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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1034 Session of  
2015

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INTRODUCED BY SABATINA, WOZNIAK AND YUDICHAK, OCTOBER 15, 2015

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REFERRED TO TRANSPORTATION, OCTOBER 15, 2015

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in preliminary provisions, further providing for  
3 definitions; and, in rules of the road in general, further  
4 providing for speed timing devices and providing for pilot  
5 program for automated speed enforcement system on designated  
6 highway.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 102 of Title 75 of the Pennsylvania  
10 Consolidated Statutes is amended by adding a definition to read:

11 § 102. Definitions.

12 Subject to additional definitions contained in subsequent  
13 provisions of this title which are applicable to specific  
14 provisions of this title, the following words and phrases when  
15 used in this title shall have, unless the context clearly  
16 indicates otherwise, the meanings given to them in this section:

17 \* \* \*

18 "Automated speed enforcement system." An electronic traffic  
19 sensor system that:

20 (1) is able to automatically detect vehicles exceeding

1 the posted speed limit; and

2 (2) records the vehicle's image, front or rear, license  
3 plate, location, date, time and speed.

4 \* \* \*

5 Section 2. Section 3368(c) of Title 75 is amended by adding  
6 a paragraph to read:

7 § 3368. Speed timing devices.--

8 \* \* \*

9 (c) Mechanical, electrical and electronic devices  
10 authorized.--

11 \* \* \*

12 (5) Light detection and ranging devices, commonly  
13 referred to as LIDAR, may be used as part of an automated  
14 speed enforcement system.

15 \* \* \*

16 Section 3. Title 75 is amended by adding a section to read:

17 § 3368.1. Pilot program for automated speed enforcement system  
18 on designated highway.

19 (a) General rule.--A pilot program is established to provide  
20 for an automated speed enforcement system on the designated  
21 highway.

22 (b) Applicability.--The automated speed enforcement system  
23 shall not be used unless:

24 (1) At least two appropriate warning signs are  
25 conspicuously placed at the beginning and end of the  
26 designated highway notifying the public that an automated  
27 speed enforcement device is in use.

28 (2) A notice identifying the location of the automated  
29 speed enforcement system is posted on the department's  
30 publicly accessible Internet website throughout the period of

1 use.

2 (c) Liability.--Driving in excess of the posted speed limit  
3 along the designated highway by at least 11 miles per hour is a  
4 violation of this section.

5 (d) Notice of violation.--

6 (1) (i) An action to enforce this section shall be  
7 initiated by an administrative notice of violation to the  
8 registered owner of a vehicle identified by the automated  
9 speed enforcement system as violating this section. A  
10 notice of violation based upon inspection of recorded  
11 images produced by the automated speed enforcement system  
12 and sworn or affirmed by an authorized representative of  
13 the department shall be prima facie evidence of the facts  
14 contained in it.

15 (ii) The notice of violation must include written  
16 verification that the automated speed enforcement system  
17 was operating correctly at the time of the alleged  
18 violation and the date of the most recent inspection that  
19 confirms it to be operating properly.

20 (iii) The following shall be attached to the notice  
21 of violation:

22 (A) A copy of the recorded image showing the  
23 vehicle with its license plate visible.

24 (B) The registration number and state of  
25 issuance of the vehicle registration.

26 (C) The date, time and place of the alleged  
27 violation.

28 (D) Notice that the violation charged is under  
29 this section.

30 (E) Instructions for return of the notice of

1           violation.

2           (2) In the case of a violation involving a motor vehicle  
3 registered under the laws of this Commonwealth, the notice of  
4 violation shall be mailed within 30 days after the commission  
5 of the violation or within 30 days after the discovery of the  
6 identity of the registered owner, whichever is later, to the  
7 address of the registered owner as listed in the records of  
8 the department.

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

16           (4) A notice of violation shall be invalid unless  
17 provided to an owner within 90 days of the offense.

18           (5) The notice shall include the following text:  
19 This notice shall be returned personally, by mail or by  
20 an agent duly authorized in writing, within 30 days of  
21 issuance. A hearing may be obtained upon the written  
22 request of the registered owner.

23           (6) Notice of violation must be sent by first class  
24 mail. A manual or automatic record of mailing prepared by the  
25 system administrator in the ordinary course of business shall  
26 be prima facie evidence of mailing and shall be admissible in  
27 any judicial or administrative proceeding as to the facts  
28 contained in it.

29           (e) Penalty.--

30           (1) The penalty of a violation under this section shall

1 be a fine of \$100, and the fine shall not be subject to 42  
2 Pa.C.S. § 3571 (relating to Commonwealth portion of fines,  
3 etc.) or 3573 (relating to municipal corporation portion of  
4 fines, etc.).

5 (2) The fine is not authorized during the continuous 24-  
6 hour period after the automated speed enforcement system is  
7 initially activated along the designated highway.

8 (3) A penalty imposed under this section shall not be:

9 (i) deemed a criminal conviction;

10 (ii) be made part of the operating record under  
11 section 1535 (relating to schedule of convictions and  
12 points) of the individual upon whom the penalty is  
13 imposed;

14 (iii) the subject of merit rating for insurance  
15 purposes; or

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

18 (f) Limitations.--

19 (1) Recorded images collected as part of the automated  
20 speed enforcement system may record only violations of this  
21 section and may not be used for any other surveillance  
22 purposes. The restrictions set forth in this paragraph shall  
23 not preclude a court of competent jurisdiction from issuing  
24 an order directing that the information be provided to law  
25 enforcement officials, if the information is requested solely  
26 in connection with a criminal law enforcement action and is  
27 reasonably described.

28 (2) Notwithstanding any other provision of law,  
29 information gathered and maintained under this section which  
30 is kept by the Commonwealth, its authorized agents or its

1 employees, including recorded images, written records,  
2 reports or facsimiles, names and addresses shall be for the  
3 exclusive purpose of discharging its duties under this  
4 section and shall be subject to the following provisions:

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

8 (ii) The information shall not be discoverable by  
9 court order or otherwise or be admissible as evidence in  
10 any proceeding except to determine liability under this  
11 section.

12 (iii) The restrictions set forth in this paragraph  
13 shall not preclude a court of competent jurisdiction from  
14 issuing an order directing that the information be  
15 provided to law enforcement officials, if the information  
16 is requested solely in connection with a criminal law  
17 enforcement action and is reasonably described.

18 (3) Recorded images obtained through the use of the  
19 automated speed enforcement system shall be destroyed within  
20 one year of final disposition of a notice of violation,  
21 except that images subject to a court order under paragraph  
22 (1) or (2) shall be destroyed within two years after the date  
23 of the order, unless further extended by court order.

24 (4) Notwithstanding any other provision of law,  
25 registered vehicle owner information obtained as a result of  
26 the operation of the automated speed enforcement system shall  
27 be the exclusive property of the department and may not be  
28 used for any purpose other than prescribed in this section.

29 (5) A violation of this subsection shall constitute a  
30 third-degree misdemeanor punishable by a \$500 fine. Each

1 violation shall constitute a separate and distinct offense.

2 (g) Defenses.--

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

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

10 (h) Authority and duties of department.--

11 (1) The department shall establish a pilot automated  
12 speed enforcement system program not later than 18 months  
13 following the effective date of this section.

14 (2) (i) The department may promulgate regulations for  
15 the certification and the use of the automated speed  
16 enforcement system.

17 (ii) In order to facilitate the prompt  
18 implementation of this section, regulations promulgated  
19 by the department under this section shall be deemed  
20 temporary regulations and not subject to:

21 (A) Sections 201, 202 and 203 of the act of July  
22 31, 1968 (P.L.769, No.240), referred to as the  
23 Commonwealth Documents Law.

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

26 (3) (i) The department shall serve directly or through  
27 a contracted private service as the system administrator  
28 of the program. Compensation under a contract authorized  
29 by this paragraph shall be based only upon the value of  
30 equipment and services provided or rendered in support of

1 the automated speed enforcement system program and may  
2 not be based in any part upon the quantity of notices of  
3 violation issued or amount of fines imposed or generated.

4 (ii) The system administrator shall prepare and  
5 issue notices of violation.

6 (iii) The system administrator shall remit fines  
7 administratively paid under this section to the  
8 department for deposit into the Motor License Fund.

9 (iv) The system administrator shall provide an  
10 appropriate printed form by which owners may challenge a  
11 notice of violation and convenient hearing hours and  
12 times in each of the following metropolitan areas for  
13 challenges to be heard as provided in this section: Erie,  
14 Harrisburg, Philadelphia, Pittsburgh and Scranton. the  
15 form may be included with or as part of the notice of  
16 violation.

17 (4) Not later than April 1 annually, the department  
18 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 (i) The number of vehicular accidents and related  
25 serious injuries and deaths along the designated highway.

26 (ii) Speed data.

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

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

29 (v) Amounts paid under contracts authorized by this  
30 section.



1 (i) Payment of fine.--

2 (1) An owner may admit responsibility for the violation  
3 and pay the fine provided in the notice personally, through  
4 an authorized agent, electronically or by mailing both  
5 payment and the notice of violation to the system  
6 administrator.

7 (2) Payment by mail must be made only by money order,  
8 credit card or check made payable to the Commonwealth.

9 (3) Payment of the fine shall operate as a final  
10 disposition of the case.

11 (4) If payment is not received within 90 days of  
12 original notice, the department may turn the matter over to  
13 applicable credit collection agencies.

14 (j) Contest.--

15 (1) An owner may, within 30 days of the mailing of the  
16 notice, request a hearing to contest liability by appearing  
17 before the system administrator either personally or by an  
18 authorized agent or by mailing a request in writing on the  
19 prescribed form. Appearances in person shall be only at the  
20 locations and times set by the system administrator.

21 (2) Upon receipt of a hearing request, the system  
22 administrator shall in a timely manner schedule the matter  
23 before a hearing officer designated by the department.  
24 Written notice of the date, time and place of hearing must be  
25 presented or sent by first class mail to the owner.

26 (3) The hearing shall be informal and the rules of  
27 evidence shall not apply. The decision of the hearing officer  
28 shall be final, subject to the right of the owner to appeal  
29 the decision.

30 (4) If the owner requests in writing that the decision

1 of the hearing officer be appealed, the system administrator  
2 shall file the notice of violation and supporting documents  
3 with the office of the magisterial district judge for the  
4 magisterial district where the violation occurred, and the  
5 magisterial district judge shall hear and decide the matter  
6 de novo.

7 (k) Expiration.--This section shall expire five years from  
8 its effective date.

9 (l) Definition.--As used in this section, "designated  
10 highway" means that portion of US 1 from the Bucks County line  
11 to the interchange with Interstate 76.

12 Section 4. The Secretary of Transportation shall publish a  
13 notice in the Pennsylvania Bulletin when the automated speed  
14 enforcement system is operational along the designated highway  
15 as defined in 75 Pa.C.S. § 3368.1.

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

17 (1) The addition of 75 Pa.C.S. § 3368.1(e) shall take  
18 effect 60 days after publication in the Pennsylvania Bulletin  
19 of the notice under section 4.

20 (2) Section 4 and this section shall take effect  
21 immediately.

22 (3) The remainder of this act shall take effect in 60  
23 days.