

VEHICLE CODE (75 PA.C.S.) - SPEED TIMING DEVICES, AUTOMATED
SPEED ENFORCEMENT SYSTEMS IN ACTIVE WORK ZONES AND ESTABLISHING
A PILOT PROGRAM FOR AUTOMATED SPEED ENFORCEMENT SYSTEM ON
DESIGNATED HIGHWAY

Act of Oct. 19, 2018, P.L. 563, No. 86

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Session of 2018
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SB 172

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; and, in rules of the road in general, further providing for speed timing devices and providing for automated speed enforcement systems in active work zones and establishing a pilot program for automated speed enforcement system on designated highway.

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

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

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

* * *

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

(1) is able to automatically detect vehicles exceeding the posted speed limit with a type of speed timing device; and

(2) produces a recorded image that shows:

- (i) a clear and legible identification of only the vehicle's license plate;
- (ii) location; and
- (iii) date and time.

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

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Section 2. Section 3368(c)(2) of Title 75 is amended, subsection (c) is amended by adding a paragraph and the section is amended by adding a subsection to read: § 3368. Speed timing devices.

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

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(2) Except as otherwise provided in paragraph (3), electronic devices such as radio-microwave devices

[(commonly], **commonly** referred to as electronic speed meters or [radar]] **radar**, may be used only **as part of an automated speed enforcement system** or by members of the Pennsylvania State Police.

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(5) Light detection and ranging devices, commonly referred to as LIDAR, may be used only as part of an automated speed enforcement system or by members of the Pennsylvania State Police.

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(f) LIDAR testing and calibration.--

(1) The department may, upon publication in the Pennsylvania Bulletin, provide that LIDAR speed measuring devices and LIDAR systems shall be calibrated and tested using the testing procedures in department regulation.

(2) LIDAR speed measuring devices and LIDAR systems shall be calibrated and tested every 365 days at a minimum before being utilized by the Pennsylvania State Police or as part of an automated speed enforcement system.

(3) The certification that the LIDAR device and system, as applicable, have been tested and found to be accurate shall create a presumption that the requirements of this subsection have been fulfilled.

(4) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph unless the context clearly indicates otherwise:

"LIDAR." The technology of measuring target range using reflected light to determine target range and speed from the time-of-flight of laser pulses.

"LIDAR speed-measuring device." Speed-measuring equipment that determines target range and speed based on the time-of-flight of laser light pulses reflected off a target.

"LIDAR system." A LIDAR speed-measuring device that incorporates additional equipment that is used to gather, process and record images, as applicable, to be used as part of speed enforcement efforts.

Section 3. Title 75 is amended by adding sections to read:
§ 3369. Automated speed enforcement systems in active work zones.

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

(b) Applicability.--This section shall apply to Federal aid highways only under the jurisdiction of the department and the Pennsylvania Turnpike Commission. An automated speed enforcement system may not be used unless:

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

(2) At least one of the signs indicates if the automated speed enforcement system is active or not active.

(3) An appropriate sign is conspicuously placed at the end of the active work zone.

(4) A notice identifying the location of the automated speed enforcement system is posted at the active work zone and on the department's or Pennsylvania Turnpike Commission's publicly accessible Internet website. The notice on the websites shall remain throughout the period of use.

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

(c.1) Owner liability.--For each violation under this section, the owner of the vehicle shall be liable for the penalty imposed unless the owner is convicted of the same violation under another provision of this title or has a defense under subsection (g).

(d) Notice of violation.--

(1) (i) An action to enforce this section shall be initiated by an administrative notice of violation to the registered owner of a vehicle identified by an automated speed enforcement system as violating this section. A notice of violation based upon inspection of recorded images produced by an automated speed enforcement system and sworn or affirmed by an authorized member of the Pennsylvania State Police shall be prima facie evidence of the facts contained in the notice. The Pennsylvania State Police shall receive certification from the department, the Pennsylvania Turnpike Commission or the system administrator when an automated speed enforcement system is active in accordance with subsection (b).

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

(iii) An automated speed enforcement system operator shall complete training offered by the manufacturer of the automated speed enforcement system, including training on any devices critical to the operation of the system, or the manufacturer's representative in the procedures for setting up, testing and operating an automated speed enforcement system. Upon completion of the training, the manufacturer or manufacturer's representative shall issue a signed certificate to the automated speed enforcement system device operator, which shall be admitted as evidence in any court proceeding for a violation involving an automated speed enforcement system device. An automated speed enforcement system device operator shall fill out and sign a daily log for an automated speed enforcement system, which:

(A) states the date, time and location of the device setup;

(B) states that the automated speed enforcement system device operator successfully performed and the automated speed enforcement system device passed the self-tests specified by the manufacturer of the automated speed enforcement system device;

(C) shall be kept on file; and

(D) shall be admitted in any proceeding for a violation involving an automated speed enforcement system device.

(iv) An automated speed enforcement system device shall undergo an annual calibration check performed by a calibration laboratory. The calibration laboratory shall issue a signed certificate of calibration after the annual calibration check, which shall be kept on file and shall be admitted as evidence in any proceeding for a violation involving an automated speed enforcement system device.

(v) The following shall be attached to the notice of violation:

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

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

(C) Verification that the automated speed enforcement system was operating correctly at the time of the alleged violation and the date of the most recent inspection that confirms the automated speed enforcement system to be operating properly.

(D) The date, time and place of the alleged violation.

(E) Notice that the violation charged is under this section.

(F) Instructions for return of the notice of violation.

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

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

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

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

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

(e) Penalty.--

(1) If a person violates this section as a first offense, the person shall receive a written warning.

(2) The penalty for a violation under this section shall be a fine of \$75 for the second offense and \$150 for the third and subsequent offenses, and the fine shall not be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of fines, etc.) or 3573 (relating to municipal corporation portion of fines, etc.).

(3) The fine or warning is not authorized during times when the automated speed enforcement work area is not active.

(4) A penalty imposed under this section shall not:

(i) be deemed a criminal conviction;

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

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

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

(f) Limitations.--

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

(2) Notwithstanding any other provision of law, information gathered and maintained under this section that is kept by the Commonwealth, its authorized agents or its employees, including recorded images, written records, reports or facsimiles, names and addresses, shall be for the exclusive purpose of discharging its duties under this section. The information shall not be deemed a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise or be admissible as evidence in a proceeding except to determine liability under this section. The restrictions provided in this paragraph shall not preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials, if the information is requested solely in connection with a criminal law enforcement action and is reasonably described.

(3) Recorded images obtained through the use of automated speed enforcement systems deployed as a means of promoting traffic safety in automated speed enforcement work areas shall be destroyed within one year of final disposition of a notice of violation, except that images subject to a court order under paragraph (1) or (2) shall be destroyed within two years after the date of the order, unless further extended by court order. The department, the Pennsylvania Turnpike Commission or the system administrator shall retain evidence that the records have been destroyed in accordance with this section.

(4) Notwithstanding any other provision of law, registered vehicle owner information obtained as a result of the operation of an automated speed enforcement system under this section shall be the exclusive property of the Commonwealth and not the property of the manufacturer or vendor of the automated speed enforcement system and may not be used for a purpose other than prescribed in this section.

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

(g) Defenses.--

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

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

(3) It shall be a defense to a violation under this section that the device being used to determine speed was not in compliance with section 3368 (relating to speed timing devices) with respect to testing for accuracy, certification or calibration.

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

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

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

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

(A) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(B) Section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

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

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

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

(iii) Two restricted accounts are established in the State Treasury for fines remitted under this section to the department and Pennsylvania Turnpike Commission, respectively. The system administrator of the department or Pennsylvania Turnpike Commission, if any, shall send an invoice to the department or Pennsylvania Turnpike Commission based, respectively, on the services under subparagraph (i) and the Pennsylvania State Police under subsection (d)(1)(i). The department, Pennsylvania Turnpike Commission and the Pennsylvania State Police shall use the appropriate restricted account to pay for the administration of the pilot program and the system administrator's invoice costs, if applicable. Remaining fines shall be allocated by the department or Pennsylvania Turnpike Commission for the first three years as follows:

(A) Forty-five percent of the fines from violations occurring in an automated speed enforcement work area shall be deposited into a restricted account in the State Treasury on a quarterly basis. The Department of Revenue shall, within 90 days of the date of deposit, transfer to the Pennsylvania State Police an amount equivalent to the previous quarterly deposit to be used by the Pennsylvania State Police as follows:

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

recruiting, training or equipping Pennsylvania State Police Cadets.

(II) Forty-five percent of the funds shall be dedicated and used to pay for an increased Pennsylvania State Trooper presence in work zones on the State road system managed by the department or the Pennsylvania Turnpike Commission. Funds under this subclause shall be in addition to any contractual agreement between the department or the Pennsylvania Turnpike Commission and the Pennsylvania State Police for enforcement in work zones on the State road system managed by the department or the Pennsylvania Turnpike Commission.

(B) Fifteen percent of the fines from violations occurring in an automated speed enforcement work area shall be transferred to the department or the Pennsylvania Turnpike Commission, whichever State road system utilized the automated speed enforcement system, for the purpose of work zone safety, traffic safety and educating the motoring public on work zone safety, at the discretion of the department or Pennsylvania Turnpike Commission.

(C) Forty percent of the fines from violations occurring in an automated speed enforcement work area shall be deposited in the Motor License Fund and shall be appropriated by the General Assembly.

(iv) Remaining fines shall be allocated by the department or Pennsylvania Turnpike Commission for the last two years to develop a Work Zone and Highway Safety Program. At a minimum, funds from the Work Zone and Highway Safety Program shall be used for improvement projects and countermeasures to improve the safety in work zones and on highways. Funds may also be used to increase awareness of distracted driving and transportation enhancements established under section 3116 (relating to automated red light enforcement systems in first class cities).

(v) If the amount of funds under subparagraph (iii)(A) is lower than the amount of funds under subparagraph (iii)(A) for the previous fiscal year, funds from the Motor License Fund may not be used to supplement the funds for the current fiscal year. Funding provided for under subparagraph (iii)(A) shall be supplemental and shall not prohibit the Pennsylvania State Police from obtaining additional funding from any other means.

(vi) If the five-year program is not extended by the General Assembly, any remaining fines remitted to the department or Pennsylvania Turnpike Commission shall be used as provided under subparagraph (iv).

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

(4) Not later than April 1 annually, the department, the Pennsylvania Turnpike Commission and the Pennsylvania State Police shall submit a report on the program for the preceding calendar year to the chairperson and minority

chairperson of the Transportation Committee of the Senate and the chairperson and minority chairperson of the Transportation Committee of the House of Representatives. The report shall be a public record under the Right-to-Know Law and include:

(i) The number of vehicular accidents and related serious injuries and deaths in all work zones and in automated speed enforcement work areas where the program operated.

(ii) Speed data.

(iii) The number of notices of violation issued.

(iv) The amount of fines imposed and collected.

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

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

(vii) Use of funds under paragraph (3)(iv).

(i) Payment of fine.--

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

(2) Payment by mail must be made only by money order, credit card or check made payable to the Commonwealth, the Pennsylvania Turnpike Commission or the system administrator, as applicable.

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

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

(j) Contest.--

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

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

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

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

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

§ 3370. Pilot program for automated speed enforcement system on designated highway.

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

(1) A city of the first class, upon passage of an ordinance, is authorized to enforce section 3362 (relating to maximum speed limits) by recording violations using an automated speed enforcement system approved by the department.

(2) This section shall only be applicable in a city of the first class in areas agreed upon by the system administrator and the Secretary of Transportation using the automated speed enforcement system on U.S. Route 1 (Roosevelt Boulevard) between Ninth Street and the Philadelphia County line shared with Bucks County.

(b) Owner liability.--For each violation under this section, the owner of the vehicle shall be liable for the penalty imposed unless the owner is convicted of the same violation under another section of this title or has a defense under subsection (g).

(c) Certificate as evidence.--A certificate, or a facsimile of a certificate, based upon inspection of recorded images produced by an automated speed enforcement system and sworn to or affirmed by a police officer employed by the city of the first class shall be prima facie evidence of the facts contained in it. The city must include written documentation that the automated speed enforcement system was operating correctly at the time of the alleged violation. A recorded image evidencing a violation of section 3362 shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation.

(d) Penalty.--The following shall apply:

(1) The penalty for a violation under subsection (a) shall be a fine of \$150 unless a lesser amount is set by ordinance. The ordinance may create fines for first offense, second offense and third and subsequent offenses, but no single fine shall exceed \$150.

(2) A penalty is authorized only for a violation of this section if each of the following apply:

(i) At least two appropriate warning signs are conspicuously placed at the beginning and end and at two-mile intervals of the designated highway notifying the public that an automated speed enforcement device is in use.

(ii) A notice identifying the location of the automated speed enforcement system is posted on the department's publicly accessible Internet website throughout the period of use.

(3) A fine is not authorized during the first 30 days of operation of an automated speed enforcement system.

(4) The system administrator may provide a written warning to the registered owner of a vehicle determined to have violated this section during the first 30 days of operation of the automated speed enforcement system.

(5) A penalty imposed under this section shall not be deemed a criminal conviction and shall not be made part of the operating record under section 1535 (relating to schedule of convictions and points) of the individual upon whom the penalty is imposed, nor may the imposition of the penalty be subject to merit rating for insurance purposes.

(6) No surcharge points may be imposed in the provision of motor vehicle insurance coverage. Penalties collected under this section shall not be subject to 42 Pa.C.S. § 3571

(relating to Commonwealth portion of fines, etc.) or 3573
(relating to municipal corporation portion of fines, etc.).

(e) Liability.--Driving in excess of the posted speed limit along the designated highway by 11 miles per hour or more is a violation of this section.

(f) Limitations.--The following shall apply:

(1) No automated speed enforcement system shall be utilized in such a manner as to take a frontal view recorded image of the vehicle as evidence of having committed a violation.

(2) Notwithstanding any other provision of law, camera equipment deployed as part of an automated speed enforcement system as provided in this section must be incapable of automated or user-controlled remote surveillance by means of recorded video images. Recorded images collected as part of the automated speed enforcement system must only record traffic violations and may not be used for any other surveillance purposes, but may include video of the area enforced when triggered by a violation. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction 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.

(3) Notwithstanding any other provision of law, information prepared under this section and information relating to violations under this section which is kept by the city of the first class, its authorized agents or its employees, including recorded images, written records, reports or facsimiles, names, addresses and the number of violations under this section, shall be for the exclusive use of the city, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties under this section and under any ordinances and resolutions of the city. The information shall not be deemed a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section or any ordinance or resolution of the city. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction 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.

(4) Recorded images obtained through the use of automated speed enforcement systems deployed as a means of promoting traffic safety in a city of the first class shall be destroyed within one year of final disposition of any recorded event except that images subject to a court order under paragraph (2) or (3) shall be destroyed within two years after the date of the order, unless further extended by court order. The city shall file notice with the Department of State that the records have been destroyed in accordance with this section.

(5) Notwithstanding any other provision of law, registered vehicle owner information obtained as a result of the operation of an automated speed enforcement system under this section shall not be the property of the

manufacturer or vendor of the automated speed enforcement system and may not be used for any purpose other than as prescribed in this section.

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

(g) Defenses.--The following shall apply:

(1) It shall be a defense to a violation under this section that the person named in the notice of the violation was not operating the vehicle at the time of the violation. The owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation. The city of the first class may not require the owner of the vehicle to disclose the identity of the operator of the vehicle at the time of the violation.

(2) If an owner receives a notice of violation pursuant to this section of a time period during which the vehicle was reported to a police department of any state or municipality as having been stolen, it shall be a defense to a violation under this section that the vehicle has been reported to a police department as stolen prior to the time the violation occurred and had not been recovered prior to that time.

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

(4) It shall be a defense to a violation under this section that the device being used to determine speed was not in compliance with section 3368 (relating to speed timing devices) with respect to testing for accuracy, certification or calibration.

(h) Department approval.--

(1) No automated speed enforcement system may be used without the approval of the department, which shall have the authority to promulgate regulations for the certification and use of the systems which regulations may include the use of radio-microwave devices, commonly referred to as electronic speed meters or radar, or light detection and ranging devices, commonly referred to as LIDAR, in their operations.

(2) Notwithstanding any other provision of law, the devices identified in paragraph (1) shall be tested for accuracy at regular intervals as designated by regulation of the department.

(i) Duty of city.--If a city of the first class elects to implement this section, the following provisions shall apply:

(1) The city may not use an automated speed enforcement system unless there is posted an appropriate sign in a conspicuous place before the area in which the automated speed enforcement device is to be used notifying the public that an automated speed enforcement device is in use immediately ahead.

(2) The city shall designate or appoint the Philadelphia Parking Authority as the system administrator to supervise and coordinate the administration of notices of violation issued under this section. Compensation under a contract authorized by this paragraph shall be based only upon the value of equipment and services provided or rendered in support of the automated speed enforcement system program and may not be based on the quantity of notices of violation issued or amount of fines imposed or generated.

(3) The system administrator shall prepare a notice of violation to the registered owner of a vehicle identified in a recorded image produced by an automated speed enforcement system as evidence of a violation of section 3362. The notice of violation must be issued by a police officer employed by the police department with primary jurisdiction over the area where the violation occurred. The notice of violation shall have the following attached to it:

- (i) a copy of the recorded image showing the vehicle;
- (ii) the registration number and state of issuance of the vehicle registration;
- (iii) the date, time and place of the alleged violation;
- (iv) notice that the violation charged is under section 3362; and
- (v) instructions for return of the notice of violation, which shall read:

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

(j) System administrator.--The following shall apply:

(1) The system administrator may hire and designate personnel as necessary or contract for services to implement this section.

(2) The system administrator shall process notices of violation and penalties issued under this section.

(3) Not later than April 1 annually, the system administrator shall submit an annual report to the chairperson and the minority chairperson of the Transportation Committee of the Senate and the chairperson and minority chairperson of the Transportation Committee of the House of Representatives. The report shall be considered a public record under the Right-to-Know Law and include for the prior year:

(i) The number of violations and fines issued and data regarding the speeds of vehicles in the enforcement area.

(ii) A compilation of penalties paid and outstanding.

(iii) The amount of money paid to a vendor or manufacturer under this section.

(iv) The number of vehicular accidents and related serious injuries and deaths along the designated highway.

(k) Notice to owner.--In the case of a violation involving a motor vehicle registered under the laws of this Commonwealth, the notice of violation must be mailed within 30 days after the commission of the violation or within 30 days after the discovery of the identity of the registered owner, whichever is later, and not thereafter to the address of the registered owner as listed in the records of the department. In the case of motor vehicles registered in jurisdictions other than this Commonwealth, the notice of violation must be mailed within 30 days after the discovery of the identity of the registered owner to the address of the registered owner as listed in the records of the official in the jurisdiction having charge of the registration of the vehicle. A notice of violation under this section must be provided to an owner within 90 days of the commission of the offense.

(l) Mailing of notice and records.--Notice of violation must be sent by first class mail. A manual or automatic record

of mailing prepared by the system administrator in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in any judicial or administrative proceeding as to the facts contained in it.

(m) Payment of fine.--The following shall apply:

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

(2) Payment must be made personally, through an authorized agent, electronically or by mailing both payment and the notice of violation to the system administrator. Payment by mail must be made only by money order, credit card or check made payable to the system administrator. The system administrator shall remit the fine, less the system administrator's operation and maintenance costs necessitated by this section, to the department for deposit into a restricted receipts account in the Motor License Fund. Fines deposited in the fund under this paragraph shall be used by the department for a Transportation Enhancement Grants Program as established by section 3116 (relating to automated red light enforcement systems in first class cities). The department shall award transportation enhancement grants on a competitive basis. The department may pay actual administrative costs arising from the department's administration of this section. The department may not reserve, designate or set aside a specific level of funds or percentage of funds to an applicant prior to the completion of the application process, nor may the department designate a set percentage of funds to an applicant. Grants shall be awarded by the department based on the majority vote of a selection committee consisting of four representatives of the department appointed by the secretary and four members appointed by the mayor of the city of the first class, with the secretary or a designee of the secretary serving as chairperson. Priority shall be given to applications seeking grant funds for transportation enhancements in the municipality where the automated speed camera system is operated.

(3) Payment of the established fine and applicable penalties shall operate as a final disposition of the case.

(n) Hearing.--The following shall apply:

(1) An owner to whom a notice of violation has been issued may, within 30 days of the mailing of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the system administrator during regular office hours either personally or by an authorized agent or by mailing a request in writing.

(2) Upon receipt of a hearing request, the system administrator shall in a timely manner schedule the matter before a hearing officer. The hearing officer shall be designated by the city of the first class. Written notice of the date, time and place of hearing must be sent by first class mail to the owner.

(3) The hearing shall be conducted pursuant to 2 Pa.C.S. Ch. 5 (relating to practice and procedure) and will be subject to appeal pursuant to 2 Pa.C.S. Ch. 7 (relating to judicial review).

(o) Compensation to manufacturer or vendor.--If a city of the first class has established an automated speed enforcement system deployed as a means of promoting traffic safety and the enforcement of the traffic laws of this Commonwealth or the

city, the compensation paid to the manufacturer or vendor of the automated speed enforcement system may not be based upon the number of traffic citations issued or a portion or percentage of the fine generated by the citations. The compensation paid to the manufacturer or vendor of the equipment shall be based upon the value of the equipment and the services provided or rendered in support of the automated speed enforcement system.

(p) Revenue limitation.--A city of the first class may not collect an amount equal to or greater than 2% of its annual budget from the collection of revenue from the issuance and payment of violations under this section.

(q) Expiration.--This section shall expire five years from its effective date.

Section 4. The Secretary of Transportation and the Chief Executive Officer of the Pennsylvania Turnpike Commission shall transmit a notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin when the automated speed enforcement system is operational along the designated highway work zones under 75 Pa.C.S. § 3369.

Section 5. The Secretary of Transportation shall transmit a notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin when the automated speed enforcement system is operational along the designated highway under 75 Pa.C.S. § 3370.

Section 6. This act shall take effect as follows:

(1) Except as set forth in paragraph (2), the addition of 75 Pa.C.S. § 3369 shall take effect in 120 days.

(2) The addition of 75 Pa.C.S. § 3369(c) shall take effect 60 days after publication in the Pennsylvania Bulletin of the notice under section 4.

(3) Except as set forth in paragraph (4), the addition of 75 Pa.C.S. § 3370 shall take effect in 60 days.

(4) The addition of 75 Pa.C.S. § 3370(e) shall take effect 60 days after publication in the Pennsylvania Bulletin of the notice under section 5.

(5) The following provisions shall take effect immediately:

(i) This section.

(ii) The remainder of this act.

APPROVED--The 19th day of October, A.D. 2018.

TOM WOLF