

AMENDMENTS TO SENATE BILL NO. 851

Sponsor: REPRESENTATIVE NEILSON

Printer's No. 960

1 Amend Bill, page 1, line 4, by inserting after "lights"

2 ; imposing a penalty; and making an editorial change

3 Amend Bill, page 1, lines 7 through 19; page 2, lines 1

4 through 12; by striking out all of said lines on said pages and

5 inserting

6 Section 1. Sections 3345(a.1)(1)(v) and 3345.1 of Title 75
7 of the Pennsylvania Consolidated Statutes are amended to read:
8 § 3345. Meeting or overtaking school bus.

9 * * *

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

11 (1) The operator of a school bus who observes a
12 violation of subsection (a) may prepare a signed, written
13 report which indicates that a violation has occurred. To the
14 extent possible, the report shall include the following
15 information:

16 * * *

17 (v) Whether the school bus is equipped with a side
18 stop signal arm enforcement system under section 3345.1
19 (relating to automated enforcement of failure to stop for
20 school bus with flashing red lights).

21 * * *

22 § 3345.1. [Enforcement] Automated enforcement of failure to
23 stop for school bus with flashing red lights.

24 (a) General rule.--A school entity may install and operate a
25 side stop signal arm enforcement system for the purpose of
26 enforcing [the provisions of section 3345 (relating to meeting
27 or overtaking school bus) as reported under section 3345(a.1)]
28 this section.

29 (a.1) Violation and liability.--

30 (1) A motor vehicle meeting or overtaking a school bus
31 stopped on a highway or trafficway when the red signal lights
32 on the school bus are flashing and the side stop signal arms
33 are activated as described in section 3345 (relating to
34 meeting or overtaking school bus) is a violation of this
35 section.

36 (2) The owner of a motor vehicle that violates paragraph

1 (1) shall be liable for the penalty imposed under subsection
2 (c), unless the owner is convicted of a violation of section
3 3345 or has a defense under subsection (f). For the purposes
4 of this section, the lessee of a leased vehicle shall be
5 considered the owner of a motor vehicle.

6 (b) Applicability.--

7 [(1) Except as provided in paragraph (2), this section
8 shall apply to an owner of a motor vehicle meeting or
9 overtaking a school bus stopped on a highway or trafficway
10 when the red signal lights on the school bus are flashing and
11 the side stop signal arms are activated as described in
12 section 3345.]

13 (2) Nothing in this section shall supersede the
14 provisions of:

15 (i) Section 3105(h) (relating to drivers of
16 emergency vehicles).

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

18 (c) [Liability] Penalty.--For each violation of [section
19 3345 enforced under] this section, the owner of the motor
20 vehicle shall be [liable] subject to a penalty as follows:

21 (1) The penalty for the violation shall be a [civil
22 penalty with a] fine of \$300. The fine shall be distributed
23 as follows:

24 (i) \$250 to the school [district] entity where the
25 violation occurred and which authorized the use of a side
26 stop signal arm enforcement system, which shall be
27 utilized for the installation, administration or
28 maintenance of side stop signal arm enforcement systems, including through a system administrator under an
29 agreement with the school entity, on school buses;

30 (ii) \$25 to the primary police department that
31 reviewed the submitted evidence [package to determine the
32 violation occurred] as required under subsection (h.2);
33 and

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

36 (1.1) The fine under paragraph (1) shall not be subject
37 to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of
38 fines, etc.) or 3573 (relating to municipal corporation
39 portion of fines, etc.).

40 [(2) A rebuttable presumption shall exist that the owner
41 of the vehicle was the driver at the time of the alleged
42 violation.

43 (3) For each violation under this section, the owner of
44 the vehicle shall be liable for the fine imposed unless the
45 owner is convicted of the same violation under section 3345
46 or has a defense under subsection (f).]

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

48 (i) be deemed a criminal conviction;

49 (ii) be made part of the operating record of the
50 individual upon whom the penalty is imposed under section
51

1 1535 (relating to schedule of convictions and points);

2 (iii) be the subject of merit rating for insurance
3 purposes; or

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

6 (d) Certificate as evidence.--A certificate, or a facsimile
7 of a certificate, based upon inspection of recorded images
8 produced by a side stop signal arm enforcement system and sworn
9 to or affirmed by a [police officer] primary police department
10 shall be prima facie evidence of the facts contained in it. The
11 school entity, the system administrator on the school entity's
12 behalf or the contracted company that provides pupil
13 transportation must include written documentation that the side
14 stop signal arm enforcement system was operating correctly at
15 the time of the alleged violation. A recorded image evidencing a
16 violation of this section [3345] shall be admissible in any
17 judicial or administrative proceeding to adjudicate the
18 liability for the violation of this section.

19 (e) Limitations.--

20 (1) (i) Notwithstanding any other provision of law,
21 equipment deployed as part of a side stop signal arm
22 enforcement system as provided under this section must be
23 incapable of automated or user-controlled remote
24 surveillance by means of recorded video images.

25 (ii) Recorded images collected as part of the side
26 stop signal arm enforcement system may only record
27 violations of this section [3345] and may not be used for
28 any other surveillance purposes.

29 (iii) Restrictions under this paragraph shall not be
30 deemed to preclude a court of competent jurisdiction from
31 issuing an order directing that the information be
32 provided to law enforcement officials if the information
33 is reasonably described and is requested solely in
34 connection with a criminal law enforcement action.

35 (1.1) (i) To the extent practical, an automated side
36 stop signal arm enforcement system shall use necessary
37 technologies to ensure that photographs or recorded video
38 images produced by the system shall not identify, nor be
39 configured to identify, the driver, the passengers or the
40 interior contents of the motor vehicle.

41 (ii) No [notice of liability issued under] violation
42 of this section may be dismissed solely because a
43 photograph or recorded video image allows for the
44 identification of the driver, passengers or interior
45 contents of the motor vehicle as long as a reasonable
46 effort has been made to comply with this paragraph.

47 (2) (i) Notwithstanding any other provision of law,
48 information prepared under this section and information
49 relating to violations of [section 3345 enforced under]
50 this section which [is] are kept by the school entity,
51 system administrator on the school entity's behalf,

1 contracted company that provides pupil transportation or
2 primary police department [of the police officer having
3 the authority to exercise police power in the area where
4 the violation occurred], its authorized agents or
5 employees, including recorded images, written records,
6 reports or facsimiles, names, addresses, vehicle
7 information and the number of violations under this
8 section, shall be [for the exclusive use of the
9 department of the police officer having the authority to
10 exercise police power in the area where the violation
11 occurred, its authorized agents or employees and law
12 enforcement officials] exclusively used for the purpose
13 of [discharging their duties under] enforcing this
14 section through side stop signal arm enforcement systems.

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

18 (iii) The information may be discoverable by court
19 order or otherwise and may be offered in evidence in any
20 action or proceeding which is directly related to a
21 violation of [section 3345 enforced under] this section
22 or any other violation in connection with a criminal law
23 enforcement action.

24 (3) Images obtained through the use of a side stop
25 signal arm enforcement system shall be destroyed within one
26 year of final disposition of the recorded event. [The vendor
27 of a side stop signal arm enforcement system] A system
28 administrator under an agreement with a school entity shall
29 notify the school entity by written notice in accordance with
30 this section that the records have been destroyed.

31 (4) Notwithstanding any other provision of law,
32 registered motor vehicle owner information obtained as a
33 result of the operation of a side stop signal arm enforcement
34 system shall not be the property of the [manufacturer or
35 vendor of the] school entity, system administrator on the
36 school entity's behalf or contracted company that provides
37 pupil transportation and may not be used for any purpose
38 other than prescribed in this section.

39 (5) A violation of this subsection shall constitute a
40 misdemeanor of the third degree punishable by a \$500 fine.
41 Each violation shall constitute a separate and distinct
42 offense.

43 (6) A school entity, system administrator or contracted
44 company that provides pupil transportation that violates this
45 subsection in which the penalty is a misdemeanor shall be
46 subject to 18 Pa.C.S. § 307 (relating to liability of
47 organizations and certain related persons).

48 (f) Defenses.--

49 [(1) It shall be a defense to a prosecution using a side
50 stop signal arm enforcement system for a violation under
51 section 3345 that the person named in the citation was not

1 operating the vehicle at the time of the violation. The
2 person shall be required to submit evidence to the court that
3 the person was not the driver at the time of the alleged
4 violation.

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

8 (3) It shall be a defense to a violation under this
9 section that the [person] owner named in the notice of the
10 violation was not operating the motor vehicle at the time of
11 the violation. The owner may be required to submit evidence
12 that the owner was not the driver at the time of the alleged
13 violation. The owner of the motor vehicle may not be required
14 to disclose the identity of the operator of the motor vehicle
15 at the time of the violation.

16 (4) [If an owner receives a notice of violation under
17 this section of a time period during which the vehicle was
18 reported to a police department of any state or municipality
19 as having been stolen, it] It shall be a defense to a
20 violation under this section that the motor vehicle in the
21 notice of the violation has been reported to [a] any police
22 department as stolen prior to the time the violation occurred
23 and had not been recovered prior to that time.

24 (5) It shall be a defense to a violation under this
25 section that the person receiving the notice of violation was
26 not the owner of the motor vehicle at the time of the
27 offense.

28 (6) It shall be a defense to a violation under this
29 section that the side stop signal arm enforcement system
30 being used under this section was not in compliance with the
31 department's regulations with respect to testing for
32 accuracy, certification or calibration.

33 (g) [Approval] Agreements.--

34 (1) A school entity may enter into an agreement with a
35 [private vendor or manufacturer to provide a side stop signal
36 arm enforcement system on each bus within its fleet, whether
37 owned, contracted or leased, up to and including the
38 installation, operation and maintenance of the systems]
39 system administrator to initiate actions to enforce this
40 section through a side stop signal arm enforcement system.

41 (2) Except as otherwise provided, an agreement under
42 [this section] paragraph (1) shall take effect in a school
43 entity by vote of the local board of school directors. The
44 meeting to consider approval of a side stop signal arm
45 enforcement system shall be properly noticed under 65 Pa.C.S.
46 Ch. 7 (relating to open meetings).

47 (3) Enforcement of this section shall only occur in
48 those jurisdictions where the school entity has a written
49 intergovernmental agreement with a primary police department
50 for that jurisdiction.

51 (4) Compensation under an agreement authorized by this

1 section shall not require a minimum or maximum number of
2 violations to be issued that would impact the compensation to
3 the system administrator.

4 (5) The school entity, or the system administrator on
5 the school entity's behalf, shall provide notice through a
6 publicly accessible Internet website that provides guidance
7 and information related to the system, including, but not
8 limited to, the number of school buses equipped with a
9 system, the appeals process limited to the defenses under
10 subsection (f) and contact information. The website shall
11 remain publicly accessible throughout the period of use in a
12 manner as determined by the school entity.

13 (6) The school entity, or the system administrator on
14 the school entity's behalf, shall establish an electronic
15 system where program information and all violations, in
16 conformance with this section, can be accessed and viewed by:

17 (i) The primary police department for conducting
18 procedures under subsection (h.2).

19 (ii) The department's hearing officer for conducting
20 procedures under subsection (i.4).

21 (7) The school entity, or the system administrator on
22 the school entity's behalf, may utilize an alternative system
23 to share program information and all violations if the
24 electronic system is unavailable for any legitimate purpose.

25 (8) The department may randomly conduct audits of a
26 school entity, or a system administrator on the school
27 entity's behalf, to ensure compliance with this section as
28 determined by the department. If the department conducts an
29 audit, the department shall prepare a summary of the audit,
30 which shall be posted on the publicly accessible Internet
31 website maintained by the school entity, or the system
32 administrator on the school entity's behalf.

33 (h) [Duty of manufacturer or vendor] Submission of violation
34 information.--A [manufacturer or vendor of side stop signal arm
35 enforcement systems] school entity, or a system administrator on
36 the school entity's behalf, shall submit the following
37 information regarding a violation of this section to the [police
38 or] primary police department using the electronic system under
39 subsection (g) (6):

40 (1) A copy of the recorded image showing the motor
41 vehicle.

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

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

45 (4) Not later than July 1 annually, the school entity,
46 or the system administrator on the school entity's behalf,
47 shall submit a report to the department and the Pennsylvania
48 State Police for the preceding calendar year. The information
49 shall be compiled by the department and the Pennsylvania
50 State Police into a report to be jointly submitted to the
51 chairperson and minority chairperson of the Transportation

1 Committee of the Senate and the chairperson and minority
2 chairperson of the Transportation Committee of the House of
3 Representatives by no later than December 31 annually. The
4 report shall be posted on the publicly accessible Internet
5 website maintained by the school entity, or the system
6 administrator on the school entity's behalf. The report shall
7 be a public record under the Right-to-Know Law and include:

8 (i) The name of the system administrator.

9 (ii) The number of school buses equipped with a side
10 stop signal arm enforcement system.

11 (iii) The number of notices of violation issued.

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

13 (v) The amounts paid under agreements authorized by
14 this section.

15 (vi) The results of contested violations.

16 (vii) Use of additional revenue funds and any grants
17 awarded from the program.

18 [(h.1) Duty of school district.--A school district may enter
19 into an intergovernmental agreement with the primary police
20 department with authority to issue violations using an automated
21 side stop signal arm enforcement system. The primary police
22 department is the police department in any municipality in which
23 the school district is located. If a municipality in which the
24 school district where the violation occurred is located does not
25 have its own police department, the school district may petition
26 the Pennsylvania State Police for review of the evidence package
27 from the automated side stop signal arm enforcement system.]

28 (h.2) [Duty of police and police department] Police review
29 required.--[Police officers and police departments enforcing
30 violations of section 3345 and using automated side stop signal
31 arm enforcement systems] Upon receipt of violation information
32 under subsection (h), a primary police department shall:

33 (1) Review submitted evidence [from the manufacturer or
34 vendor of a system] to determine if [there is sufficient
35 evidence that] a violation under this section [3345] occurred
36 and electronically certify the notice of violation.

37 (2) [Provide information to a school district related to
38 the police or police department's capacity to view and
39 authorize the notice of violation.] Notify the school entity,
40 or the system administrator on the school entity's behalf, of
41 the electronic certification of the notice of violation
42 related to the primary police department's capacity to view
43 and authorize the notice.

44 (3) Restrict the review of submitted evidence under
45 paragraph (1) to an individual who is a police officer.

46 (i) (Reserved).

47 [(i.1) Notice of violation, fines and contest.--The
48 following shall apply:

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

50 (i) In the case of a violation involving a vehicle
51 registered under the laws of this Commonwealth, the

1 notice of violation must be mailed within 30 days after
2 the commission of the violation or within 30 days after
3 the discovery of the identity of the registered owner,
4 whichever is later, and not thereafter to the address of
5 the registered owner as listed in the records of the
6 department.

7 (ii) In the case of vehicles registered in
8 jurisdictions other than this Commonwealth, the notice of
9 violation must be mailed within 30 days after the
10 discovery of the identity of the registered owner and not
11 thereafter to the address of the registered owner as
12 listed in the records of the official in the jurisdiction
13 having charge of the registration of the vehicle.

14 (iii) A notice of violation under this section must
15 be provided to an owner within 90 days of the commission
16 of the offense.

17 (iv) The notice of violation shall have attached to
18 it a copy of the recorded image showing the vehicle; the
19 registration number and state of issuance of the vehicle
20 registration; the date, time and place of the alleged
21 violation; that the violation charged is under section
22 3345 and instructions for return of the notice of
23 violation; and instructions for how to request a hearing
24 with the magisterial district judge for the purpose of
25 contesting liability or notice.

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

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

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

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

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

41 (i) An owner to whom a notice of violation has been
42 issued may, within 30 days of the mailing of the notice,
43 contest the liability alleged in the notice of violation
44 by requesting a hearing with the magisterial district
45 judge where the violation occurred and completing the
46 payment of applicable civil filing fees.

47 (ii) The primary police department shall file the
48 notice of violation and supporting documents with the
49 magisterial district judge where the violation occurred
50 and the court shall hear and decide the matter.]

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

1 (1) Upon certification from a primary police department
2 that a violation of this section has occurred as required by
3 subsection (h.2), a school entity, or a system administrator
4 on the school entity's behalf, shall initiate an action to
5 enforce this section by sending an administrative notice of
6 violation to the registered owner of the motor vehicle
7 identified by a side stop signal arm enforcement system as
8 violating this section.

9 (2) The notice of violation shall include all of the
10 following:

11 (i) A copy of the recorded image showing the motor
12 vehicle.

13 (ii) The registration number and state of issuance
14 of the motor vehicle registration.

15 (iii) The date, time and place of the alleged
16 violation.

17 (iv) Certification of the alleged violation from the
18 primary police department and written documentation that
19 the side stop signal arm enforcement system was operating
20 correctly at the time of the alleged violation as
21 required under subsection (d).

22 (v) Notice that the owner is charged with a
23 violation of this section.

24 (vi) Instructions for return of the notice of
25 violation and payment of the fine under subsection (i.3).

26 (vii) Instructions for contesting the violation
27 under subsection (i.4).

28 (viii) A statement that a violation under this
29 section:

30 (A) is not deemed a criminal conviction;

31 (B) will not be made part of the operating
32 record of the individual upon whom the violation of
33 this section is being imposed;

34 (C) will not be used to determine a merit rating
35 for insurance purposes; and

36 (D) does not authorize the imposition of
37 surcharge points in the provision of motor vehicle
38 insurance coverage.

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

41 (i) In the case of a violation involving a motor
42 vehicle registered under the laws of this Commonwealth,
43 the notice of violation must be mailed within 30 days
44 after the commission of the violation or within 30 days
45 after the discovery of the identity of the registered
46 owner, whichever is later, and not thereafter to the
47 address of the registered owner listed in the records of
48 the department.

49 (ii) In the case of motor vehicles registered in
50 jurisdictions other than this Commonwealth, the notice of
51 violation must be mailed within 30 days after the

1 discovery of the identity of the registered owner and not
2 thereafter to the address of the registered owner as
3 listed in the records of the official in the jurisdiction
4 having charge of the registration of the motor vehicle.

5 (iii) A notice of violation under this section shall
6 be invalid unless provided to the registered owner within
7 90 days of the commission of the violation.

8 (iv) A manual or automatic record of mailing
9 prepared by a school entity, or a system administrator on
10 the school entity's behalf, in the ordinary course of
11 business shall be prima facie evidence of mailing and
12 shall be admissible in a judicial or administrative
13 proceeding as to the facts contained in the notice of
14 violation.

15 (i.3) Payment of fine.--Payment of the fine shall be as
16 follows:

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

23 (2) Payment of the fine shall operate as a final
24 disposition of the violation of this section.

25 (3) If payment is not received within 90 days of mailing
26 of the notice of violation, the school entity, or a system
27 administrator on the school entity's behalf, may request an
28 applicable credit collection agency to resolve the payment
29 amount owed.

30 (i.4) Contest of violation.--The procedure for contesting a
31 violation of this section shall be as follows:

32 (1) An owner of the motor vehicle may, within 30 days of
33 the mailing date of the notice of violation, request a
34 hearing before the department's hearing officer to contest
35 liability either personally, by an authorized agent or by
36 mailing a request in writing on the prescribed form or
37 electronically. A hearing to contest liability may be in
38 person or be conducted through live-stream synchronous video
39 conferencing or similar virtual presence technology and shall
40 be only at reasonable locations and times set by the school
41 entity, or the system administrator on the school entity's
42 behalf.

43 (2) Upon receipt of a hearing request, the school
44 entity, or the system administrator on the school entity's
45 behalf, shall in a timely manner schedule the matter before a
46 hearing officer designated by the department. Written notice
47 of the date, time and place of hearing shall be sent by first
48 class mail or electronically to the owner of the motor
49 vehicle.

50 (3) The hearing shall be informal and the rules of
51 evidence shall not apply. The decision of the department's

1 hearing officer shall be made within 45 days from the hearing
2 date and shall be final, subject to the right of the owner of
3 the motor vehicle to appeal the decision under paragraph (4).

4 (3.1) The school entity, in coordination with the system
5 administrator, if applicable, may enter into an agreement to
6 designate a person to represent the school entity, or the
7 system administrator on the school entity's behalf, to
8 administer the hearing to contest liability under this
9 subsection.

10 (4) If, within 45 days of issuance of the decision of
11 the department's hearing officer, the owner of the motor
12 vehicle requests in writing an appeal of the decision of the
13 department's hearing officer, the school entity, or the
14 system administrator on the school entity's behalf, shall
15 file the notice of violation and supporting documents with
16 the office of the magisterial district judge for the
17 magisterial district where the violation occurred. A
18 magisterial district judge shall hear and decide the matter
19 de novo and shall be restricted to finding an owner liable or
20 not liable for violating this section and shall not assign
21 damages to an owner or otherwise impose penalties on primary
22 police departments, police officers, school entities, system
23 administrators or other persons involved in the appeal
24 process.

25 (5) The school entity, or system administrator on the
26 school entity's behalf, shall reimburse the department for
27 the actual cost of the hearing officer designated under
28 paragraph (2).

29 (j) Department approval.--

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

34 (2) Any system installed prior to the effective date of
35 this paragraph shall obtain department approval within six
36 months of the effective date of the temporary regulations
37 promulgated under paragraph (3).

38 (3) In order to facilitate the prompt implementation of
39 this section, regulations promulgated by the department under
40 this section during the [two] three years following the
41 effective date of this section shall be deemed temporary
42 regulations, which shall expire [no later than five years
43 following the effective date of this section or] upon the
44 prompt promulgation of final regulations. The temporary
45 regulations shall not be subject to:

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

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

51 (iii) Section 204(b) of the act of October 15, 1980

(P.L.950, No.164), known as the Commonwealth Attorneys Act.

(k) School Bus Safety Grant Program.--

(1) The School Bus Safety Grant Program Account is established as a restricted account in the General Fund. Money in the account is appropriated on a continuing basis to the department for grants under this subsection.

(2) The surcharge established under section [3345(j)] 3345(j), the portion of the fine established under subsection (c)(1)(iii) and any other revenue as provided for under this title shall be deposited into the account and shall be used by the department to implement the School Bus Safety Grant Program[, which is established to promote and increase school bus safety, education and training throughout this Commonwealth]. The department shall develop a uniform application process to award school bus safety grants in an amount not to exceed \$100,000 on a competitive basis[.] for the following purposes:

(i) To promote and increase school bus safety, education and training throughout this Commonwealth.

(ii) To reimburse or pay for, in whole or in part, education, training and other associated costs related to the issuance of a commercial learner's permit, commercial driver's license or school bus endorsement by the department to an individual for the purpose of driving a school bus in this Commonwealth.

(3) The department may pay any actual administrative costs arising from the administration of this section out of the fines deposited into the account. [Independent school bus contractors and school entities are eligible for the grant. The department shall develop a uniform application process and regulations to administer the grant program.]

(4) The following are eligible to apply for grants under this subsection:

(i) Independent school bus contractors.

(ii) School entities.

(iii) Municipalities.

(5) The department shall post information related to this grant program on the department's publicly accessible Internet website.

(l) Contracted companies.--

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

(2) Nothing in this section shall be construed to require a contracted company that provides pupil transportation to take a school bus out of service due to a nonfunctioning side stop signal arm enforcement system, except that a contracted company shall allow the [manufacturer or vendor of the side stop signal arm enforcement system] school entity, or a system administrator

1 on the school entity's behalf, access to the school bus for
2 the purpose of repairing and maintaining a side stop signal
3 arm enforcement system when the school bus is not in service
4 at a time mutually agreeable to the contractor and [vndor]
5 school entity, or a system administrator on the school
6 entity's behalf.

7 (3) Independent school bus contractors shall not be held
8 responsible for costs associated with the side stop signal
9 arm enforcement system, including, but not limited to,
10 installation, maintenance, repair, replacement or removal of
11 the system.

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

15 "Local board of school directors." A board of directors or
16 other governing authority of a school entity.

17 ["Manufacturer" or "vndor." A company that creates, owns or
18 has a license or permission to sell, lease or distribute a side
19 stop signal arm enforcement system.]

20 "Primary police department." Any of the following:

21 (1) The police department of the municipality in which a
22 school entity is located if the municipality has a police
23 department with authority to issue citations for violations
24 of this title.

25 (2) The Pennsylvania State Police if the municipality in
26 which a school entity is located does not have a police
27 department with authority to issue citations for violations
28 of this title, at the sole discretion of the Pennsylvania
29 State Police.

30 (3) A police department of the school entity.

31 "Pupil transportation." The transport of resident pupils of
32 a school district to and from preprimary, primary or secondary
33 schools and students to or from public, private or parochial
34 schools. The term does not include transportation for field
35 trips.

36 "School entity." A school district, area career and
37 technical school, intermediate unit, charter school, regional
38 charter school or cyber charter school.

39 "Side stop signal arm enforcement system" or "system." A
40 camera system installed on a school bus with [two or more camera
41 sensors and computers] at least one camera and one computer that
42 produce recorded video and two or more [film or digital]
43 photographic still images of a motor vehicle being used or
44 operated in a manner that violates this section [3345].

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

47 "System administrator." A person that creates, owns or has a
48 license or permission to sell, lease, distribute or administer a
49 side stop signal arm enforcement system that, consistent with
50 the requirements of this section, is under agreement with a
51 school entity to perform, but not be limited to, the following:

1 (1) Provide for the installation, operation and
2 maintenance of a side stop signal arm enforcement system on
3 one or more school buses within a school entity's fleet,
4 regardless of whether a school bus is owned, contracted or
5 leased by the school entity.

6 (2) Administer the enforcement of a violation of this
7 section through a side stop signal arm enforcement system on
8 a school entity's behalf as permitted by this section,
9 including maintaining and transmitting records, mailing
10 violation notices, processing violations, collecting fines
11 and administering contests of violations, unless a school
12 entity designates another person to contest the violations.

13 Section 2. 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(j)(3).

17 (ii) This section.

18 (2) The remainder of this act shall take effect in 60
19 days.