

VEHICLE CODE (75 PA.C.S.) - ENFORCEMENT OF FAILURE TO STOP FOR
SCHOOL BUS WITH FLASHING RED LIGHTS AND VISUAL SIGNALS ON
AUTHORIZED VEHICLES

Act of Jul. 1, 2020, P.L. 515, No. 38
Session of 2020
No. 2020-38

Cl. 75

HB 364

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for enforcement of failure to stop for school bus with flashing red lights; and, in other required equipment, further providing for visual signals on authorized vehicles.

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

Section 1. Section 3345.1(b)(1), (c), (f), (h) introductory paragraph, (i) and (m) of Title 75 of the Pennsylvania Consolidated Statutes are amended, subsection (e) is amended by adding a paragraph and the section is amended by adding subsections to read:

§ 3345.1. Enforcement of failure to stop for school bus with flashing red lights.

* * *

(b) Applicability.--

(1) Except as provided in paragraph (2), this section shall apply to [a driver] **an owner** 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 as described in section 3345.

* * *

(c) Liability.--For each violation of section 3345 enforced under this section, the [driver] **owner** of the motor vehicle shall be liable as follows:

(1) The penalty for the violation shall be [as provided in sections 1535(a) (relating to schedule of convictions and points) and 3345.] **a civil penalty with a fine of \$300. The fine shall be distributed as follows:**

(i) \$250 to the school district where the violation occurred, which shall be utilized for the installation or maintenance of side stop signal arm enforcement systems on school buses;

(ii) \$25 to the police department that reviewed the evidence package to determine the violation occurred; and

(iii) \$25 to the School Bus Safety Grant Program Account.

(1.1) The fine under paragraph (1) 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.).

(2) [(Reserved).] **A rebuttable presumption shall exist that the owner of the vehicle was the driver at the time of the alleged violation.**

(3) For each violation under this section, the owner of the vehicle shall be liable for the fine imposed unless

the owner is convicted of the same violation under section 3345 or has a defense under subsection (f).

(4) A violation 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.

* * *

(e) Limitations.--

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(1.1) (i) To the extent practical, an automated side stop signal arm enforcement system 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 vehicle.

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

* * *

(f) Defenses.--

(1) It shall be a defense to a prosecution using a side stop signal arm enforcement system for a violation under section 3345 that the person named in the citation was not operating the vehicle at the time of the violation. The person shall be required to submit evidence to the court that the person was not the driver at the time of the alleged violation.

(2) The person named in the citation shall not be required to identify the actual driver of the vehicle at the time the violation occurred.

(3) 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.

(4) If an owner receives a notice of violation under 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.

(5) 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.

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(h) Duty of manufacturer or vendor.--A manufacturer or vendor of side stop signal arm enforcement systems shall submit the following information to the [school entity] **police or police department:**

* * *

(h.1) Duty of school district.--A school district may enter into an intergovernmental agreement with the primary police department with authority to issue violations using an automated side stop signal arm enforcement system. The primary police

department is the police department in any municipality in which the school district is located. If a municipality in which the school district where the violation occurred is located does not have its own police department, the school district may petition the Pennsylvania State Police for review of the evidence package from the automated side stop signal arm enforcement system.

(h.2) Duty of police and police department.--Police officers and police departments enforcing violations of section 3345 and using automated side stop signal arm enforcement systems shall:

(1) Review submitted evidence from the manufacturer or vendor of a system to determine if there is sufficient evidence that a violation under section 3345 occurred and electronically certify the notice of violation.

(2) Provide information to a school district related to the police or police department's capacity to view and authorize the notice of violation.

(i) [Compensation to manufacturer or vendor.--The compensation paid to the manufacturer or vendor of the side stop signal arm enforcement system may not be based on the number of citations issued. The compensation paid to the manufacturer or vendor of the equipment shall be based upon the value of the equipment and services provided or rendered in support of the side stop signal arm enforcement system.]

(Reserved).

(i.1) Notice of violation, fines and contest.--The following shall apply:

(1) The following shall apply to notice of violation:

(i) In the case of a violation involving a 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.

(ii) In the case of 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 and not thereafter 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.

(iii) A notice of violation under this section must be provided to an owner within 90 days of the commission of the offense.

(iv) The notice of violation shall have attached to it a copy of the recorded image showing the vehicle; the registration number and state of issuance of the vehicle registration; the date, time and place of the alleged violation; that the violation charged is under section 3345 and instructions for return of the notice of violation; and instructions for how to request a hearing with the magisterial district judge for the purpose of contesting liability or notice.

(2) The following shall apply to payment of a fine:

(i) An owner may admit responsibility for the violation and pay the fine as indicated on the notice of violation.

(ii) Payment of the fine shall operate as a final disposition of the civil penalty.

(iii) If payment is not received or the owner has not contested liability within 30 days of original notice, the police department may turn the matter over to the Magisterial District Judge where the violation occurred. The Magisterial District Judge may assess liability upon the owner for failure to pay the fine or contest liability.

(3) The following shall apply to contesting liability or notice:

(i) An owner to whom a notice of violation has been issued may, within 30 days of the mailing of the notice, contest the liability alleged in the notice of violation by requesting a hearing with the magisterial district judge where the violation occurred and completing the payment of applicable civil filing fees.

(ii) The primary police department shall file the notice of violation and supporting documents with the magisterial district judge where the violation occurred and the court shall hear and decide the matter.

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(m) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Local board of school directors." A board of directors or other governing authority of a school entity.

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

"Pupil transportation." The transport of resident pupils of a school district to and from preprimary, primary or secondary schools and students to or from public, private or parochial schools. The term does not include transportation for field trips.

"School entity." A school district, area [vocational-technical] **career and technical** school, intermediate unit, charter school, regional charter school or cyber charter school.

"Side stop signal arm enforcement system" or "system." 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.

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

Section 2. Section 4572 of Title 75 is amended by adding a subsection to read:

§ 4572. Visual signals on authorized vehicles.

* * *

(b.1) **Yellow flashing or revolving lights on school vehicles.--School vehicles may be equipped with a permanently affixed or removable yellow flashing or revolving light, as determined by regulation of the department. The light shall only be activated when the vehicle is preparing to stop or is stopped to load and unload students. Nothing under this subsection shall be construed to permit an activity by a driver of a school vehicle prohibited under section 3351 (relating to stopping, standing and parking outside business and residence districts) or 3353 (relating to prohibitions in specified places).**

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Section 3. This act shall take effect in 60 days.

APPROVED--The 1st day of July, A.D. 2020.

TOM WOLF