.

30 * * *

31 (n) Hearing.--The following shall apply:

32 (1) An owner of a motor vehicle to whom a notice of
33 violation has been issued may, within 30 days of the mailing
34 date of the notice, request a hearing to contest the
35 liability alleged in the notice. A hearing request must be
36 made by appearing before the system administrator during
37 regular office hours either personally or by an authorized
38 agent or by [mailing a request in writing] sending a request
39 on the prescribed form.

40 (2) Upon receipt of a hearing request, the system
41 administrator shall in a timely manner schedule the matter
42 before a hearing officer. The hearing officer shall be
43 designated by the city of the first class. Written notice of
44 the date, time and place of hearing must be sent by first
45 class mail to the owner[.] of the motor vehicle. A hearing to
46 contest liability may be in person or be conducted through
47 live-stream synchronous video conferencing or similar virtual
48 presence technology and shall be only at the locations and
49 times set by the system administrator.

50 * * *

51 (o) Compensation to manufacturer or vendor.--If a city of

1 the first class has established an automated speed enforcement
2 system [deployed as a means of promoting traffic safety and the
3 enforcement of the traffic laws of this Commonwealth or the
4 city], the compensation paid to the manufacturer or vendor of
5 the automated speed enforcement system may not be based upon the
6 number of traffic citations issued or a portion or percentage of
7 the fine generated by the citations. The compensation paid to
8 the manufacturer or vendor of the equipment shall be based upon
9 the value of the equipment and the services provided or rendered
10 in support of the automated speed enforcement system.

11 * * *

12 [(q) Expiration.--This section shall expire five years from
13 its effective date.]

14 Section 3. Title 75 is amended by adding sections to read:
15 § 3370.1. Automated speed enforcement study.

16 The Local Government Commission shall conduct a study of
17 expanding automated speed enforcement on highways and streets
18 owned by municipalities. No later than two years after the
19 effective date of this section, the Local Government Commission
20 shall submit a report to the General Assembly and shall provide
21 findings and recommendations on the expansion of automated speed
22 enforcement on highways and streets owned by municipalities.

23 § 3371. Pilot program for automated speed enforcement systems
24 in designated school zones.

25 (a) General rule.--A pilot program is established to provide
26 for an automated speed enforcement system in designated school
27 zones in a city of the first class. The following shall apply:

28 (1) This section shall only be applicable in a city of
29 the first class in no more than five school zones agreed upon
30 by the system administrator, on the city's behalf, and the
31 secretary.

32 (2) A city of the first class shall conduct an
33 engineering and traffic investigation under section 6109(e)
34 (relating to specific powers of department and local
35 authorities) on the posted speed limit within the proposed
36 school zone for an automated speed enforcement system.

37 (3) A city of the first class shall provide at least one
38 opportunity for public comment regarding the proposed school
39 zone.

40 (4) When the requirements under paragraphs (2) and (3)
41 are met, a city of the first class, upon passage of an
42 ordinance for the school zones, is authorized to enforce
43 section 3365(b) (relating to special speed limitations) by
44 recording violations using an automated speed enforcement
45 system approved by the department.

46 (b) Owner liability.--For each violation under this section,
47 the owner of the motor vehicle shall be liable for the penalty
48 imposed under subsection (d) unless the owner is convicted of
49 the same violation under another section of this title or has a
50 defense under subsection (g). For the purposes of this section,
51 the lessee of a leased vehicle shall be considered the owner of

1 a motor vehicle.

2 (c) Certificate as evidence.--A certificate, or a facsimile
3 of a certificate, based upon inspection of recorded images
4 produced by an automated speed enforcement system and sworn to
5 or affirmed by a police officer employed by the city of the
6 first class shall be prima facie evidence of the facts contained
7 in it. The city must include written documentation that the
8 automated speed enforcement system was operating correctly at
9 the time of the alleged violation. A recorded image evidencing a
10 violation of section 3365(b) shall be admissible in any judicial
11 or administrative proceeding to adjudicate the liability for the
12 violation.

13 (d) Penalty.--

14 (1) The penalty for a violation under subsection (a)
15 shall be a fine of \$150 unless a lesser amount is set by
16 ordinance. The ordinance may create fines for first offense,
17 second offense and third and subsequent offenses, but no
18 single fine shall exceed \$150.

19 (2) A penalty is authorized only for a violation of this
20 section if each of the following apply:

21 (i) At least two appropriate warning signs are
22 conspicuously placed at the beginning and end of the
23 designated school zone notifying the public that an
24 automated speed enforcement system is active and in use.

25 (ii) A notice identifying the location of the
26 automated speed enforcement system is posted on the
27 city's or system administrator's publicly accessible
28 Internet website throughout the period of use.

29 (iii) The designated school zone is active as
30 indicated by an official traffic-control device with a
31 posted speed limit of no greater than 15 miles per hour.

32 (3) A fine is not authorized during the first 30 days of
33 operation of an automated speed enforcement system.

34 (4) The system administrator may provide a written
35 warning to the registered owner of a motor vehicle determined
36 to have violated this section during the first 30 days of
37 operation of the automated speed enforcement system.

38 (5) A penalty imposed under this section shall not be
39 deemed a criminal conviction and shall not be made part of
40 the operating record under section 1535 (relating to schedule
41 of convictions and points) of the individual upon whom the
42 penalty is imposed, nor may the imposition of the penalty be
43 subject to merit rating for insurance purposes.

44 (6) Surcharge points may not be imposed in the provision
45 of motor vehicle insurance coverage. Penalties collected
46 under this section shall not be subject to 42 Pa.C.S. § 3571
47 (relating to Commonwealth portion of fines, etc.) or 3573
48 (relating to municipal corporation portion of fines, etc.).

49 (e) Liability.--Driving in excess of the posted speed limit
50 in a designated school zone by 11 miles per hour or more is a
51 violation of this section.

1 (f) Limitations.--

2 (1) An automated speed enforcement system may not be
3 utilized in such a manner as to take a frontal view recorded
4 image of the motor vehicle as evidence of having committed a
5 violation.

6 (2) Notwithstanding any other provision of law, camera
7 equipment deployed as part of an automated speed enforcement
8 system as provided in this section must be incapable of
9 automated or user-controlled remote surveillance by means of
10 recorded video images. Recorded images collected as part of
11 the automated speed enforcement system must only record
12 traffic violations and may not be used for any other
13 surveillance purposes, but may include video of the area
14 enforced when triggered by a violation. The restrictions set
15 forth in this paragraph shall not be deemed to preclude a
16 court of competent jurisdiction from issuing an order
17 directing that the information be provided to law enforcement
18 officials if the information is reasonably described and is
19 requested solely in connection with a criminal law
20 enforcement action.

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

44 (4) Recorded images obtained through the use of
45 automated speed enforcement systems deployed as a means of
46 promoting traffic safety in a city of the first class shall
47 be destroyed within one year of final disposition of any
48 recorded event, except that images subject to a court order
49 under paragraph (2) or (3) shall be destroyed within two
50 years after the date of the order, unless further extended by
51 court order. A city of the first class shall file notice with

1 the department that the records have been destroyed in
2 accordance with this section.

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

10 (6) A violation of this subsection shall constitute a
11 misdemeanor of the third degree punishable by a \$500 fine.
12 Each violation shall constitute a separate and distinct
13 offense.

14 (g) Defenses.--

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

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

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

34 (4) It shall be a defense to a violation under this
35 section that the automated speed enforcement system being
36 used to determine speed was not in compliance with section
37 3368 (relating to speed timing devices) with respect to
38 testing for accuracy, certification or calibration.

39 (h) Department approval.--

40 (1) No automated speed enforcement system may be used
41 without the approval of the department, which shall have the
42 authority to promulgate regulations for the certification and
43 use of the systems, which regulations may include the use of
44 radio-microwave devices, commonly referred to as electronic
45 speed meters or radar, or light detection and ranging
46 devices, commonly referred to as LIDAR, in their operations.

47 (2) Notwithstanding any other provision of law, the
48 devices identified in paragraph (1) shall be tested for
49 accuracy at regular intervals as designated by regulation of
50 the department.

51 (i) Duty of city.--If a city of the first class elects to

1 implement this section, the following provisions shall apply:

2 (1) The city of the first class may not use an automated
3 speed enforcement system unless there is posted an
4 appropriate sign in a conspicuous place before the school
5 zone in which the automated speed enforcement system is to be
6 used notifying the public that an automated speed enforcement
7 system is in use immediately ahead.

8 (2) The city of the first class shall designate or
9 appoint the Philadelphia Parking Authority as the system
10 administrator to supervise and coordinate the administration
11 of notices of violation issued under this section.
12 Compensation under a contract authorized by this paragraph
13 shall be based only upon the value of equipment and services
14 provided or rendered in support of the automated speed
15 enforcement system program and may not be based on the
16 quantity of notices of violation issued or amount of fines
17 imposed or generated.

18 (3) The system administrator shall prepare a notice of
19 violation to the registered owner of a motor vehicle
20 identified in a recorded image produced by an automated speed
21 enforcement system as evidence of a violation of section 3362
22 (relating to maximum speed limits). The notice of violation
23 must be issued by a police officer employed by the police
24 department with primary jurisdiction over the area where the
25 violation occurred. The notice of violation shall have the
26 following attached to it:

27 (i) a copy of the recorded image showing the motor
28 vehicle;

29 (ii) the registration number and state of issuance
30 of the motor vehicle registration;

31 (iii) the date, time and place of the alleged
32 violation;

33 (iv) notice that the violation charged is under
34 section 3365(b); and

35 (v) instructions for return of the notice of
36 violation, which shall read:

37 This notice shall be returned personally, by mail
38 or by an agent duly authorized in writing, within
39 30 days of issuance. A hearing may be obtained
40 upon the request of the registered owner of the
41 motor vehicle.

42 (j) System administrator.--

43 (1) The system administrator may hire and designate
44 personnel as necessary or contract for services with a
45 manufacturer or vendor to implement this section.

46 (2) The system administrator shall process notices of
47 violation and penalties issued under this section.

48 (3) Not later than September 1 annually, the system
49 administrator shall submit an annual report to the
50 chairperson and minority chairperson of the Transportation
51 Committee of the Senate and the chairperson and minority

1 chairperson of the Transportation Committee of the House of
2 Representatives. The report shall be considered a public
3 record under the Right-to-Know Law and include for the prior
4 year:

5 (i) The number of violations and fines issued and
6 data regarding the speeds of motor vehicles in the
7 enforcement area.

8 (ii) A compilation of penalties paid and outstanding
9 and violations contested.

10 (iii) The amount of money paid to a system
11 administrator, vendor or manufacturer under this section.

12 (iv) The number of vehicular and pedestrian
13 accidents and related serious bodily injuries and deaths
14 in the designated school zones.

15 (k) Notice to owner.--In the case of a violation involving a
16 motor vehicle registered under the laws of this Commonwealth,
17 the notice of violation must be mailed within 30 days after the
18 commission of the violation or within 30 days after the
19 discovery of the identity of the registered owner of the motor
20 vehicle, whichever is later, and not thereafter to the address
21 of the registered owner as listed in the records of the
22 department. In the case of motor vehicles registered in
23 jurisdictions other than this Commonwealth, the notice of
24 violation must be mailed within 30 days after the discovery of
25 the identity of the registered owner to the address of the
26 registered owner as listed in the records of the official in the
27 jurisdiction having charge of the registration of the motor
28 vehicle. A notice of violation under this section must be
29 provided to the registered owner within 90 days of the
30 commission of the offense.

31 (l) Mailing of notice and records.--Notice of violation must
32 be sent by first class mail. A manual or automatic record of
33 mailing prepared by the system administrator in the ordinary
34 course of business shall be prima facie evidence of mailing and
35 shall be admissible in any judicial or administrative proceeding
36 as to the facts contained in it.

37 (m) Payment of fine.--

38 (1) An owner of the motor vehicle to whom a notice of
39 violation has been issued may admit responsibility for the
40 violation and pay the fine provided in the notice.

41 (2) Payment must be made personally, through an
42 authorized agent, electronically or by mailing both payment
43 and the notice of violation to the system administrator.
44 Payment by mail must be made only by money order, credit card
45 or check made payable to the system administrator. The system
46 administrator shall remit the fine, less the system
47 administrator's operation and maintenance costs necessitated
48 by this section, to the department for deposit into a
49 restricted receipts account in the Motor License Fund. Fines
50 deposited into the fund under this paragraph shall be used by
51 the department for a Transportation Enhancement Grants

1 Program as established by section 3116 (relating to automated
2 red light enforcement systems in first class cities). The
3 department shall award transportation enhancement grants on a
4 competitive basis. The department may pay actual
5 administrative costs arising from the department's
6 administration of this section. The department may not
7 reserve, designate or set aside a specific level of money or
8 percentage of money to an applicant prior to the completion
9 of the application process, nor may the department designate
10 a set percentage of money to an applicant. Grants shall be
11 awarded by the department based on the majority vote of a
12 selection committee consisting of four representatives of the
13 department appointed by the secretary and four members
14 appointed by the mayor of the city of the first class, with
15 the secretary or a designee of the secretary serving as
16 chairperson. Priority shall be given to applications seeking
17 grant money for transportation enhancements in the
18 municipality where the automated speed camera system is
19 operated.

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

22 (n) Hearing.--

23 (1) An owner of the motor vehicle to whom a notice of
24 violation has been issued may, within 30 days of the mailing
25 date of the notice, request a hearing to contest the
26 liability alleged in the notice. A hearing request must be
27 made by appearing before the system administrator during
28 regular office hours either personally or by an authorized
29 agent or by sending a request on the prescribed form.

30 (2) Upon receipt of a hearing request, the system
31 administrator shall in a timely manner schedule the matter
32 before a hearing officer. The hearing officer shall be
33 designated by the city of the first class. Written notice of
34 the date, time and place of hearing must be sent by first
35 class mail to the owner of the motor vehicle. A hearing to
36 contest liability may be in-person or be conducted through
37 live-stream synchronous video conferencing or similar virtual
38 presence technology and shall be only at the locations and
39 times set by the system administrator.

40 (3) The hearing shall be conducted in accordance with 2
41 Pa.C.S. Ch. 5 (relating to practice and procedure) and shall
42 be subject to appeal under 2 Pa.C.S. Ch. 7 (relating to
43 judicial review).

44 (o) Compensation to manufacturer or vendor.--If a city of
45 the first class has established an automated speed enforcement
46 system, the compensation paid to the manufacturer or vendor of
47 the automated speed enforcement system may not be based upon the
48 number of traffic citations issued or a portion or percentage of
49 the fine generated by the citations. The compensation paid to
50 the manufacturer or vendor of the equipment shall be based upon
51 the value of the equipment and the services provided or rendered

1 in support of the automated speed enforcement system.

2 (p) Revenue limitation.--A city of the first class may not
3 collect an amount equal to or greater than 2% of its annual
4 budget from the collection of revenue from the issuance and
5 payment of violations under this section.

6 (q) Expiration.--This section shall expire December 31,
7 2029.

8 Section 4. The Secretary of Transportation shall transmit
9 notice to the Legislative Reference Bureau for publication in
10 the next available issue of the Pennsylvania Bulletin that an
11 automated speed enforcement system is operational in the
12 designated school zones under 75 Pa.C.S. § 3371.

13 Section 5. This act shall take effect as follows:

14 (1) The following provisions shall take effect
15 immediately:

16 (i) The amendment of 75 Pa.C.S. § 3345.1(e)(4), (f)
17 (3), (i.2)(1), (2)(v) and (3)(i), (ii) and (iii), (i.3)
18 (3) and (i.4)(4).

19 (ii) The amendment of 75 Pa.C.S. §§ 3369(k) and
20 3370(q).

21 (iii) The addition of 75 Pa.C.S. § 3370.1.

22 (iv) Section 4 of this act.

23 (v) This section.

24 (2) The addition of 75 Pa.C.S. § 3371(e) shall take
25 effect 60 days after the publication in the Pennsylvania
26 Bulletin under section 4 of this act.

27 (3) The remainder of this act shall take effect in 60
28 days.