
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 172 Session of
2017

INTRODUCED BY ARGALL, SCHWANK, VULAKOVICH, SCAVELLO, BREWSTER,
TARTAGLIONE, COSTA, YUDICHAK, RAFFERTY AND BARTOLOTTA,
JANUARY 23, 2017

REFERRED TO TRANSPORTATION, JANUARY 23, 2017

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
5 automated speed enforcement systems.

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

8 Section 1. Section 102 of Title 75 of the Pennsylvania
9 Consolidated Statutes is amended by adding definitions to read:

10 § 102. Definitions.

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

16 * * *

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

19 (1) is able to automatically detect vehicles exceeding

1 the posted speed limit with a type of speed timing device;
2 and

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

5 "Automated speed enforcement work area." The portion of an
6 active work zone where construction, maintenance or utility
7 workers are located on the roadway, berm or shoulder and workers
8 are adjacent to an active travel lane and where an automated
9 speed enforcement system is active. For the purposes of this
10 definition, workers shall also be considered adjacent to an
11 active travel lane where workers are present and are protected
12 by a traffic barrier.

13 * * *

14 Section 2. Section 3368(c)(2) of Title 75 is amended and the
15 subsection is amended by adding a paragraph to read:

16 § 3368. Speed timing devices.--

17 * * *

18 (c) Mechanical, electrical and electronic devices
19 authorized.--

20 * * *

21 (2) Except as otherwise provided in paragraph (3),
22 electronic devices such as radio-microwave devices
23 [({, commonly referred to as electronic speed meters or
24 radar[)}], may be used only as part of an automated speed
25 enforcement system or by members of the Pennsylvania State
26 Police.

27 * * *

28 (5) Light detection and ranging devices, commonly
29 referred to as LIDAR, may be used only as part of an
30 automated speed enforcement system.

1 * * *

2 Section 3. Title 75 is amended by adding a section to read:
3 § 3369. Automated speed enforcement systems.

4 (a) Establishment.--A program is established to provide for
5 automated speed enforcement systems in active work areas.

6 (b) Applicability.--This section shall apply only to
7 automated speed enforcement work areas on interstate highways
8 under the jurisdiction of the department or interstate highways
9 or freeways under the jurisdiction of the Pennsylvania Turnpike
10 Commission. An automated speed enforcement system shall not be
11 used unless:

12 (1) At least two appropriate warning signs are
13 conspicuously placed before the active work area notifying
14 the public that an automated speed enforcement device is in
15 use.

16 (2) A notice identifying the location of the automated
17 speed enforcement system is posted on the department's or
18 Pennsylvania Turnpike Commission's publicly accessible
19 Internet website throughout the period of use.

20 (c) Liability.--Driving in excess of the posted speed limit
21 in an automated speed enforcement work area by at least 11 miles
22 per hour is a violation of this section.

23 (d) Notice of violation.--

24 (1) (i) An action to enforce this section shall be
25 initiated by an administrative notice of violation to the
26 registered owner of a vehicle identified by an automated
27 speed enforcement system as violating this section. A
28 notice of violation based upon inspection of recorded
29 images produced by an automated speed enforcement system
30 and sworn or affirmed by an authorized employee of the

1 department or the Pennsylvania Turnpike Commission shall
2 be prima facie evidence of the facts contained in the
3 notice. The authorized employee of the department or the
4 Pennsylvania Turnpike Commission must be under contract
5 to the department or the Pennsylvania Turnpike
6 Commission.

7 (ii) The notice of violation must include written
8 verification that the automated speed enforcement system
9 was operating correctly at the time of the alleged
10 violation and the date of the most recent inspection that
11 confirms the automated speed enforcement system to be
12 operating properly.

13 (iii) The following shall be attached to the notice
14 of violation:

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

17 (B) The registration number and state of
18 issuance of the vehicle registration.

19 (C) The date, time and place of the alleged
20 violation.

21 (D) Notice that the violation charged is under
22 this section.

23 (E) Instructions for return of the notice of
24 violation.

25 (2) In the case of a violation involving a motor vehicle
26 registered under the laws of this Commonwealth, the notice of
27 violation shall be mailed within 30 days after the commission
28 of the violation or within 30 days after the discovery of the
29 identity of the registered owner, whichever is later, to the
30 address of the registered owner as listed in the records of

1 the department.

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

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

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

12 This notice shall be returned personally, by mail or by
13 an agent duly authorized in writing, within 30 days of
14 issuance. A hearing may be obtained upon the written
15 request of the registered owner.

16 (6) Notice of violation must be sent by first class
17 mail. A manual or automatic record of mailing prepared by the
18 system administrator in the ordinary course of business shall
19 be prima facie evidence of mailing and shall be admissible in
20 a judicial or administrative proceeding as to the facts
21 contained in the notice.

22 (e) Penalty.--

23 (1) The penalty of a violation under this section shall
24 be a fine of \$100, and the fine shall not be subject to 42
25 Pa.C.S. § 3571 (relating to Commonwealth portion of fines,
26 etc.) or 3573 (relating to municipal corporation portion of
27 fines, etc.).

28 (2) The fine is not authorized during times when the
29 automated speed enforcement work area is not active.

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

1 (i) be deemed a criminal conviction;

2 (ii) be made part of the operating record of the
3 individual upon whom the penalty is imposed under section
4 1535 (relating to schedule of convictions and points);

5 (iii) be the subject of merit rating for insurance
6 purposes; or

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

9 (f) Limitations.--

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

19 (2) Notwithstanding any other provision of law,
20 information gathered and maintained under this section that
21 is kept by the Commonwealth, its authorized agents or its
22 employees, including recorded images, written records,
23 reports or facsimiles, names and addresses, shall be for the
24 exclusive purpose of discharging its duties under this
25 section. The information shall not be deemed a public record
26 under the act of February 14, 2008 (P.L.6, No.3), known as
27 the Right-to-Know Law. The information shall not be
28 discoverable by court order or otherwise or be admissible as
29 evidence in a proceeding except to determine liability under
30 this section. The restrictions provided in this paragraph

1 shall not preclude a court of competent jurisdiction from
2 issuing an order directing that the information be provided
3 to law enforcement officials, if the information is requested
4 solely in connection with a criminal law enforcement action
5 and is reasonably described.

6 (3) Recorded images obtained through the use of
7 automated speed enforcement systems deployed as a means of
8 promoting traffic safety in automated speed enforcement work
9 areas shall be destroyed within one year of final disposition
10 of a notice of violation, except that images subject to a
11 court order under paragraph (1) or (2) shall be destroyed
12 within two years after the date of the order, unless further
13 extended by court order.

14 (4) Notwithstanding any other provision of law,
15 registered vehicle owner information obtained as a result of
16 the operation of an automated speed enforcement system shall
17 be the exclusive property of the department or Pennsylvania
18 Turnpike Commission and may not be used for a purpose other
19 than prescribed in this section.

20 (5) A violation of this subsection shall constitute a
21 misdemeanor of the third degree punishable by a \$500 fine.
22 Each violation shall constitute a separate and distinct
23 offense.

24 (g) Defenses.--

25 (1) It shall be a defense to a violation under this
26 section that the vehicle was reported to a police department
27 as stolen prior to the time the violation occurred and was
28 not recovered prior to that time.

29 (2) It shall be a defense to a violation under this
30 section that the person receiving the notice of violation was

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

2 (h) Authority and duties of department and Pennsylvania
3 Turnpike Commission.--

4 (1) The department and Pennsylvania Turnpike Commission
5 shall each establish a five-year automated speed enforcement
6 system program not later than 18 months following the
7 effective date of this section.

8 (2) (i) The department and Pennsylvania Turnpike
9 Commission may each promulgate regulations for the
10 certification and the use of automated speed enforcement
11 systems.

12 (ii) In order to facilitate the prompt
13 implementation of this section, regulations promulgated
14 by the department and Pennsylvania Turnpike Commission
15 under this section shall be deemed temporary regulations
16 and not subject to:

17 (A) Sections 201, 202 and 203 of the act of July
18 31, 1968 (P.L.769, No.240), referred to as the
19 Commonwealth Documents Law.

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

22 (3) (i) The department and Pennsylvania Turnpike
23 Commission shall each serve directly or through a
24 contracted private service as the system administrator of
25 the program. Compensation under a contract authorized by
26 this paragraph shall be based only upon the value of
27 equipment and services provided or rendered in support of
28 the automated speed enforcement system program and may
29 not be based on the quantity of notices of violation
30 issued or amount of fines imposed or generated.

1 (ii) The system administrator shall prepare and
2 issue notices of violation.

3 (iii) Two restricted accounts are established in the
4 State Treasury for fines remitted under this section to
5 the department and Pennsylvania Turnpike Commission,
6 respectively. The system administrator of the department
7 or Pennsylvania Turnpike Commission, if any, shall send
8 an invoice to the department or Pennsylvania Turnpike
9 Commission based, respectively, on the services under
10 subparagraph (i). The department and Pennsylvania
11 Turnpike Commission shall use the appropriate restricted
12 account to pay for the administration of the pilot
13 program and the system administrator's invoice costs.
14 Remaining fines shall be allocated by the department or
15 Pennsylvania Turnpike Commission as follows:

16 (A) Seventy-five percent of the fines over the
17 duration of the five-year program from violations
18 occurring in an automated speed enforcement system on
19 either an interstate highway managed by the
20 department or an interstate highway or freeway under
21 the jurisdiction of the Pennsylvania Turnpike
22 Commission shall be deposited into a restricted
23 account in the State Treasury on a quarterly basis.
24 The Department of Revenue shall, within 90 days of
25 the date of deposit, transfer to the Pennsylvania
26 State Police an amount equivalent to the previous
27 quarterly deposit to be used by the Pennsylvania
28 State Police as follows:

29 (I) Fifty-five percent of the funds shall be
30 dedicated and used for the purpose of recruiting,

1 training or equipping Pennsylvania State Police
2 Cadets.

3 (II) Forty-five percent of the funds shall
4 be dedicated and used to pay for an increased
5 Pennsylvania State Trooper presence in work zones
6 on the State road system managed by the
7 department or the Pennsylvania Turnpike
8 Commission that do not utilize concrete barriers.
9 The assignments shall be made on an as-necessary
10 basis as determined by the Pennsylvania State
11 Police. Funds under this subclause shall be in
12 addition to any contractual agreement between the
13 department or the Pennsylvania Turnpike
14 Commission and the Pennsylvania State Police for
15 enforcement in work zones on the State road
16 system managed by the department or the
17 Pennsylvania Turnpike Commission.

18 (B) Twenty-five percent of the fines over the
19 duration of the five-year program from violations
20 occurring in an automated speed enforcement system
21 shall be transferred to the department or the
22 Pennsylvania Turnpike Commission, whichever State
23 road system utilized the automated speed enforcement
24 system, for the purpose of work zone safety, traffic
25 safety and educating the motoring public on work zone
26 safety, at the discretion of the department or
27 Pennsylvania Turnpike Commission.

28 (iv) If the amount of funds under subparagraph (iii)
29 (A) is lower than the amount of funds under subparagraph
30 (iii)(A) for the previous fiscal year, funds from the

1 Motor License Fund may not be used to supplement the
2 funds for the current fiscal year. Funding provided for
3 under subparagraph (iii) (A) shall be supplemental and
4 shall not prohibit the Pennsylvania State Police from
5 obtaining additional funding from any other means.

6 (v) If the five-year program is not extended by the
7 General Assembly, any remaining fines remitted to the
8 department or Pennsylvania Turnpike Commission shall
9 remain with the department or Pennsylvania Turnpike
10 Commission for the purpose of work zone safety, traffic
11 safety and educating the motoring public on work zone
12 safety, at the discretion of the department or
13 Pennsylvania Turnpike Commission.

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

22 (4) Not later than April 1 annually, the department and
23 Pennsylvania Turnpike Commission shall submit a report on the
24 program for the preceding calendar year to the chairperson
25 and minority chairperson of the Transportation Committee of
26 the Senate and the chairperson and minority chairperson of
27 the Transportation Committee of the House of Representatives.
28 The report shall be a public record under the Right-to-Know
29 Law and include:

30 (i) The number of vehicular accidents and related

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

4 (ii) Speed data.

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

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

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

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

12 (i) Payment of fine.--

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

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

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

22 (4) If payment is not received within 90 days of
23 original notice, the department or Pennsylvania Turnpike
24 Commission may turn the matter over to applicable credit
25 collection agencies.

26 (j) Contest.--

27 (1) An owner may, within 30 days of the mailing of the
28 notice, request a hearing to contest liability by appearing
29 before the system administrator either personally or by an
30 authorized agent or by mailing a request in writing on the

1 prescribed form. Appearances in person shall be only at the
2 locations and times set by the system administrator.

3 (2) Upon receipt of a hearing request, the system
4 administrator shall in a timely manner schedule the matter
5 before a hearing officer designated by the department or
6 Pennsylvania Turnpike Commission. Written notice of the date,
7 time and place of hearing must be presented or sent by first
8 class mail to the owner.

9 (3) The hearing shall be informal and the rules of
10 evidence shall not apply. The decision of the hearing officer
11 shall be final, subject to the right of the owner to appeal
12 the decision.

13 (4) If the owner requests in writing that the decision
14 of the hearing officer be appealed, the system administrator
15 shall file the notice of violation and supporting documents
16 with the office of the magisterial district judge for the
17 magisterial district where the violation occurred, and the
18 magisterial district judge shall hear and decide the matter
19 de novo.

20 (k) Expiration.--This section shall expire five years from
21 the effective date of this section.

22 Section 4. The Secretary of Transportation or the Chairman
23 of the Pennsylvania Turnpike Commission shall publish a notice
24 in the Pennsylvania Bulletin when an automated speed enforcement
25 system is operational in this Commonwealth.

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

27 (1) The addition of 75 Pa.C.S. § 3369(e) shall take
28 effect 60 days after publication in the Pennsylvania Bulletin
29 of the notice under section 4.

30 (2) The addition of 75 Pa.C.S. § 3369(h)(2) shall take

1 effect in 45 days.

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

4 (4) The remainder of this act shall take effect in 60
5 days.