

## AMENDMENTS TO SENATE BILL NO. 1098

Sponsor: REPRESENTATIVE TAYLOR

Printer's No. 2030

1 Amend Bill, page 1, lines 1 through 5, by striking out all of  
2 said lines and inserting

3 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
4 Statutes, in rules of the road in general, further providing  
5 for meeting or overtaking school bus and providing for  
6 enforcement of failure to stop for school bus with flashing  
7 red lights.

8 Amend Bill, page 1, lines 8 through 19; pages 2 through 17,  
9 lines 1 through 30; page 18, lines 1 through 24; by striking out  
10 all of said lines on said pages and inserting

11 Section 1. Section 3345(a.1)(1) and (j) of Title 75 of the  
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 3345. Meeting or overtaking school bus.

14 \* \* \*

15 (a.1) Reports by school bus operators.--

16 (1) The operator of a school bus who observes a  
17 violation of subsection (a) may prepare a signed, written  
18 report which indicates that a violation has occurred. To the  
19 extent possible, the report shall include the following  
20 information:

21 (i) Information, if any, pertaining to the identity  
22 of the alleged violator.

23 (ii) The license number and color of the vehicle  
24 involved in the violation.

25 (iii) The time and approximate location at which the  
26 violation occurred.

27 (iv) Identification of the vehicle as an automobile,  
28 station wagon, motor truck, motor bus, motorcycle or  
29 other type of vehicle.

30 (v) Whether the school bus is equipped with a side  
31 stop signal arm enforcement system under section 3345.1  
32 (relating to enforcement of failure to stop for school  
33 bus with flashing red lights).

34 \* \* \*

35 (j) Penalty.--A person who violates subsection (a) or (f.1)

1 commits a summary offense and shall, upon conviction, be  
2 sentenced to pay a fine of \$250[.] and a \$35 surcharge. The  
3 surcharge shall be deposited into the School Bus Safety Grant  
4 Program Fund.

5 Section 2. Title 75 is amended by adding a section to read:  
6 \$ 3345.1. Enforcement of failure to stop for school bus with  
7 flashing red lights.

8 (a) General rule.--A school district may install and operate  
9 a side stop signal arm enforcement system for the purpose of  
10 enforcing the provisions of section 3345 (relating to meeting or  
11 overtaking school bus) as reported under section 3345(a.1).

12 (b) Applicability.--

13 (1) Except as provided in paragraph (2), this section  
14 shall apply to a driver of a motor vehicle meeting or  
15 overtaking a school bus stopped on a highway or trafficway  
16 when the red signal lights on the school bus are flashing and  
17 the side stop signal arms are activated as described in  
18 section 3345.

19 (2) Nothing in this section shall supersede the  
20 provisions of:

21 (i) Section 3105(h) (relating to drivers of  
22 emergency vehicles).

23 (ii) Section 3345 (c) or (d).

24 (c) Liability.--For each violation of section 3345 enforced  
25 under this section, the driver of the motor vehicle shall be  
26 liable as follows:

27 (1) The penalty for the violation shall be as provided  
28 in sections 1535(a) (relating to schedule of convictions and  
29 points) and 3345.

30 (2) (Reserved).

31 (d) Certificate as evidence.--A certificate, or a facsimile  
32 of a certificate, based upon inspection of recorded images  
33 produced by a side stop signal arm enforcement system and sworn  
34 to or affirmed by a police officer shall be prima facie evidence  
35 of the facts contained in it. The school district or the  
36 contracted company that provides pupil transportation must  
37 include written documentation that the side stop signal arm  
38 enforcement system was operating correctly at the time of the  
39 alleged violation. A recorded image evidencing a violation of  
40 section 3345 shall be admissible in any judicial or  
41 administrative proceeding to adjudicate the liability for the  
42 violation.

43 (e) Limitations.--

44 (1) (i) Notwithstanding any other provision of law,  
45 equipment deployed as part of a side stop signal arm  
46 enforcement system as provided under this section must be  
47 incapable of automated or user-controlled remote  
48 intersection surveillance by means of recorded video  
49 images.

50 (ii) Recorded images collected as part of the side  
51 stop signal arm enforcement system may only record

1 violations of section 3345 and may not be used for any  
2 other surveillance purposes.

3 (iii) Restrictions under this paragraph shall not be  
4 deemed to preclude a court of competent jurisdiction from  
5 issuing an order directing that the information be  
6 provided to law enforcement officials if the information  
7 is reasonably described and is requested solely in  
8 connection with a criminal law enforcement action.

9 (2) (i) Notwithstanding any other provision of law,  
10 information prepared under this section and information  
11 relating to violations of section 3345 enforced under  
12 this section which is kept by the police department of  
13 the police officer having the authority to exercise  
14 police power in the area where the violation occurred,  
15 its authorized agents or employees, including recorded  
16 images, written records, reports or facsimiles, names,  
17 addresses and the number of violations under this  
18 section, shall be for the exclusive use of the department  
19 of the police officer having the authority to exercise  
20 police power in the area where the violation occurred,  
21 its authorized agents or employees and law enforcement  
22 officials for the purpose of discharging their duties  
23 under this section.

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

27 (iii) The information may be discoverable by court  
28 order or otherwise and may be offered in evidence in any  
29 action or proceeding which is directly related to a  
30 violation of section 3345 enforced under this section or  
31 any other violation in connection with a criminal law  
32 enforcement action.

33 (3) Images obtained through the use of a side stop  
34 signal arm enforcement system shall be destroyed within one  
35 year of final disposition of the recorded event. The vendor  
36 of a side stop signal arm enforcement system shall notify the  
37 school district by written notice in accordance with this  
38 section that the records have been destroyed.

39 (4) Notwithstanding any other provision of law,  
40 registered vehicle owner information obtained as a result of  
41 the operation of a side stop signal arm enforcement system  
42 shall not be the property of the manufacturer or vendor of  
43 the system and may not be used for any purpose other than  
44 prescribed in this section.

45 (f) Defenses.--

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

1 violation.

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

5 (3) (i) The owner of a rented or leased motor vehicle  
6 shall provide to the court a sworn affidavit signed under  
7 penalty of perjury containing the name and address of the  
8 person who had care, custody or control of the motor  
9 vehicle at the time of the alleged violation.

10 (ii) The court may mail or electronically transfer  
11 the information contained in the sworn affidavit to the  
12 police department with jurisdiction for further  
13 investigation.

14 (4) If the person receives a citation under section 3345  
15 of a time period during which the vehicle was reported to the  
16 police department of any state or municipality as having been  
17 stolen, it shall be a defense to the violation that the  
18 vehicle has been reported to a police department as stolen  
19 prior to the time the violation occurred and has not been  
20 recovered prior to that time.

21 (5) It shall be a defense to a prosecution using a side  
22 stop signal arm enforcement system for a violation under  
23 section 3345 that the person receiving the citation was not  
24 the owner of the vehicle at the time of the offense if the  
25 person can provide valid documentation of nonownership to the  
26 court.

27 (g) Approval.--

28 (1) A school district may enter into an agreement with a  
29 private vendor or manufacturer to provide a side stop signal  
30 arm enforcement system on each bus within its fleet, whether  
31 owned, contracted or leased, up to and including the  
32 installation, operation and maintenance of the systems.

33 (2) Except as otherwise provided, an agreement under  
34 this section shall take effect in a school district by vote  
35 of the board of school directors. The meeting to consider  
36 approval of a side stop signal arm enforcement system shall  
37 be properly noticed under 65 Pa.C.S. Ch. 7 (relating to open  
38 meetings).

39 (h) Duty of manufacturer or vendor.--A manufacturer or  
40 vendor of side stop signal arm enforcement systems shall submit  
41 the following information to the school district:

42 (1) A copy of the recorded image showing the vehicle.

43 (2) The license plate number and state of issuance of  
44 the motor vehicle.

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

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

1 side stop signal arm enforcement system.

2 (j) Department approval.--

3 (1) No side stop signal arm enforcement system may be  
4 used without the approval of the department, which shall have  
5 the authority to promulgate regulations for the certification  
6 and use of such systems.

7 (2) In order to facilitate the prompt implementation of  
8 this section, regulations promulgated by the department under  
9 this section during the two years following the effective  
10 date of this section shall be deemed temporary regulations,  
11 which shall expire no later than three years following the  
12 effective date of this section or upon promulgation of final  
13 regulations. The temporary regulation shall not be subject  
14 to:

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

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

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

23 (k) School Bus Safety Grant Program.--The School Bus Safety  
24 Grant Program Fund is established as a restricted receipts  
25 account in the Motor License Fund. The surcharge established  
26 under section 3345(j) shall be deposited into the fund and shall  
27 be used by the department to implement the School Bus Safety  
28 Grant Program, which is established to promote and increase  
29 school bus safety education and training throughout this  
30 Commonwealth. The department shall award school bus safety  
31 grants on a competitive basis. The department may pay any actual  
32 administrative costs arising from the administration of this  
33 section out of the fines deposited into the fund. Independent  
34 school bus contractors and school districts are eligible for the  
35 grant. The department shall develop a uniform application  
36 process and regulations to administer the grant program.

37 (l) Contracted companies.--

38 (1) No contracted company that provides pupil  
39 transportation shall be liable if a side stop signal arm  
40 enforcement system is vandalized or otherwise malfunctions.

41 (2) Nothing in this section shall be construed to  
42 require a contracted company that provides pupil  
43 transportation to take a bus out of service due to a  
44 nonfunctioning side stop signal arm enforcement system,  
45 except that a contracted company shall allow the manufacturer  
46 or vendor of the side stop signal arm enforcement system  
47 access to the bus when the bus is not in service at a time  
48 mutually agreeable to the contractor and vendor.

49 (3) Independent school bus contractors shall not be held  
50 responsible for costs associated with the side stop signal  
51 arm enforcement system, including, but not limited to,

1 installation, maintenance, repair, replacement or removal of  
2 the system.

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

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

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

14 "Side stop signal arm enforcement system" or "system." A  
15 camera system with two or more camera sensors and computers that  
16 produce recorded video and two or more film or digital  
17 photographic still images of a motor vehicle being used or  
18 operated in a manner that violates section 3345.

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

21 Section 3. This act shall take effect as follows:

22 (1) The following provisions shall take effect  
23 immediately:

24 (i) This section.

25 (ii) The addition of 75 Pa.C.S. § 3345.1(j).

26 (2) The remainder of this act shall take effect in six  
27 months.