

LEGISLATIVE REFERENCE BUREAU

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No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in enforcement, providing for automated enforcement of failure to stop for school bus with flashing red lights.

INTRODUCED _____ 20_____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20_____
Reported _____	20_____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in enforcement, providing for automated enforcement
3 of failure to stop for school bus with flashing red lights.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6314. Automated enforcement of failure to stop for school bus
9 with flashing red lights.

10 (a) General rule.--A school district may install and operate
11 an automated side stop signal arm enforcement system for the
12 purpose of enforcing the provisions of section 3345(a) (relating
13 to meeting or overtaking school bus).

14 (b) Applicability.--

15 (1) Except as provided in paragraph (2), this section
16 shall apply to all drivers of a vehicle meeting or overtaking
17 any school bus stopped on a highway or trafficway when the
18 red signal lights on the school bus are flashing and the side

1 stop signal arms are activated as described in section
2 3345(a) and (f.1).

3 (2) Nothing in this section shall supersede the
4 provisions of section 3105(h) (relating to drivers of
5 emergency vehicles).

6 (c) Owner liability.--For each violation under section
7 3345(a), the owner or owners of the vehicle shall be liable as
8 follows:

9 (1) The penalty or a violation under subsection (a)
10 shall be a fine of \$250.

11 (2) In addition to the evidence provided in subsection
12 (d), if a school bus operator observes the violation and can
13 provide a signed report attesting to the identity of the
14 driver, the violation shall be made part of the operating
15 record as described under section 1535 (relating to schedule
16 of convictions and points) of the individual upon whom the
17 penalty is imposed, the imposition of the penalty shall be
18 subject to merit rating for insurance purposes, and any
19 surcharge points shall be imposed in the provision for motor
20 vehicle insurance coverage.

21 (3) A fine is not authorized for a violation of this
22 section if the exceptions provided in section 3345(q) are
23 met.

24 (4) Fines collected under this section shall be subject
25 to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of
26 finer, etc.) or 3573 (relating to municipal corporation
27 portion of fines, etc).

28 (5) Violations resulting in a homicide by vehicle under
29 section 3732 (relating to homicide by vehicle) shall be
30 subject to the penalties provided therein.

1 (d) Certificate as evidence.--The school bus operator who
2 observes the violation may provide a written and signed report
3 further attesting to the violation within 48 hours and shall
4 include the following as described in section 3345(a.1)(1):

5 (1) A recorded image or video evidencing a violation of
6 this title shall be admissible in any judicial or
7 administrative proceeding to adjudicate the liability for the
8 violation.

9 (2) In addition to the evidence provided in paragraph
10 (1), if a school bus operator observes the violation and
11 provides a signed report attesting to the identity of the
12 driver, the violation shall be made part of the operating
13 record, as described under section 1535, of the individual
14 upon whom the penalty is imposed. The imposition of the
15 penalty shall be subject to merit rating for insurance
16 purposes, and any surcharge points shall be imposed in the
17 provision for motor vehicle insurance coverage.

18 (e) Limitations.--

19 (1) (i) Notwithstanding any other provision of law,
20 equipment deployed as part of an automated side stop
21 signal arm enforcement system as provided under this
22 section must be incapable of automated or user-controlled
23 remote intersection surveillance by means of recorded
24 video images.

25 (ii) Recorded images collected as part of the
26 automated side stop signal arm enforcement system may
27 only record traffic violations and may not be used for
28 any other surveillance purposes.

29 (iii) The restrictions of this paragraph shall not
30 be deemed to preclude a court of competent jurisdiction

1 from issuing an order directing that the information be
2 provided to law enforcement officials if the information
3 is reasonably described and is requested solely in
4 connection with a criminal law enforcement action.

5 (2) (i) To the extent practicable, an automated side
6 stop signal arm enforcement system shall use necessary
7 technologies to ensure that photographs or recorded video
8 images produced by the school bus violation detection
9 monitoring system shall not include a frontal view
10 photograph or video image of the motor vehicle that is in
11 violation of the stop arm traffic control sign or images
12 that identify the operator, the passengers or the
13 contents of the vehicle.

14 (ii) No notice of liability issued under this
15 section shall be dismissed solely because a photograph or
16 recorded video image allows for the identification of the
17 operator, passengers or contents of a vehicle as long as
18 a reasonable effort has been made to comply with this
19 paragraph.

20 (3) (i) Notwithstanding any other provision of law,
21 information prepared under this section and information
22 relating to violations under this section which is kept
23 by the department of the police officer having the
24 authority to exercise police power in the area where the
25 violation occurred, its authorized agents or employees,
26 including recorded images, written records, reports or
27 facsimiles, names, addresses and the number of violations
28 under this section shall be for the exclusive use of the
29 department of the police officer having the authority to
30 exercise police power in the area where the violation

1 occurred, its authorized agents or employees and law
2 enforcement officials for the purpose of discharging
3 their duties under this section.

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

7 (iii) The information may be discoverable by court
8 order or otherwise and may be offered in evidence in any
9 action or proceeding which is directly related to a
10 violation of this section or any other violation in
11 connection with a criminal law enforcement action.

12 (4) Images obtained through the use of an automated side
13 stop signal arm enforcement system shall be destroyed within
14 one year of final disposition of the recorded event. The
15 vendor of an automated side stop signal arm enforcement
16 system shall notify the department by written notice in
17 accordance with this section that the records have been
18 destroyed.

19 (5) Notwithstanding any other provision of law,
20 registered vehicle owner information obtained as a result of
21 the operation of an automated side stop signal arm
22 enforcement system under this section shall not be the
23 property of the manufacturer or vendor of the automated side
24 stop signal arm enforcement system and may not be used for
25 any purpose other than prescribed in this section.

26 (f) Defenses.--

27 (1) It shall be a defense to a prosecution using an
28 automated side stop signal arm enforcement system for a
29 violation under section 3345 that the person named in the
30 notice of the violation was not operating the vehicle at the

1 time of the violation. The owner may be required to submit
2 evidence that the owner was not the driver at the time of the
3 alleged violation.

4 (2) The person named in the notice of violation may have
5 the opportunity to nominate the actual driver of the vehicle
6 at the time the violation occurred.

7 (3) If the owner receives a notice of violation under
8 section 3345 of a time period during which the vehicle was
9 reported to the police department of any state or
10 municipality as having been stolen, it shall be a defense to
11 the violation that the vehicle has been reported to a police
12 department as stolen prior to the time the violation occurred
13 and has not been recovered prior to that time.

14 (4) It shall be a defense to a prosecution using an
15 automated side stop signal arm enforcement system for a
16 violation under section 3345 that the person receiving the
17 notice of violation was not the owner of the vehicle at the
18 time of the offense.

19 (g) Approval.--

20 (1) A school district may enter into an agreement with a
21 private vendor or manufacturer to provide an automated side
22 stop signal arm enforcement system on each bus within its
23 fleet, whether owned or leased, up to and including the
24 installation, operation and maintenance of such systems.

25 (2) Wherever an agreement under this section is to take
26 effect upon its acceptance by a school district, or is to be
27 effective in school districts accepting its provisions, the
28 acceptance shall be, except as otherwise provided, in a
29 school district by vote of the board of school directors. The
30 meeting to consider approval of an automated side stop signal

1 arm enforcement system shall be properly noticed under 65
2 Pa.C.S. Ch. 7 (relating to open meetings).

3 (h) Duty of the school district or contracted company to
4 provide school transportation.--

5 (1) A school district or contracted company that
6 provides school transportation shall cooperate with the
7 primary police department with authority to issue violations
8 using automated side stop signal arm enforcement systems
9 under this section to inform the police department of the
10 intent to consider an automated side stop signal arm
11 enforcement system so that the police department may make
12 appropriate staff changes to fulfill their duties in
13 enforcing violations of section 3345.

14 (2) A school district operating an automated side stop
15 signal arm enforcement system shall conduct a statistical
16 analysis to assess the safety impact of the system. The
17 statistical analysis shall:

18 (i) Be based upon the best available crash, traffic
19 and other data.

20 (ii) Cover a period of time before and after
21 installation of the system sufficient to provide a
22 statistically valid comparison of safety impacts.

23 (iii) Be consistent with professional judgment and
24 acceptable industry practice.

25 (iv) Be consistent with the data required for valid
26 comparisons of before and after conditions.

27 (v) Be conducted within a reasonable period
28 following the installation of the automated traffic law
29 enforcement system.

30 (vi) Be made available to the public and published

1 on the publicly accessible Internet website of the
2 municipality.

3 (3) Provide a list of all approved bus stop locations to
4 the police officer or department charged with reviewing the
5 violations as well as the manufacturer or vendor.

6 (i) Duty of police or police department.--Police and police
7 departments enforcing violations of section 3345 and using
8 automated side stop signal arm enforcement systems shall:

9 (1) Review submitted evidence from the manufacturer or
10 vendor of an automated side stop signal arm enforcement
11 system to determine if there is sufficient evidence that a
12 violation under section 3345 occurred and authorize the
13 notice of violation.

14 (2) Provide information to a school district or
15 contracted company that provides school transportation with
16 information related to the police or police department's
17 capacity to review and authorize the notice of violation.

18 (j) Duty of the manufacturer or vendor.--A manufacturer or
19 vendor of automated side stop signal arm enforcement systems
20 shall:

21 (1) Prepare a notice of violation to the registered
22 owner of a vehicle identified in a recorded image or video
23 link produced by an automated side stop signal arm
24 enforcement system as evidence of a violation of section 3345
25 upon authorization of the police officer employed by the
26 police department with primary jurisdiction over the area
27 where the violation occurred. The notice of violation must
28 have attached to it all of the following:

29 (i) A copy of the recorded image showing the
30 vehicle.

1 (ii) The registration number and state of issuance
2 of the vehicle registration.

3 (iii) The date, time and place of the alleged
4 violation.

5 (iv) Notice that the violation charged is under
6 section 3345.

7 (v) Instructions for return of the notice of
8 violation.

9 (vi) Instructions for the registered owner to
10 nominate the driver of the vehicle at the time of the
11 violation by way of an affidavit of nonliability.

12 (2) The text of the notice must be as follows:

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

18 (3) Process fines issued under this section.

19 (4) Receive affidavits of nonliability in order to
20 update the violation and send to the primary police
21 department with authority to issue violations under section
22 3345 to approve the change.

23 (5) Preclude the issuance of any violation occurring in
24 a location where the use of the side stop signal arm
25 enforcement system is not authorized, including, but not
26 limited to:

27 (i) Emergency vehicles.

28 (ii) Use of school buses in urban districts.

29 (iii) Unauthorized loading zone locations as
30 described in section 3345 (h) and (i).

1 (k) Duty of the municipality.--

2 (1) To the extent possible, the municipal portion of
3 finest collected for violations of section 3345 shall be used
4 in the following order:

5 (i) To cover the cost to the municipality and police
6 department for the implementation and enforcement of this
7 section.

8 (ii) To fund school district pupil transportation
9 costs.

10 (iii) Where applicable, to fund a student driver
11 education program.

12 (2) The municipality shall post signs at the major entry
13 and exit points of the municipality's geographic borders
14 indicating that violations under section 3345(a) are being
15 automatically enforced. The signs shall also contain the
16 potential fine for such violation.

17 (l) Notice to owner.--

18 (1) In the case of a violation involving a motor vehicle
19 registered under the laws of this Commonwealth, the notice of
20 violation shall be mailed within 30 days after the commission
21 of the violation or within 30 days after the discovery of the
22 identity of the registered owner, whichever is later, to the
23 address of the registered owner as listed in the records of
24 the department.

25 (2) In the case of motor vehicles registered in
26 jurisdictions other than this Commonwealth, the notice of
27 violation shall be mailed within 30 days after the discovery
28 of the identity of the registered owner to the address of the
29 registered owner as listed in the records of the official in
30 the jurisdiction having charge of the registration of the

1 vehicle.

2 (m) Mailing of notice and records.--

3 (1) A notice of violation shall be sent by first class
4 mail.

5 (2) A manual or automatic record of mailing prepared by
6 the manufacturer or vendor in the ordinary course of business
7 shall be prima facie evidence of mailing and shall be
8 admissible in any judicial or administrative proceeding as to
9 the facts contained in it.

10 (n) Payment of fine.--

11 (1) An owner to whom a notice of violation has been
12 issued may admit responsibility for the violation and pay the
13 fine provided in the notice.

14 (2) (i) Payment must be made personally, through an
15 authorized agent, electronically or by mailing both
16 payment and the notice of violation to the manufacturer
17 or vendor of an automated side stop signal arm
18 enforcement system. Payment by mail must be made only by
19 money order, credit card or check made payable to the
20 manufacturer or vendor.

21 (ii) The manufacturer or vendor shall remit the
22 fine, less the operation and maintenance costs
23 necessitated under this section, as provided under 42
24 Pa.C.S. §§ 3571 and 3573.

25 (o) Hearing.--

26 (1) An owner to whom a notice of violation has been
27 issued may, within 30 days of the mailing of the notice,
28 request in writing a hearing to contest the liability alleged
29 in the notice before a magisterial district judge.

30 (2) The manufacturer or vendor of an automated side stop

1 signal arm enforcement system shall file the notice of
2 violation and supporting documents with the magisterial
3 district judge, who shall hear and decide the matter de novo.

4 (p) Compensation to manufacturer or vendor.--The
5 compensation paid to the manufacturer or vendor of the automated
6 side stop signal arm enforcement system may not be based on the
7 number of citations issued or a portion or percentage of the
8 fine generated by the citations. The compensation paid to the
9 manufacturer or vendor of the equipment shall be based upon the
10 value of the equipment and services provided or rendered in
11 support of the automated side stop signal arm enforcement
12 system.

13 (q) Expiration.--This section shall expire ten years after
14 the effective date of this section.

15 (r) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

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

23 "Manufacturer" or "vendor." A company that creates, owns or
24 has a license or permission to sell, lease or distribute an
25 automated side stop signal arm enforcement system.

26 "Police officer" or "police department." A state, county or
27 municipal full-time law enforcement officer or agency with the
28 power to issue citations for violations under this title.

29 "Side stop signal arms." As described in section 4552(b.1)
30 (relating to general requirements for school buses).

1 "Violation certificate." A certificate, or a facsimile of a
2 certificate, based upon inspection of recorded images or video
3 produced by an automated side stop signal arm enforcement system
4 and sworn to or affirmed by a police officer having the
5 authority to exercise police power in the area where the
6 violation occurred as described in section 3345(a.1)(2).

7 Section 2. This act shall take effect in 60 days.

