

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1503 Session of
2003

INTRODUCED BY CREIGHTON, COSTA, HARHAI, HORSEY, LEWIS, SCAVELLO,
THOMAS, WASHINGTON AND YOUNGBLOOD, JUNE 2, 2003

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 2, 2003

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for additional automated red light
3 enforcement systems.

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 § 3117. Additional automated red light enforcement systems.

9 (a) General rule.--

10 (1) A local authority, upon passage of an ordinance, is
11 authorized to enforce section 3112(a)(3) (relating to
12 traffic-control signals) by recording violations using an
13 automated red light enforcement system approved by the
14 department.

15 (2) This section shall only be applicable at
16 intersections within the jurisdiction of the local authority
17 agreed upon by the local authority and the secretary.

18 (b) Owner liability.--For each violation pursuant to this

1 section, the owner of the vehicle shall be liable for the
2 penalty imposed unless the owner is convicted of the same
3 violation under another section of this title or has a defense
4 under subsection (f).

5 (c) Certificate as evidence.--A certificate, or a facsimile
6 of a certificate, based upon inspection of photographs produced
7 by an automated red light enforcement system and sworn to or
8 affirmed by a police officer employed by the local authority
9 shall be prima facie evidence of the facts contained in it. The
10 local authority must include written documentation that the
11 automated red light enforcement system was operating correctly
12 at the time of the alleged violation. A photograph evidencing a
13 violation of section 3112(a)(3) shall be admissible in any
14 judicial or administrative proceeding to adjudicate the
15 liability for the violation.

16 (d) Penalty.--

17 (1) The penalty for a violation under subsection (a)
18 shall be a fine of \$100 unless a lesser amount is set by
19 ordinance.

20 (2) A fine is not authorized for a violation of this
21 section if any of the following apply:

22 (i) The intersection is being manually controlled.

23 (ii) The signal is in the mode described in section
24 3114 (relating to flashing signals).

25 (3) A fine is not authorized during the first 120 days
26 of operation of the automated system. During the time period
27 under this paragraph, a warning may be sent to the violator.

28 (4) A penalty imposed under this section shall not be
29 deemed a criminal conviction and shall not be made part of
30 the operating record under section 1535 (relating to schedule

1 of convictions and points) of the individual upon whom the
2 penalty is imposed, nor may the imposition of the penalty be
3 subject to merit rating for insurance purposes.

4 (5) No surcharge points may be imposed in the provision
5 of motor vehicle insurance coverage. Fines collected under
6 this section shall not be subject to 42 Pa.C.S. § 3571
7 (relating to Commonwealth portion of fines, etc.) or 3573
8 (relating to municipal corporation portion of fines, etc.).

9 (e) Limitations.--

10 (1) No automated red light enforcement system shall be
11 utilized in such a manner as to take a frontal view
12 photograph of the vehicle as evidence of having committed a
13 violation.

14 (2) Notwithstanding any other provision of law, camera
15 equipment deployed as part of an automated red light
16 enforcement system as provided in this section must be
17 incapable of automated or user-controlled remote intersection
18 surveillance by means of recorded video images. Photographs
19 collected as part of the automated red light enforcement
20 system must be 35-millimeter film only, must only record
21 traffic violations and may not be used for any other
22 surveillance purposes. The restrictions set forth in this
23 paragraph shall not be deemed to preclude a court of
24 competent jurisdiction from issuing an order directing that
25 the information be provided to law enforcement officials if
26 the information is reasonably described and is requested
27 solely in connection with a criminal law enforcement action.

28 (3) Notwithstanding any other provision of law,
29 information prepared under this section and information
30 relating to violations under this section which is kept by

1 the local authority, its authorized agents or its employees,
2 including photographs, written records, reports or
3 facsimiles, names, addresses and the number of violations
4 under this section, shall be for the exclusive use of the
5 local authority, its authorized agents, its employees and law
6 enforcement officials for the purpose of discharging their
7 duties under this section and under any ordinances and
8 resolutions of the local authority. The information shall not
9 be deemed a public record under the act of June 21, 1957
10 (P.L.390, No.212), referred to as the Right-to-Know Law. The
11 information shall not be discoverable by court order or
12 otherwise, nor shall it be offered in evidence in any action
13 or proceeding which is not directly related to a violation of
14 this section or any ordinance or resolution of the local
15 authority. The restrictions set forth in this paragraph shall
16 not be deemed to preclude a court of competent jurisdiction
17 from issuing an order directing that the information be
18 provided to law enforcement officials if the information is
19 reasonably described and is requested solely in connection
20 with a criminal law enforcement action.

21 (4) Photographic evidence obtained through the use of
22 automated red light enforcement systems deployed as a means
23 of promoting traffic safety within the jurisdiction of a
24 local authority shall be destroyed within one year of final
25 disposition of any recorded event. The local authority shall
26 file notice with the Department of State that the records
27 have been destroyed in accordance with this section.

28 (5) Notwithstanding any other provision of law,
29 registered vehicle owner information obtained as a result of
30 the operation of an automated red light enforcement system

1 under this section shall not be the property of the
2 manufacturer or vendor of the automated red light enforcement
3 system and may not be used for any purpose other than
4 prescribed in this section.

5 (f) Defenses.--

6 (1) It shall be a defense to a violation under this
7 section that the person named in the notice of the violation
8 was not operating the vehicle at the time of the violation.
9 The owner may be required to submit evidence that the owner
10 was not the driver at the time of the alleged violation. The
11 local authority may not require the owner of the vehicle to
12 disclose the identity of the operator of the vehicle at the
13 time of the violation.

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

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

25 (g) Department approval.--No automated red light enforcement
26 system may be used without the approval of the department, which
27 shall have the authority to promulgate regulations for the
28 certification and use of such systems.

29 (h) Duty of local authority.--If a local authority elects to
30 implement this section, the following provisions shall apply:

1 (1) The local authority may not use an automated red
2 light enforcement system unless there is posted an
3 appropriate sign in a conspicuous place before the area in
4 which the automated red light enforcement device is to be
5 used notifying the public that an automated red light
6 enforcement device is in use immediately ahead.

7 (2) The local authority shall designate or appoint a
8 system administrator to supervise and coordinate the
9 administration of notices of violation issued under this
10 section.

11 (3) The system administrator shall prepare a notice of
12 violation to the registered owner of a vehicle identified in
13 a photograph produced by an automated red light enforcement
14 system as evidence of a violation of section 3112(a)(3). The
15 issuance of the notice of violation must be done by a police
16 officer employed by the police department with primary
17 jurisdiction over the area where the violation occurred. The
18 notice of violation shall have attached to it a copy of the
19 recorded image showing the vehicle; the registration number
20 and state of issuance of the vehicle registration; the date,
21 time and place of the alleged violation; that the violation
22 charged is under section 3112(a)(3); and instructions for
23 return of the notice of violation. The text of the notice
24 must be as follows:

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

29 (i) System administrator.--

30 (1) The system administrator may hire and designate

1 personnel as necessary or contract for services to implement
2 this section.

3 (2) The system administrator shall process fines under
4 subsection (1).

5 (3) The system administrator shall file an annual report
6 to the chairman and the minority chairman of the
7 Transportation Committee of the Senate and the chairman and
8 minority chairman of the Transportation Committee of the
9 House of Representatives. The report shall include for the
10 prior year:

11 (i) The number of violations and fines issued.

12 (ii) A compilation of fines paid and outstanding.

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

15 (j) Notice to owner.--In the case of a violation involving a
16 motor vehicle registered under the laws of this Commonwealth,
17 the notice of violation must be mailed within 14 days of the
18 violation, exclusive of Sundays and holidays, to the address of
19 the registered owner as listed in the records of the department.
20 In the case of motor vehicles registered in jurisdictions other
21 than this Commonwealth, the notice of violation must be mailed
22 within 21 days of the violation, exclusive of Sundays and
23 holidays, to the address of the registered owner as listed in
24 the records of the official in the jurisdiction having charge of
25 the registration of the vehicle.

26 (k) Mailing of notice and records.--Notice of violation must
27 be sent by first class mail. A manual or automatic record of
28 mailing prepared by the system administrator in the ordinary
29 course of business shall be prima facie evidence of mailing and
30 shall be admissible in any judicial or administrative proceeding

1 as to the facts contained in it.

2 (1) Payment of fine.--

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

6 (2) Payment must be made personally, through an
7 authorized agent or by mailing both payment and the notice of
8 violation to the system administrator. Payment by mail must
9 be made only by money order, credit card or check made
10 payable to the system administrator. The system administrator
11 shall remit the fine to the department for deposit into the
12 Motor License Fund. Fines deposited in the fund under this
13 paragraph shall be used by the department as follows:

14 (i) To reimburse the system administrator for costs
15 associated with the implementation of this section. This
16 subparagraph includes costs for operation and
17 maintenance.

18 (ii) To develop, by regulation, a Transportation
19 Enhancements Grant Program.

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

22 (m) Hearing.--

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

30 (2) Upon receipt of a hearing request, the system

1 administrator shall in a timely manner schedule the matter
2 before a hearing officer. The hearing officer shall be
3 designated by the local authority. Written notice of the
4 date, time and place of hearing must be sent by first class
5 mail to the owner.

6 (3) The hearing shall be informal; the rules of evidence
7 shall not apply; and the decision of the hearing officer
8 shall be final, subject to the right of the owner to appeal
9 the decision to the district justice or traffic court.

10 (4) If the owner requests in writing that the decision
11 of the hearing officer be appealed to the district justice or
12 traffic court, the system administrator shall file the notice
13 of violation and supporting documents with the district
14 justice or traffic court, which shall hear and decide the
15 matter de novo.

16 (n) Compensation to manufacturer or vendor.--If a local
17 authority has established an automated red light enforcement
18 system deployed as a means of promoting traffic safety and the
19 enforcement of the traffic laws of this Commonwealth or the
20 local authority, the compensation paid to the manufacturer or
21 vendor of the automated red light enforcement system may not be
22 based upon the number of traffic citations issued or a portion
23 or percentage of the fine generated by the citations. The
24 compensation paid to the manufacturer or vendor of the equipment
25 shall be based upon the value of the equipment and the services
26 provided or rendered in support of the automated red light
27 enforcement system.

28 (o) Duration of yellow light change interval.--The duration
29 of the yellow light change interval at intersections where
30 automated red light enforcement systems are in use shall conform

1 to the yellow light change interval duration specified on the
2 traffic signal permit issued.

3 (p) Revenue limitation.--A local authority may not collect
4 an amount equal to or greater than 5% of its annual budget from
5 the collection of revenue from the issuance and payment of
6 violations under this section.

7 (q) Delay.--An automated red light enforcement system under
8 this section must function with a .5 second delay.

9 (r) Expiration.--This section shall expire December 31,
10 2006.

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