
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1662 Session of
2023

INTRODUCED BY NEILSON, SEPTEMBER 7, 2023

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 7, 2023

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, further providing
3 for automated speed enforcement systems in active work zones.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 3369(b), (c.1), (g), (h)(3) and (4)(vi),
7 (j)(1) and (k) of Title 75 of the Pennsylvania Consolidated
8 Statutes are amended to read:

9 § 3369. Automated speed enforcement systems in active work
10 zones.

11 * * *

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

16 (1) At least two appropriate warning signs are
17 conspicuously placed before the active work zone notifying
18 the public that an automated speed enforcement device is in
19 use[.] and at least one of the warning signs is affixed with

1 flashing lights that are lit at all times when the automated
2 speed enforcement system is active.

3 (2) At least one of the signs under paragraph (1):

4 (i) indicates if the automated speed enforcement
5 system is active or not active[.]; and

6 (ii) is placed at least 1,000 feet before the active
7 work zone, unless the department or the Pennsylvania
8 Turnpike Commission determines that a lesser distance is
9 necessary to ensure the safety of the work zone, comply
10 with Federal regulations or provide adequate traffic
11 control in the work zone. If the department or the
12 Pennsylvania Turnpike Commission determines that a lesser
13 distance is necessary under this subparagraph, the
14 department or the Pennsylvania Turnpike Commission shall
15 place the sign prior to the active work zone at a
16 distance that provides motorists with the maximum
17 feasible advanced notification of the automated speed
18 enforcement system prior to entering the active work
19 zone.

20 (3) An appropriate sign is conspicuously placed at the
21 end of the active work zone.

22 (4) A notice identifying the location of the automated
23 speed enforcement system is posted at the active work zone
24 and on the department's or Pennsylvania Turnpike Commission's
25 publicly accessible Internet website. The notice on the
26 websites shall remain throughout the period of use.

27 * * *

28 (c.1) Owner liability.--For each violation under this
29 section, the owner of the vehicle shall be liable for the
30 penalty imposed unless the owner is convicted of the same

1 violation under another provision of this title or has a defense
2 under subsection (g). For the purposes of this section, the
3 lessee of a vehicle shall be considered the owner of a leased
4 vehicle.

5 * * *

6 (g) Defenses.--

7 (1) It shall be a defense to a violation under this
8 section that the vehicle was reported to a police department
9 as stolen prior to the time the violation occurred and was
10 not recovered prior to that time.

11 (2) It shall be a defense to a violation under this
12 section that the person receiving the notice of violation was
13 not the owner of the vehicle at the time of the offense.

14 (3) It shall be a defense to a violation under this
15 section that the device being used to determine speed was not
16 in compliance with section 3368 (relating to speed timing
17 devices) with respect to testing for accuracy, certification
18 or calibration.

19 (4) 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 the vehicle at the time of the violation.
22 The owner may be required to submit evidence that the owner
23 was not the operator at the time of the alleged violation.
24 The system administrator may not require the owner of the
25 vehicle to disclose the identity of the operator of the
26 vehicle at the time of the violation.

27 (h) Authority and duties of department and Pennsylvania
28 Turnpike Commission.--

29 * * *

30 (3) (i) The department and Pennsylvania Turnpike

1 Commission shall serve directly or through a contracted
2 private service as the system administrator of the
3 program. Compensation under a contract authorized by this
4 paragraph shall be based only upon the value of equipment
5 and services provided or rendered in support of the
6 automated speed enforcement system program and may not be
7 based on the quantity of notices of violation issued or
8 amount of fines imposed or generated.

9 (ii) The system administrator shall prepare and
10 issue notices of violation.

11 (iii) Two restricted accounts are established in the
12 State Treasury for fines remitted under this section to
13 the department and Pennsylvania Turnpike Commission,
14 respectively. The system administrator of the department
15 or Pennsylvania Turnpike Commission, if any, shall send
16 an invoice to the department or Pennsylvania Turnpike
17 Commission based, respectively, on the services under
18 subparagraph (i) and the Pennsylvania State Police under
19 subsection (d)(1)(i). The department, Pennsylvania
20 Turnpike Commission and the Pennsylvania State Police
21 shall use the appropriate restricted account to pay for
22 the administration of the [pilot] program and the system
23 administrator's invoice costs, if applicable. Remaining
24 fines shall be allocated by the department or
25 Pennsylvania Turnpike Commission [for the first three
26 years as follows:

27 (A) Forty-five percent of the fines from
28 violations occurring in an automated speed
29 enforcement work area shall be deposited into a
30 restricted account in the State Treasury on a

1 quarterly basis. The Department of Revenue shall,
2 within 90 days of the date of deposit, transfer to
3 the Pennsylvania State Police an amount equivalent to
4 the previous quarterly deposit to be used by the
5 Pennsylvania State Police as follows:

6 (I) Fifty-five percent of the funds shall be
7 dedicated and used for the purpose of recruiting,
8 training or equipping Pennsylvania State Police
9 Cadets.

10 (II) Forty-five percent of the funds shall
11 be dedicated and used to pay for an increased
12 Pennsylvania State Trooper presence in work zones
13 on the State road system managed by the
14 department or the Pennsylvania Turnpike
15 Commission. Funds under this subclause shall be
16 in addition to any contractual agreement between
17 the department or the Pennsylvania Turnpike
18 Commission and the Pennsylvania State Police for
19 enforcement in work zones on the State road
20 system managed by the department or the
21 Pennsylvania Turnpike Commission.

22 (B) Fifteen percent of the fines from violations
23 occurring in an automated speed enforcement work area
24 shall be transferred to the department or the
25 Pennsylvania Turnpike Commission, whichever State
26 road system utilized the automated speed enforcement
27 system, for the purpose of work zone safety, traffic
28 safety and educating the motoring public on work zone
29 safety, at the discretion of the department or
30 Pennsylvania Turnpike Commission.

1 (C) Forty percent of the fines from violations
2 occurring in an automated speed enforcement work area
3 shall be deposited in the Motor License Fund and
4 shall be appropriated by the General Assembly.

5 (iv) Remaining fines shall be allocated by the
6 department or Pennsylvania Turnpike Commission for the
7 last two years to develop a Work Zone and Highway Safety
8 Program. At a minimum, funds from the Work Zone and
9 Highway Safety Program shall be used for improvement
10 projects and countermeasures to improve the safety in
11 work zones and on highways. Funds may also be used to
12 increase awareness of distracted driving and
13 transportation enhancements established under section
14 3116 (relating to automated red light enforcement systems
15 in first class cities).

16 (v) If the amount of funds under subparagraph (iii)
17 (A) is lower than the amount of funds under subparagraph
18 (iii) (A) for the previous fiscal year, funds from the
19 Motor License Fund may not be used to supplement the
20 funds for the current fiscal year. Funding provided for
21 under subparagraph (iii) (A) shall be supplemental and
22 shall not prohibit the Pennsylvania State Police from
23 obtaining additional funding from any other means.

24 (vi) If the five-year program is not extended by the
25 General Assembly, any remaining fines remitted to the
26 department or Pennsylvania Turnpike Commission shall be
27 used as provided under subparagraph (iv).] to develop a
28 Work Zone and Highway Safety Program. At a minimum, money
29 from the Work Zone and Highway Safety Program shall be
30 used for improvement projects and countermeasures to

1 improve the safety in work zones and on highways. Money
2 may also be used to increase awareness of distracted
3 driving and transportation enhancements established under
4 section 3116 (relating to automated red light enforcement
5 systems in first class cities).

6 (vii) The system administrator shall provide an
7 appropriate printed form by which owners may challenge a
8 notice of violation and convenient hearing hours and
9 times for hearings to be conducted through live-stream
10 synchronous video conferencing or similar virtual
11 presence technology or in person in each of the following
12 metropolitan areas for challenges to be heard as provided
13 in this section: Erie, Harrisburg, Philadelphia,
14 Pittsburgh and Scranton. The form may be included with or
15 as part of the notice of violation.

16 (4) Not later than April 1 annually, the department, the
17 Pennsylvania Turnpike Commission and the Pennsylvania State
18 Police shall submit a report on the program for the preceding
19 calendar year to the chairperson and minority chairperson of
20 the Transportation Committee of the Senate and the
21 chairperson and minority chairperson of the Transportation
22 Committee of the House of Representatives. The report shall
23 be a public record under the Right-to-Know Law and include:

24 * * *

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

28 * * *

29 (j) Contest.--

30 (1) An owner may, within 30 days of the mailing of the

1 notice, request a hearing to contest liability by appearing
2 before the system administrator either personally or by an
3 authorized agent or by mailing a request in writing on the
4 prescribed form. [Appearances in person shall be only at the
5 locations and times set by the system administrator.] A
6 hearing to contest liability may be in person or be conducted
7 through live-stream synchronous video conferencing or similar
8 virtual presence technology and shall be only at the
9 locations and times set by the system administrator.

10 * * *

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

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. § 3369(k).

17 (ii) This section.

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