

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1098

PRINTER NO. 1623

AMOUNT

See Fiscal Impact

FUND

Motor License Fund

DATE INTRODUCED

April 6, 2018

PRIME SPONSOR

Senator Browne

DESCRIPTION

Senate Bill 1098 amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide the option for school districts to install automated enforcement systems on school buses and penalize drivers who fail to stop for school buses with flashing red lights.

Title 75 is amended by adding a new § 6314 relating to automated enforcement of failure to stop for a school bus with flashing red lights. This new section authorizes a school district to install and operate an automated side stop signal arm enforcement system (stop-arm camera) for the purpose of enforcing the provisions of § 3345(a) (relating to duty of approaching driver when red signals are flashing) and (f.1) (relating to use of school buses for transportation of disabled persons).

Section 6314 shall apply to a driver of a motor vehicle meeting or overtaking a school bus stopped on a highway or trafficway when the red signal lights on the school bus are flashing and the side stop signal arms are activated. The bill imposes liability to the owner or owners of the motor vehicle for each violation, which is a summary offense and punishable by a fine of \$250, 60-day suspension of driving privileges and five (5) points on the individual's driving record.

A stop-arm camera installed on a school bus is subject to the following limitations:

- Equipment must be incapable of automated or user-controlled remote intersection surveillance;
- Recorded images collected as part of the stop-arm camera may only record traffic violations and may not be used for any other surveillance purposes;
- Restrictions under this section shall not be deemed to preclude a court from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action;
- To the extent practicable, shall use necessary technologies to ensure that photographs or recorded video images produced by the system shall not identify the driver, the passengers, or the contents of the motor vehicle. A notice of liability issued under this section may not be dismissed solely because a photograph or video image allows for identification;

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- The information relating to violations under this section which is kept by a police department is for the exclusive use of the department and shall not be deemed a public record under the Right-to-Know Law. However, information may be discoverable by court order and may be offered in evidence in actions related to the violation or in connection with a criminal law enforcement action;
- Images obtained through the use of a stop-arm camera shall be destroyed within one (1) year of final disposition of the recorded event. The vendor of a stop-arm camera system shall notify the Pennsylvania Department of Transportation (department) by written notice that the records have been destroyed; and
- Vehicle owner information obtained through the operation of a stop-arm camera system is not the property of the manufacturer or vendor of the system and may not be used for any purpose other than prescribed in this section.

Senate Bill 1098 allows the owner named in the notice of the violation to submit evidence that they were not the driver at the time of the alleged violation and may require the owner to provide the name and the address of the person who was driving the motor vehicle.

This legislation authorizes a school district to enter into an agreement with a private vendor or manufacturer, following a vote of the board of school directors, to provide a stop-arm camera system on each bus within its fleet, whether owned or leased, up to and including installation, operation, and maintenance.

No later than twelve (12) months after the installation, the school district shall conduct a statistical analysis to assess the safety impact of the stop-arm camera system. A copy of the findings must be posted on the school district's publicly accessible internet website, and a copy must be shared with the department.

The bill requires a school district or contracted company that provides school transportation to enter into an intergovernmental agreement with a primary police department with authority to issue violations.

Senate Bill 1098 requires the vendor to prepare the violation notice to the registered owner of the motor vehicle upon authorization of the police officer employed by the police department with primary jurisdiction over the area where the violation occurred. Other vendor duties include processing the fines, receiving affidavits of nonliability, and precluding the issuance of any violation occurring in a location where the use of the system is not authorized.

Directs the notice of violation to be mailed by first class within 60 days after the commission of the violation or within 60 days after the discovery of the identity of the registered owner, whichever is later, to the address of the registered owner. If the motor vehicle is registered in another state, the notice shall be mailed within 60 days after the discovery of the identity of the registered owner.

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Within 30 days of the mailing of the notice of violation, an owner who received the notice may request in writing a hearing to contest the liability alleged in the notice before a magisterial district judge.

The legislation prohibits compensation paid to the manufacturer or vendor of the stop-arm camera system to be based on the number of citations issued. The compensation paid to the vendor shall be based on the value of the equipment and services rendered.

The bill directs the vendor or governing body to provide a final notice of any unpaid fines if a violation has not been contested and the penalty has not been paid. If the assessed penalty is not paid within 30 days after the final notice, the vendor shall send a referral to the department. Upon receipt of a referral, the department shall refuse to renew the registration of the motor vehicle, prohibit the title of the motor vehicle from being transferred, and decline the issuance or renewal of the driver's license of the person responsible for the violation until the penalty is paid.

The bill establishes the School Bus Safety Grant Program Fund in the Motor License Fund, which shall serve as a restricted receipts account for fines collected under this section to promote and to increase school bus safety education and training throughout the Commonwealth. Independent school bus contractors are eligible for grants from the fund.

Senate Bill 1098 stipulates that school bus contractors are not liable if a stop-arm camera system is vandalized or otherwise malfunctions, are not required to take a bus out of service due to a nonfunctioning system, and are not liable for costs associated with installing, maintaining, repairing, replacing, or removal of the system.

"Automated side stop signal arm enforcement system" is defined as a camera system with two or more camera sensors and computers that produce recorded video and two or more film or digital photographic still images of a motor vehicle being used or operated in a manner that violates section 3345(a).

This act shall take effect in 60 days.

FISCAL IMPACT:

Senate Bill 1098 will have no adverse fiscal impact on Commonwealth funds.

Current law does allow for stop-arm cameras on school buses, and this legislation simply encourages more school districts to take advantage of this technology, which would increase the enforcement of § 3345(a) violations. Additionally, many violations are not prosecuted because of the lack of evidence, and this technology would increase the likelihood of violators being prosecuted and ultimately convicted.

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According to data from the Administrative Office of Pennsylvania Courts (AOPC), the statewide total number of citations issued for violations of 75 Pa.C.S. § 3345(a) was 2,198¹, of which 690 resulted in a conviction. Of the remaining 1,508 cases, 1,000 were changed to a different or lesser charge. Those convicted of a violation of 75 Pa.C.S. § 3345(a) are subject to a fine of \$250, 60-day suspension of driving privileges and five (5) points on their driving record.

Assuming that 600 of the 1,000 cases where the charge was changed would have resulted in a conviction of 75 Pa.C.S. § 3345(a), this would result in an additional \$150,000 deposited into the Motor License Fund. Additionally, it is assumed that the stop-arm camera technology would allow for additional citations to be issued to violators of 75 Pa.C.S. § 3345(a).

Acknowledging that there will be a future amendment to the bill to address some concerns from the department and the Pennsylvania State Police, the Appropriations Committee will issue a revised fiscal note at that time.

¹ Philadelphia County is not included in the total. Philadelphia County does not utilize the statewide Magisterial District Judge System (MDJS) within AOPC.