



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 364

PRINTERS NO. 4023

PRIME SPONSOR: Gabler

COST / (SAVINGS)

FUND	FY 2019/19	FY 2020/21
School Bus Safety Grant Program Account	\$0	See "Fiscal Impact"
Political Subdivision Funds	\$0	See "Fiscal Impact"

SUMMARY: Amends the Title 75 (Vehicle Code) to permit a yellow flashing light on a school vehicle and make omnibus changes to school bus camera enforcement systems. This legislation would take effect in 60 days.

ANALYSIS: This legislation amends the Vehicle Code to permit a yellow flashing light on a school vehicle and make omnibus changes to school bus camera enforcement systems.

School Vehicle Yellow Lights: This legislation amends §4572 of the Vehicle Code to add a new subsection (b.1) permitting "school vehicles" to affix one flashing or revolving yellow light onto the roof either permanently or temporarily. The light may be used only when preparing to stop, and when stopped to load or unload a school student. PennDOT is required to develop regulations on the display and intensity of the lights.

School Bus Camera Enforcement: The legislation amends §3345.1 of the Vehicle Code to make changes to school bus camera enforcement systems, which may be utilized under current law to enforce a violation of overtaking a school bus with an extended stop arm and flashing red signals (Section 3345):

- The owner of a vehicle recorded by a camera system illegally passing a school bus is liable for a \$300 civil penalty under the school bus camera enforcement section (current law says the driver is liable for a summary offense under §3345). A rebuttal presumption exists that the owner of the vehicle was the operator at the time of the violation.
- The \$300 fine is distributed as follows:
 - \$250 to the school district, which shall be utilized for the installation and maintenance of the school bus cameras.
 - \$25 to police department that reviewed the evidence package for the violation.
 - \$25 to the School Bus Safety Grant Program.
- The fine is not subject to additional surcharges.
- The owner of the vehicle is not liable for the \$300 civil fine if the owner is convicted of the same violation under §3345 (the owner cannot be charged with both a civil violation under the school bus camera enforcement section and a violation of Section 3345).

- A violation issued via a school bus camera enforcement system shall not:
 - be considered a criminal conviction;
 - be made part of the individual's driving record;
 - be subject to a merit rating for insurance purposes; and
 - authorize surcharge points for vehicle insurance coverage purposes.
- The camera system may not record images of the driver, passengers or contents of the vehicle.
- It shall be a defense to a violation that the individual was not operating the vehicle at the time of the violation. The owner of the vehicle may be required to submit evidence that the owner was not the driver at the time of the violation.
- It shall also be a defense if the vehicle was reported stolen or if the owner was not actually the owner of the vehicle.
- The school district may enter into an intergovernmental agreement with the primary police department to issue the violations. If a primary police department does not exist, the school district may petition PSP to review the evidence package.
- The vendor for a school bus camera enforcement system shall submit the evidence package to the police or police department for review.
- Officers shall review the evidence package and mail a notice of violation, which contains payment and appeal instructions, to the violator.
- The owner of the vehicle upon receiving the notice has the following options:
 - Pay the fine within 30 days.
 - If the owner was not operating the vehicle at the time of violation, identify the driver and request the violation be transferred to that individual. If this occurs, the identified individual will receive a notice and has the option to assume responsibility. If the identified individual does not assume responsibility, a new notice is sent back to the owner of the vehicle and the owner may contest or pay the fine.
 - Contest the notice within 30 days.
- Contested notices and unpaid fines are turned over to the appropriate MDJ.
- The prohibition in current law on a vendor receiving compensation on a per-citation-basis is eliminated.

FISCAL IMPACT: This legislation would provide for a \$300 civil penalty for a violation if recorded by a camera system for illegally passing a school bus. This new penalty would provide for additional revenue for the School Bus Safety Grant Program Account as well as school districts and police departments that choose to implement such a camera system. Any estimate of that revenue would depend on if a district implements such a system and the level of violations.

The remainder of the legislation would have no adverse fiscal impact on Commonwealth or political subdivision funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: June 24, 2020

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.