
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2498 Session of
2010

INTRODUCED BY P. COSTA, CALTAGIRONE, CARROLL, W. KELLER, MURT,
PASHINSKI, PAYNE, SIPTROTH AND THOMAS, MAY 11, 2010

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 11, 2010

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for display of registration
3 plate; and providing for automated red light enforcement
4 systems in second class, second class A and third class
5 cities and for a penalty.

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

8 Section 1. Section 1332(b)(2) of Title 75 of the
9 Pennsylvania Consolidated Statutes is amended to read:

10 § 1332. Display of registration plate.

11 * * *

12 (b) Obscuring plate.--It is unlawful to display on any
13 vehicle a registration plate which:

14 * * *

15 (2) is obscured in any manner which inhibits the proper
16 operation of an automated red light enforcement system in
17 place pursuant to section 3116 (relating to automated red
18 light enforcement systems in first class cities) or 3117
19 (relating to automated red light enforcement systems in

1 second class, second class A and third class cities); or

2 * * *

3 Section 2. Title 75 is amended by adding a section to read:

4 § 3117. Automated red light enforcement systems in second

5 class, second class A and third class cities.

6 (a) General rule.--A city of the second class, second class
7 A or third class, upon passage of an ordinance, is authorized to
8 enforce section 3112(a)(3) (relating to traffic-control signals)
9 by recording violations using an automated red light enforcement
10 system approved by the department.

11 (b) Applicability.--This section shall only be applicable at
12 intersections in a city of the second class, second class A or
13 third class agreed upon by the system administrator and the
14 secretary.

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

20 (d) Certificate as evidence.--A certificate, or a facsimile
21 of a certificate, based upon inspection of recorded images
22 produced by an automated red light enforcement system and sworn
23 to or affirmed by a police officer employed by the city of the
24 second class, second class A or third class shall be prima facie
25 evidence of the facts contained in it. The city must include
26 written documentation that the automated red light enforcement
27 system was operating correctly at the time of the alleged
28 violation. A recorded image evidencing a violation of section
29 3112(a)(3) shall be admissible in any judicial or administrative
30 proceeding to adjudicate the liability for the violation.

1 (e) Penalty.--

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

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

7 (i) The intersection is being manually controlled.

8 (ii) The signal is in the mode described in section
9 3114 (relating to flashing signals).

10 (3) A fine is not authorized during any of the
11 following:

12 (i) The first 120 days of operation of the automated
13 system at the initial intersection.

14 (ii) The first 60 days for each additional
15 intersection selected for the automated system.

16 (4) A warning may be sent to the violator under
17 paragraph (3).

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

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

29 (f) Limitations.--

30 (1) No automated red light enforcement system shall be

1 utilized in such a manner as to take a frontal view recorded
2 image of the vehicle as evidence of having committed a
3 violation.

4 (2) Notwithstanding any other provision of law, camera
5 equipment deployed as part of an automated red light
6 enforcement system as provided under this section must be
7 incapable of automated or user-controlled remote intersection
8 surveillance by means of recorded video images. Recorded
9 images collected as part of the automated red light
10 enforcement system may only record traffic violations and may
11 not be used for any other surveillance purposes. The
12 restrictions set forth under this paragraph shall not be
13 deemed to preclude a court of competent jurisdiction from
14 issuing an order directing that the information be provided
15 to law enforcement officials if the information is reasonably
16 described and is requested solely in connection with a
17 criminal law enforcement action.

18 (3) Notwithstanding any other provision of law,
19 information prepared under this section and information
20 relating to violations under this section which is kept by
21 the city of the second class, second class A or third class,
22 its authorized agents or employees, including recorded
23 images, written records, reports or facsimiles, names,
24 addresses and the number of violations under this section,
25 shall be for the exclusive use of the city, its authorized
26 agents, its employees and law enforcement officials for the
27 purpose of discharging their duties under this section and
28 under any ordinances and resolutions of the city. The
29 information shall not be deemed a public record under the act
30 of February 14, 2008 (P.L.6, No.3), known as the Right-to-

1 Know Law. The information shall not be discoverable by court
2 order or otherwise, nor shall it be offered in evidence in
3 any action or proceeding which is not directly related to a
4 violation of this section or any ordinance or resolution of
5 the city. The restrictions set forth under this paragraph
6 shall not be deemed to preclude a court of competent
7 jurisdiction from issuing an order directing that the
8 information be provided to law enforcement officials if the
9 information is reasonably described and is requested solely
10 in connection with a criminal law enforcement action.

11 (4) Recorded images obtained through the use of
12 automated red light enforcement systems deployed as a means
13 of promoting traffic safety in a city of the second class,
14 second class A or third class shall be destroyed within one
15 year of final disposition of an recorded event. The city
16 shall file notice with the Department of State that the
17 records have been destroyed in accordance with this section.

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

25 (g) Defenses.--

26 (1) It shall be a defense to a violation under this
27 section that the person named in the notice of the violation
28 was not operating the vehicle at the time of the violation.
29 The owner may be required to submit evidence that the owner
30 was not the driver at the time of the alleged violation. The

1 city of the second class, second class A or third class may
2 not require the owner of the vehicle to disclose the identity
3 of the operator of the vehicle at the time of the violation.

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

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

14 (h) Department approval.--No automated red light enforcement
15 system may be used without the approval of the department, which
16 shall have the authority to promulgate regulations for the
17 certification and use of such systems.

18 (i) Duty of city.--If a city of the second class, second
19 class A or third class elects to implement this section, the
20 following provisions shall apply:

21 (1) The city may not use an automated red light
22 enforcement system unless an appropriate sign is posted in a
23 conspicuous place before the area in which the automated red
24 light enforcement device is to be used notifying the public
25 that an automated red light enforcement device is in use
26 immediately ahead.

27 (2) The city shall designate or appoint its parking
28 authority or other applicable entity as the system
29 administrator to supervise and coordinate the administration
30 of notices of violation issued under this section.

1 (3) (i) The system administrator shall prepare a
2 notice of violation to the registered owner of a vehicle
3 identified in a recorded image produced by an automated
4 red light enforcement system as evidence of a violation
5 of section 3112(a) (3). The issuance of the notice of
6 violation must be done by a police officer employed by
7 the police department with primary jurisdiction over the
8 area where the violation occurred. The notice of
9 violation shall have attached to it all of the following:

10 (A) A copy of the recorded image showing the
11 vehicle.

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

14 (C) The date, time and place of the alleged
15 violation.

16 (D) Notice that the violation charged is under
17 section 3112(a) (3).

18 (E) Instructions for return of the notice of
19 violation.

20 (ii) The text of the notice must be as follows:
21 This notice shall be returned personally, by mail or by
22 an agent duly authorized in writing, within 30 days of
23 issuance. A hearing may be obtained upon the written
24 request of the registered owner.

25 (j) System administrator.--

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

29 (2) The system administrator shall process fines issued
30 under this section.

1 (3) The system administrator shall submit an annual
2 report to the chairman and the minority chairman of the
3 Transportation Committee of the Senate and the chairman and
4 minority chairman of the Transportation Committee of the
5 House of Representatives. The report shall include for the
6 prior year:

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

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

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

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

26 (l) 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 (m) 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, less the system administrator's
12 operation and maintenance costs necessitated under this
13 section, to the department for deposit into the Motor License
14 Fund. Fines deposited in the fund under this paragraph shall
15 be used by the department to develop, by regulation, a
16 transportation enhancements grant program.

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

19 (n) Hearing.--

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

27 (2) Upon receipt of a hearing request, the system
28 administrator shall in a timely manner schedule the matter
29 before a hearing officer. The hearing officer shall be
30 designated by the city of the second class, second class A or

1 third class. Written notice of the date, time and place of
2 hearing must be sent by first class mail to the owner.

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

7 (4) If the owner requests in writing that the decision
8 of the hearing officer be appealed to the magisterial
9 district judge, the system administrator shall file the
10 notice of violation and supporting documents with the
11 magisterial district judge, which shall hear and decide the
12 matter de novo.

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

25 (p) Duration of yellow light change interval.--The duration
26 of the yellow light change interval at intersections where
27 automated red light enforcement systems are in use shall conform
28 to the yellow light change interval duration specified on the
29 traffic signal permit issued by the department of a second
30 class, second class A or third class city.

1 (g) Expiration.--This section shall expire December 31,
2 2020.

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