

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1458 Session of 2011

INTRODUCED BY TALLMAN, BEAR, COHEN, D. COSTA, CUTLER, DAY, DeLUCA, DONATUCCI, GILLEN, GODSHALL, GROVE, HAHN, HEFFLEY, JOSEPHS, MILLER, MOUL, MURPHY, MURT, PASHINSKI, PYLE, K. SMITH, WATSON AND DENLINGER, MAY 4, 2011

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, DECEMBER 7, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, IN GENERAL PROVISIONS, FURTHER PROVIDING FOR
3 DEFINITIONS; IN REGISTRATION OF VEHICLES, FURTHER PROVIDING
4 FOR DISPLAY OF REGISTRATION PLATE; IN DRIVERS' LICENSES,
5 FURTHER PROVIDING FOR JUDICIAL REVIEW AND FOR CANCELLATION;
6 IN COMMERCIAL DRIVERS, FURTHER PROVIDING FOR DEFINITIONS AND
7 FOR REQUIREMENT, PROVIDING FOR CERTIFICATION REQUIREMENTS,
8 FOR MEDICAL CERTIFICATION AND FOR NONCOMPLIANCE AND FURTHER
9 PROVIDING FOR LICENSE AND FOR DISQUALIFICATION; IN GENERAL
10 PROVISIONS, FURTHER PROVIDING FOR AUTOMATED RED LIGHT
11 ENFORCEMENT SYSTEMS IN FIRST CLASS CITIES AND PROVIDING FOR
12 AUTOMATED RED LIGHT ENFORCEMENT IN CERTAIN CITIES; AND, IN
13 STATE AND LOCAL ADMINISTRATION, further providing for
14 nonreciprocity of operational limitations.

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

17 ~~Section 1. Section 6154 of Title 75 of the Pennsylvania~~
18 ~~Consolidated Statutes is amended to read:~~

19 SECTION 1. THE DEFINITION OF "EMERGENCY VEHICLE" IN SECTION
20 102 OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS
21 AMENDED TO READ:

22 § 102. DEFINITIONS.

1 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
2 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
3 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
4 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
5 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

6 * * *

7 "EMERGENCY VEHICLE." A COUNTY EMERGENCY MANAGEMENT VEHICLE,
8 FIRE DEPARTMENT VEHICLE, POLICE VEHICLE, SHERIFF VEHICLE,
9 AMBULANCE, ADVANCED LIFE SUPPORT SQUAD VEHICLE, BASIC LIFE
10 SUPPORT SQUAD VEHICLE, BLOOD DELIVERY VEHICLE, HUMAN ORGAN
11 DELIVERY VEHICLE, HAZARDOUS MATERIAL RESPONSE VEHICLE, ARMED
12 FORCES EMERGENCY VEHICLE, ONE VEHICLE OPERATED BY A CORONER OR
13 CHIEF COUNTY MEDICAL EXAMINER AND ONE VEHICLE OPERATED BY A
14 CHIEF DEPUTY CORONER OR DEPUTY CHIEF COUNTY MEDICAL EXAMINER
15 USED FOR ANSWERING EMERGENCY CALLS, A VEHICLE OWNED BY OR LEASED
16 TO A REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL THAT IS USED AS
17 AUTHORIZED BY THE DEPARTMENT OF HEALTH TO RESPOND TO AN ACTUAL
18 OR POTENTIAL DISASTER, MASS CASUALTY SITUATION OR SUBSTANTIAL
19 THREAT TO PUBLIC HEALTH, ANY VEHICLE OWNED AND OPERATED BY THE
20 PHILADELPHIA PARKING AUTHORITY ESTABLISHED IN ACCORDANCE WITH 53
21 PA.C.S. CH. 55 (RELATING TO PARKING AUTHORITIES) AND USED IN THE
22 ENFORCEMENT OF 53 PA.C.S. CH. 57 (RELATING TO TAXICABS AND
23 LIMOUSINES IN FIRST CLASS CITIES), OR ANY OTHER VEHICLE
24 DESIGNATED BY THE STATE POLICE UNDER SECTION 6106 (RELATING TO
25 DESIGNATION OF EMERGENCY VEHICLES BY PENNSYLVANIA STATE POLICE),
26 OR A PRIVATELY OWNED VEHICLE USED IN ANSWERING AN EMERGENCY CALL
27 WHEN USED BY ANY OF THE FOLLOWING:

28 (1) A POLICE CHIEF AND ASSISTANT CHIEF.

29 (2) A FIRE CHIEF, ASSISTANT CHIEF AND, WHEN A FIRE
30 COMPANY HAS THREE OR MORE FIRE VEHICLES, A SECOND OR THIRD

1 ASSISTANT CHIEF.

2 (3) A FIRE POLICE CAPTAIN AND FIRE POLICE LIEUTENANT.

3 (4) AN AMBULANCE CORPS COMMANDER AND ASSISTANT
4 COMMANDER.

5 (5) A RIVER RESCUE COMMANDER AND ASSISTANT COMMANDER.

6 (6) A COUNTY EMERGENCY MANAGEMENT COORDINATOR.

7 (7) A FIRE MARSHAL.

8 (8) A RESCUE SERVICE CHIEF AND ASSISTANT CHIEF.

9 * * *

10 SECTION 1.1. SECTIONS 1332 (B) (2), 1550 (A), (B) (1) (II) AND
11 (C) AND 1572 (A) (1) (II) OF TITLE 75 ARE AMENDED TO READ: ←

12 § 1332. DISPLAY OF REGISTRATION PLATE. ←

13 * * *

14 (B) OBSCURING PLATE.--IT IS UNLAWFUL TO DISPLAY ON ANY
15 VEHICLE A REGISTRATION PLATE WHICH:

16 * * *

17 (2) IS OBSCURED IN ANY MANNER WHICH INHIBITS THE PROPER
18 OPERATION OF AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM IN
19 PLACE PURSUANT TO SECTION 3116 (RELATING TO AUTOMATED RED
20 LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS CITIES) OR 3117
21 (RELATING TO AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN
22 CERTAIN CITIES); OR

23 * * *

24 § 1550. JUDICIAL REVIEW.

25 (A) GENERAL RULE.--ANY PERSON WHO HAS BEEN DENIED A DRIVER'S
26 LICENSE, WHOSE DRIVER'S LICENSE HAS BEEN CANCELED, WHOSE
27 COMMERCIAL DRIVER'S LICENSE DESIGNATION HAS BEEN REMOVED OR
28 WHOSE OPERATING PRIVILEGE HAS BEEN RECALLED, SUSPENDED, REVOKED
29 OR DISQUALIFIED BY THE DEPARTMENT SHALL HAVE THE RIGHT TO APPEAL
30 TO THE COURT VESTED WITH JURISDICTION OF SUCH APPEALS BY OR

1 PURSUANT TO TITLE 42 (RELATING TO JUDICIARY AND JUDICIAL
2 PROCEDURE). THE APPELLANT SHALL SERVE A COPY OF THE PETITION FOR
3 APPEAL, TOGETHER WITH A COPY OF THE NOTICE OF THE ACTION FROM
4 WHICH THE APPEAL HAS BEEN TAKEN, UPON THE DEPARTMENT'S LEGAL
5 OFFICE.

6 (B) SUPERSEDEAS.--

7 (1) * * *

8 (II) THE FILING AND SERVICE OF A PETITION FOR APPEAL
9 FROM DENIAL, RECALL, SUSPENSION OR CANCELLATION OF A
10 DRIVER'S LICENSE OR FROM REMOVAL OF THE COMMERCIAL DRIVER
11 LICENSE DESIGNATION UNDER SECTION 1503 (RELATING TO
12 PERSONS INELIGIBLE FOR LICENSING; LICENSE ISSUANCE TO
13 MINORS; JUNIOR DRIVER'S LICENSE), 1504 (RELATING TO
14 CLASSES OF LICENSES), 1509 (RELATING TO QUALIFICATIONS
15 FOR SCHOOL BUS DRIVER ENDORSEMENT), 1514 (RELATING TO
16 EXPIRATION AND RENEWAL OF DRIVERS' LICENSES), 1519
17 (RELATING TO DETERMINATION OF INCOMPETENCY) [OR], 1572
18 (RELATING TO CANCELLATION OF DRIVER'S LICENSE) OR 1609.3
19 (RELATING TO NONCOMPLIANCE WITH CERTIFICATION
20 REQUIREMENTS) SHALL NOT ACT AS A SUPERSEDEAS UNLESS
21 ORDERED BY THE COURT AFTER A HEARING ATTENDED BY THE
22 PETITIONER.

23 * * *

24 (C) PROCEEDINGS OF COURT.--THE COURT SHALL SET THE MATTER
25 FOR HEARING UPON 60 DAYS' WRITTEN NOTICE TO THE DEPARTMENT AND
26 DETERMINE WHETHER:

27 (1) THE PETITIONER'S DRIVER'S LICENSE SHOULD BE DENIED
28 OR CANCELED[,];

29 (2) THE PETITIONER'S OPERATING PRIVILEGE SHOULD BE
30 SUSPENDED, REVOKED OR RECALLED; OR

1 (3) THE PETITIONER'S ENDORSEMENT OR COMMERCIAL DRIVER
2 LICENSE DESIGNATION SHOULD BE REMOVED.

3 * * *

4 § 1572. CANCELLATION OF DRIVER'S LICENSE.

5 (A) GENERAL RULE.--

6 (1) THE DEPARTMENT MAY CANCEL ANY DRIVER'S LICENSE UPON
7 DETERMINING THAT ONE OF THE FOLLOWING APPLIES:

8 * * *

9 (II) THE PERSON FAILED TO GIVE THE REQUIRED OR
10 CORRECT INFORMATION ON AN APPLICATION OR CERTIFICATION OR
11 COMMITTED FRAUD IN MAKING THE APPLICATION OR IN OBTAINING
12 THE LICENSE.

13 * * *

14 SECTION 2. SECTION 1603 OF TITLE 75 IS AMENDED BY ADDING A
15 DEFINITION TO READ:

16 § 1603. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
18 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 * * *

21 "MEDICAL EXAMINER." AN INDIVIDUAL WHO IS LICENSED, CERTIFIED
22 OR REGISTERED, IN ACCORDANCE WITH APPLICABLE STATUTES AND
23 REGULATIONS, TO PERFORM PHYSICAL EXAMINATIONS. THE TERM INCLUDES
24 A DOCTOR OF MEDICINE, AN OSTEOPATH, A PHYSICIAN ASSISTANT, AN
25 ADVANCED PRACTICE NURSE AND A DOCTOR OF CHIROPRACTIC.

26 * * *

27 SECTION 3. SECTION 1606(B) OF TITLE 75 IS AMENDED BY ADDING
28 A PARAGRAPH TO READ:

29 § 1606. REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE.

30 * * *

1 (B) EXEMPTIONS.--THE FOLLOWING PERSONS ARE NOT REQUIRED TO
2 OBTAIN A COMMERCIAL DRIVER'S LICENSE IN ORDER TO DRIVE THE
3 COMMERCIAL MOTOR VEHICLE SPECIFIED:

4 * * *

5 (7) AN EMPLOYEE OF A COUNTY EMERGENCY MANAGEMENT
6 ORGANIZATION WHO IS THE HOLDER OF A CLASS C LICENSE AND WHO
7 HAS A CERTIFICATE OF AUTHORIZATION FROM THE HEAD OF THE
8 COUNTY EMERGENCY MANAGEMENT ORGANIZATION WHILE OPERATING ANY
9 EMERGENCY VEHICLE EQUIPPED WITH AUDIBLE AND VISUAL SIGNALS
10 REGISTERED TO THE COUNTY OR COUNTY EMERGENCY MANAGEMENT
11 ORGANIZATION.

12 * * *

13 SECTION 4. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:
14 § 1609.1. TYPE OF DRIVING CERTIFICATION REQUIREMENTS.

15 (A) SELF-CERTIFICATION REQUIREMENT.--AN APPLICANT FOR A
16 COMMERCIAL DRIVER LEARNER'S PERMIT OR INITIAL COMMERCIAL
17 DRIVER'S LICENSE MUST MAKE ONE OF THE APPLICABLE SELF-
18 CERTIFICATIONS FROM THE FOLLOWING:

19 (1) NONEXCEPTED INTERSTATE COMMERCE. A CERTIFICATION
20 THAT THE APPLICANT:

21 (I) OPERATES OR EXPECTS TO OPERATE IN INTERSTATE
22 COMMERCE;

23 (II) IS SUBJECT TO AND MEETS THE MEDICAL
24 QUALIFICATION REQUIREMENTS UNDER 49 CFR PART 391
25 (RELATING TO QUALIFICATIONS OF DRIVERS AND LONGER
26 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS); AND

27 (III) ACKNOWLEDGES THE REQUIREMENT TO OBTAIN A
28 MEDICAL CERTIFICATE UNDER 49 CFR § 391.45 (RELATING TO
29 PERSONS WHO MUST BE MEDICALLY EXAMINED AND CERTIFIED).

30 (2) EXCEPTED INTERSTATE COMMERCE. A CERTIFICATION THAT

1 THE APPLICANT OPERATES OR EXPECTS TO OPERATE IN INTERSTATE
2 COMMERCE BUT ENGAGES EXCLUSIVELY IN TRANSPORTATION OR
3 OPERATIONS EXCEPTED UNDER 49 CFR §§ 390.3(F) (RELATING TO
4 GENERAL APPLICABILITY), 391.2 (RELATING TO GENERAL
5 EXCEPTIONS), 391.68 (RELATING TO PRIVATE MOTOR CARRIER OF
6 PASSENGERS (NONBUSINESS)) OR 398.3 (RELATING TO
7 QUALIFICATIONS OF DRIVERS OR OPERATORS) FROM ALL OR PARTS OF
8 THE QUALIFICATION REQUIREMENTS OF 49 CFR PART 391, AND IS
9 THEREFORE NOT REQUIRED TO OBTAIN A MEDICAL EXAMINER'S
10 CERTIFICATE UNDER 49 CFR § 391.45.

11 (3) NONEXCEPTED INTRASTATE COMMERCE. A CERTIFICATION
12 THAT THE APPLICANT:

13 (I) OPERATES IN INTRASTATE COMMERCE;

14 (II) IS SUBJECT TO AND MEETS THE MEDICAL
15 QUALIFICATION REQUIREMENTS OF 67 PA. CODE CH. 231
16 (RELATING TO INTRASTATE MOTOR CARRIER SAFETY
17 REQUIREMENTS); AND

18 (III) ACKNOWLEDGES THE REQUIREMENT TO OBTAIN A
19 MEDICAL CERTIFICATE.

20 (4) EXCEPTED INTRASTATE COMMERCE. A CERTIFICATION THAT
21 THE APPLICANT OPERATES IN INTRASTATE COMMERCE, BUT ENGAGES
22 EXCLUSIVELY IN TRANSPORTATION OR OPERATIONS EXCEPTED FROM ALL
23 OR PARTS OF THE DRIVER QUALIFICATION REQUIREMENTS IN 67 PA.
24 CODE CH. 231 AND IS NOT REQUIRED TO OBTAIN A MEDICAL
25 CERTIFICATE.

26 (B) EXISTING DRIVERS.--A HOLDER OF A COMMERCIAL DRIVER'S
27 LICENSE SHALL SUBMIT TO THE DEPARTMENT A SELF-CERTIFICATION OF
28 DRIVING WHICH COMPLIES WITH SUBSECTION (A) WITHIN 30 DAYS OF
29 NOTICE BY THE DEPARTMENT.

30 § 1609.2. MEDICAL CERTIFICATION.

1 (A) REQUIREMENTS.--AN INDIVIDUAL WHO CERTIFIES THAT THE
2 INDIVIDUAL OPERATES OR EXPECTS TO OPERATE A COMMERCIAL MOTOR
3 VEHICLE IN NONEXCEPTED INTERSTATE COMMERCE OR NONEXCEPTED
4 INTRASTATE COMMERCE SHALL PROVIDE THE DEPARTMENT WITH AN
5 ORIGINAL OR PHOTOGRAPHIC COPY OF A MEDICAL EXAMINER'S
6 CERTIFICATE PREPARED BY A MEDICAL EXAMINER. THE MEDICAL
7 EXAMINER'S CERTIFICATE SHALL BE VALID FOR UP TO TWO YEARS FROM
8 THE DATE OF THE MEDICAL EXAMINATION.

9 (B) MAINTAINING CERTIFICATION.--A CDL HOLDER WHO CERTIFIES
10 INTENT TO OPERATE A COMMERCIAL MOTOR VEHICLE IN NONEXCEPTED
11 INTERSTATE COMMERCE OR NONEXCEPTED INTRASTATE COMMERCE SHALL
12 PROVIDE THE DEPARTMENT WITH AN ORIGINAL OR COPY OF A
13 SUBSEQUENTLY ISSUED MEDICAL EXAMINER'S CERTIFICATE.

14 (C) NONCOMPLIANCE WITH MEDICAL REQUIREMENTS.--

15 (1) THIS SUBSECTION APPLIES IN THE FOLLOWING
16 CIRCUMSTANCES:

17 (I) UPON THE EXPIRATION OF A MEDICAL CERTIFICATION
18 OR A MEDICAL VARIANCE ISSUED BY THE FEDERAL MOTOR CARRIER
19 SAFETY ADMINISTRATION OR THE DEPARTMENT.

20 (II) IF THE FEDERAL MOTOR CARRIER SAFETY
21 ADMINISTRATION NOTIFIES THE DEPARTMENT THAT A MEDICAL
22 VARIANCE WAS RESCINDED.

23 (2) IF THIS SUBSECTION APPLIES, THE DEPARTMENT SHALL
24 NOTIFY A NONEXCEPTED COMMERCIAL DRIVER THAT THE DRIVER IS NO
25 LONGER IN CONFORMANCE WITH THE MEDICAL CERTIFICATION
26 REQUIREMENTS AND THAT THE CDL DESIGNATION WILL BE REMOVED
27 FROM THE DRIVER'S LICENSE UNLESS THE DRIVER:

28 (I) SUBMITS A CURRENT MEDICAL CERTIFICATE OR MEDICAL
29 VARIANCE; OR

30 (II) CHANGES THE SELF-CERTIFICATION TO DRIVING ONLY

1 IN EXCEPTED INTERSTATE COMMERCE OR EXCEPTED INTRASTATE
2 COMMERCE.

3 § 1609.3. NONCOMPLIANCE WITH CERTIFICATION REQUIREMENTS.

4 THE DEPARTMENT SHALL REMOVE THE COMMERCIAL DRIVER LICENSE
5 DESIGNATION FROM THE DRIVER'S LICENSE OF AN INDIVIDUAL WHO IS
6 NOT IN COMPLIANCE WITH SECTION 1609.1 (RELATING TO TYPE OF
7 DRIVING CERTIFICATION REQUIREMENTS) OR SECTION 1609.2 (RELATING
8 TO MEDICAL CERTIFICATION).

9 SECTION 5. SECTIONS 1610(B)(2), 1611(L) AND ~~6154~~ 3116(D)(3) ←
10 (II), (E)(3), (I)(3), (L) AND (Q) OF TITLE 75 ARE AMENDED TO
11 READ:

12 § 1610. COMMERCIAL DRIVER'S LICENSE.

13 * * *

14 (B) CLASSIFICATIONS, ENDORSEMENTS AND RESTRICTIONS.--

15 * * *

16 (2) THE FOLLOWING CODES SHALL BE USED AS REQUIRED TO
17 DESCRIBE THE COMMERCIAL DRIVER'S LICENSE ENDORSEMENTS AND
18 RESTRICTIONS. ADDITIONAL ENDORSEMENTS AND RESTRICTIONS MAY BE
19 ADDED BY REGULATION FOR USE ON THE COMMERCIAL DRIVER'S
20 LICENSE:

21 A - RESTRICTS THE DRIVER TO DRIVING UNDER 49 CFR §
22 391.62(C) (RELATING TO LIMITED EXEMPTIONS FOR
23 INTRACITY ZONE DRIVERS).

24 G - INDICATES QUALIFICATION UNDER 49 CFR § 391.62(E).

25 H - AUTHORIZES THE DRIVER TO OPERATE A VEHICLE
26 TRANSPORTING HAZARDOUS MATERIALS.

27 L - RESTRICTS THE DRIVER TO VEHICLES NOT EQUIPPED
28 WITH AIR BRAKES.

29 N - AUTHORIZES DRIVING TANK VEHICLES.

30 P - AUTHORIZES DRIVING VEHICLES CARRYING PASSENGERS.

1 Q - REQUIRES THE DRIVER TO WEAR CORRECTIVE LENSES.

2 S - AUTHORIZES THE DRIVER TO OPERATE A SCHOOL BUS.

3 T - AUTHORIZES DRIVING DOUBLE AND TRIPLE TRAILERS.

4 V - INDICATES THAT THE DRIVER HAS BEEN ISSUED A
5 MEDICAL VARIANCE.

6 X - REPRESENTS A COMBINATION OF HAZARDOUS MATERIALS
7 AND TANK VEHICLE ENDORSEMENTS.

8 Y - REQUIRES THE DRIVER TO WEAR A HEARING AID.

9 * * *

10 § 1611. DISQUALIFICATION.

11 * * *

12 (L) DISQUALIFICATION FOR INCOMPLETE, INCORRECT OR FRAUDULENT
13 APPLICATION OR CERTIFICATION.--THE DEPARTMENT SHALL DISQUALIFY
14 ANY PERSON FROM DRIVING A COMMERCIAL MOTOR VEHICLE FOR 60 DAYS
15 UPON CANCELING THE PERSON'S COMMERCIAL DRIVER'S LICENSE PURSUANT
16 TO SECTION 1572 (A) (1) (II) (RELATING TO CANCELLATION OF DRIVER'S
17 LICENSE) INVOLVING AN APPLICATION OR CERTIFICATION RELATED TO
18 THE REQUIREMENTS OF THIS CHAPTER.

19 * * *

20 § 3116. AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS ←
21 CITIES.

22 * * *

23 (D) PENALTY.--

24 * * *

25 (3) A FINE IS NOT AUTHORIZED DURING:

26 * * *

27 (II) THE FIRST [60] 45 DAYS FOR EACH ADDITIONAL
28 INTERSECTION SELECTED FOR THE AUTOMATED SYSTEM.

29 * * *

30 (E) LIMITATIONS.--

1 * * *

2 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
3 INFORMATION PREPARED UNDER THIS SECTION AND INFORMATION
4 RELATING TO VIOLATIONS UNDER THIS SECTION WHICH IS KEPT BY
5 THE CITY OF THE FIRST CLASS, ITS AUTHORIZED AGENTS OR ITS
6 EMPLOYEES, INCLUDING RECORDED IMAGES, WRITTEN RECORDS,
7 REPORTS OR FACSIMILES, NAMES[,] AND ADDRESSES [AND THE NUMBER
8 OF VIOLATIONS UNDER THIS SECTION], SHALL BE FOR THE EXCLUSIVE
9 USE OF THE CITY, ITS AUTHORIZED AGENTS, ITS EMPLOYEES AND LAW
10 ENFORCEMENT OFFICIALS FOR THE PURPOSE OF DISCHARGING THEIR
11 DUTIES UNDER THIS SECTION AND UNDER ANY ORDINANCES AND
12 RESOLUTIONS OF THE CITY. THE INFORMATION SHALL NOT BE DEEMED
13 A PUBLIC RECORD UNDER THE ACT OF [JUNE 21, 1957 (P.L.390,
14 NO.212), REFERRED TO] FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN
15 AS THE RIGHT-TO-KNOW LAW. THE INFORMATION SHALL NOT BE
16 DISCOVERABLE BY COURT ORDER OR OTHERWISE, NOR SHALL IT BE
17 OFFERED IN EVIDENCE IN ANY ACTION OR PROCEEDING WHICH IS NOT
18 DIRECTLY RELATED TO A VIOLATION OF THIS SECTION OR ANY
19 ORDINANCE OR RESOLUTION OF THE CITY. THE RESTRICTIONS SET
20 FORTH IN THIS PARAGRAPH SHALL NOT BE DEEMED TO PRECLUDE A
21 COURT OF COMPETENT JURISDICTION FROM ISSUING AN ORDER
22 DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT
23 OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND IS
24 REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW
25 ENFORCEMENT ACTION.

26 * * *

27 (I) SYSTEM ADMINISTRATOR.--

28 * * *

29 (3) THE SYSTEM ADMINISTRATOR SHALL SUBMIT AN ANNUAL
30 REPORT TO THE CHAIRMAN AND THE MINORITY CHAIRMAN OF THE

1 TRANSPORTATION COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
2 MINORITY CHAIRMAN OF THE TRANSPORTATION COMMITTEE OF THE
3 HOUSE OF REPRESENTATIVES. THE REPORT SHALL BE CONSIDERED A
4 PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW AND INCLUDE FOR THE
5 PRIOR YEAR:

6 (I) THE NUMBER OF VIOLATIONS AND FINES ISSUED.

7 (II) A COMPILATION OF FINES PAID AND OUTSTANDING.

8 (III) THE AMOUNT OF MONEY PAID TO A VENDOR OR
9 MANUFACTURER UNDER THIS SECTION.

10 * * *

11 (L) PAYMENT OF FINE.--

12 (1) AN OWNER TO WHOM A NOTICE OF VIOLATION HAS BEEN
13 ISSUED MAY ADMIT RESPONSIBILITY FOR THE VIOLATION AND PAY THE
14 FINE PROVIDED IN THE NOTICE.

15 (2) PAYMENT MUST BE MADE PERSONALLY, THROUGH AN
16 AUTHORIZED AGENT OR BY MAILING BOTH PAYMENT AND THE NOTICE OF
17 VIOLATION TO THE SYSTEM ADMINISTRATOR. PAYMENT BY MAIL MUST
18 BE MADE ONLY BY MONEY ORDER, CREDIT CARD OR CHECK MADE
19 PAYABLE TO THE SYSTEM ADMINISTRATOR. THE SYSTEM ADMINISTRATOR
20 SHALL REMIT THE FINE, LESS THE SYSTEM ADMINISTRATOR'S
21 OPERATION AND MAINTENANCE COSTS NECESSITATED BY THIS SECTION,
22 TO THE DEPARTMENT FOR DEPOSIT INTO THE MOTOR LICENSE FUND.
23 [FINES DEPOSITED IN THE FUND UNDER THIS PARAGRAPH SHALL BE
24 USED BY THE DEPARTMENT TO DEVELOP, BY REGULATION, A
25 TRANSPORTATION ENHANCEMENTS GRANT PROGRAM.] EXCEPT AS
26 OTHERWISE PROVIDED UNDER PARAGRAPHS (4) AND (5), THE
27 DEPARTMENT SHALL USE THE FINES DEPOSITED IN THE FUND UNDER
28 THIS PARAGRAPH AS PRESCRIBED UNDER 67 PA. CODE CH. 233
29 (RELATING TO TRANSPORTATION ENHANCEMENT GRANTS FROM AUTOMATED
30 RED LIGHT ENFORCEMENT SYSTEM REVENUES).

1 (3) PAYMENT OF THE ESTABLISHED FINE AND APPLICABLE
2 PENALTIES SHALL OPERATE AS A FINAL DISPOSITION OF THE CASE.

3 (4) DISTRIBUTION OF FINE REVENUE UNDER PARAGRAPH (2)
4 SHALL BE AS FOLLOWS:

5 (I) FIFTY PERCENT OF THE REVENUE GENERATED THROUGH
6 AN AUTOMATED RED LIGHT ENFORCEMENT PROGRAM UNDER THIS
7 SECTION SHALL BE USED EXCLUSIVELY FOR FUNDING OF
8 TRANSPORTATION ENHANCEMENT GRANTS IN THE CITY IN WHICH
9 THE VIOLATION WAS PROSECUTED AS PROVIDED UNDER 67 PA.
10 CODE § 233.8(G)(1) (RELATING TO GRANT SELECTION PROCESS
11 AND CRITERIA).

12 (II) FIFTY PERCENT OF THE REVENUES GENERATED THROUGH
13 THE AUTOMATED RED LIGHT ENFORCEMENT PROGRAM SHALL BE
14 AVAILABLE FOR FUNDING OF TRANSPORTATION ENHANCEMENT
15 GRANTS TO ELIGIBLE SPONSORS THROUGHOUT THIS COMMONWEALTH
16 AS PROVIDED UNDER 67 PA. CODE § 233.8(G)(2) EXCEPT THAT A
17 CITY OF THE FIRST CLASS, SECOND CLASS OR SECOND CLASS A
18 THAT IMPLEMENTS THE AUTOMATED RED LIGHT ENFORCEMENT
19 PROGRAM SHALL BE INELIGIBLE TO RECEIVE GRANTS UNDER 67
20 PA. CODE CH. 233. THIS SUBPARAGRAPH SHALL NOT APPLY TO
21 ANY GRANTS EXPENDED OR COMMITTED PRIOR TO THE EFFECTIVE
22 DATE OF THIS SUBPARAGRAPH.

23 (5) THE DEPARTMENT IS ALLOCATED 2% OF ALL AUTOMATED RED
24 LIGHT ENFORCEMENT REVENUES TRANSFERRED TO THE MOTOR LICENSE
25 FUND UNDER THIS SUBSECTION FOR ITS COSTS IN ADMINISTERING
26 TRANSPORTATION ENHANCEMENT GRANTS.

27 * * *

28 (Q) EXPIRATION.--THIS SECTION SHALL EXPIRE DECEMBER 31,
29 [2011] 2017.

30 SECTION 5.1. TITLE 75 IS AMENDED BY ADDING A SECTION TO

1 READ:

2 § 3117. AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN CERTAIN
3 CITIES.

4 (A) GENERAL RULE.--A CITY, UPON PASSAGE OF AN ORDINANCE, IS
5 AUTHORIZED TO ENFORCE SECTION 3112(A)(3) (RELATING TO TRAFFIC-
6 CONTROL SIGNALS) BY RECORDING VIOLATIONS USING AN AUTOMATED RED
7 LIGHT ENFORCEMENT SYSTEM APPROVED BY THE DEPARTMENT.

8 (B) APPLICABILITY.--

9 (1) THIS SECTION SHALL ONLY BE APPLICABLE AT
10 INTERSECTIONS IN A CITY DESIGNATED BY THE SYSTEM
11 ADMINISTRATOR IN CONSULTATION WITH THE SECRETARY UNDER THE
12 REQUIREMENTS OF PARAGRAPH (2).

13 (2) NO AUTOMATED RED LIGHT SYSTEM SHALL BE INSTALLED
14 UNTIL THE SYSTEM ADMINISTRATOR PROVIDES NOTICE TO THE
15 DEPARTMENT OF THE LOCATION OF EACH INTERSECTION. AFTER
16 RECEIVING NOTICE AND BEFORE THE SYSTEM MAY BE INSTALLED, THE
17 DEPARTMENT SHALL HAVE 60 DAYS TO REVIEW EACH PROPOSED
18 INTERSECTION AND TO ISSUE A RECOMMENDATION TO THE SYSTEM
19 ADMINISTRATOR WHICH SHALL INCLUDE ALL OF THE FOLLOWING:

20 (I) A STATEMENT ON WHETHER THE PROPOSED INTERSECTION
21 IS AN APPROPRIATE LOCATION FOR AN AUTOMATED RED LIGHT
22 ENFORCEMENT SYSTEM.

23 (II) THE DATA ON WHICH THE DEPARTMENT BASED THE
24 RECOMMENDATION.

25 (III) THE LOCATION OF AN ALTERNATIVE INTERSECTION IN
26 THE CITY THAT THE DEPARTMENT DETERMINES IS APPROPRIATE
27 FOR AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM.

28 (3) IF THE DEPARTMENT DOES NOT ISSUE A RECOMMENDATION TO
29 THE SYSTEM ADMINISTRATOR WITHIN 60 DAYS, THE DEPARTMENT SHALL
30 BE DEEMED TO RECOMMEND THE INTERSECTION PROPOSED BY THE

1 SYSTEM ADMINISTRATOR AS AN APPROPRIATE LOCATION.

2 (4) FOR EACH INSTANCE THE SYSTEM ADMINISTRATOR
3 DETERMINES NOT TO FOLLOW THE RECOMMENDATION OF THE DEPARTMENT
4 ISSUED UNDER PARAGRAPH (2), THE SYSTEM ADMINISTRATOR SHALL
5 PROVIDE THE FOLLOWING IN THE ANNUAL REPORT REQUIRED UNDER
6 SUBSECTION (J) (3):

7 (I) A COPY OF THE DEPARTMENT'S RECOMMENDATION.

8 (II) A STATEMENT EXPLAINING THE REASONS FOR THE
9 SYSTEM ADMINISTRATOR'S DECISION.

10 (III) THE DATA THE SYSTEM ADMINISTRATOR RELIED UPON
11 IN MAKING THE DECISION.

12 (C) OWNER LIABILITY.--FOR EACH VIOLATION UNDER THIS SECTION,
13 THE OWNER OF THE VEHICLE SHALL BE LIABLE FOR THE PENALTY IMPOSED
14 UNLESS THE OWNER IS CONVICTED OF THE SAME VIOLATION UNDER
15 ANOTHER SECTION OF THIS TITLE OR HAS A DEFENSE UNDER SUBSECTION
16 (G).

17 (D) CERTIFICATE AS EVIDENCE.--A CERTIFICATE, OR A FACSIMILE
18 OF A CERTIFICATE, BASED UPON INSPECTION OF RECORDED IMAGES
19 PRODUCED BY AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM AND SWORN
20 TO OR AFFIRMED BY A POLICE OFFICER EMPLOYED BY THE CITY SHALL BE
21 PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN IT. THE CITY MUST
22 INCLUDE WRITTEN DOCUMENTATION THAT THE AUTOMATED RED LIGHT
23 ENFORCEMENT SYSTEM WAS OPERATING CORRECTLY AT THE TIME OF THE
24 ALLEGED VIOLATION. A RECORDED IMAGE EVIDENCING A VIOLATION OF
25 SECTION 3112(A) (3) SHALL BE ADMISSIBLE IN ANY JUDICIAL OR
26 ADMINISTRATIVE PROCEEDING TO ADJUDICATE THE LIABILITY FOR THE
27 VIOLATION.

28 (E) PENALTY.--

29 (1) THE PENALTY FOR A VIOLATION UNDER SUBSECTION (A)
30 SHALL BE A FINE OF \$100 UNLESS A LESSER AMOUNT IS SET BY

1 ORDINANCE.

2 (2) A FINE IS NOT AUTHORIZED FOR A VIOLATION OF THIS
3 SECTION IF ANY OF THE FOLLOWING APPLY:

4 (I) THE INTERSECTION IS BEING MANUALLY CONTROLLED.

5 (II) THE SIGNAL IS IN THE MODE DESCRIBED IN SECTION
6 3114 (RELATING TO FLASHING SIGNALS).

7 (3) A FINE IS NOT AUTHORIZED DURING ANY OF THE
8 FOLLOWING:

9 (I) THE FIRST 60 DAYS OF OPERATION OF THE AUTOMATED
10 SYSTEM AT THE INITIAL INTERSECTION.

11 (II) THE FIRST 45 DAYS FOR EACH ADDITIONAL
12 INTERSECTION SELECTED FOR THE AUTOMATED SYSTEM.

13 (4) A WARNING MAY BE SENT TO THE VIOLATOR UNDER
14 PARAGRAPH (3).

15 (5) A PENALTY IMPOSED UNDER THIS SECTION SHALL NOT BE
16 DEEMED A CRIMINAL CONVICTION AND SHALL NOT BE MADE PART OF
17 THE OPERATING RECORD UNDER SECTION 1535 (RELATING TO SCHEDULE
18 OF CONVICTIONS AND POINTS) OF THE INDIVIDUAL UPON WHOM THE
19 PENALTY IS IMPOSED, NOR MAY THE IMPOSITION OF THE PENALTY BE
20 SUBJECT TO MERIT RATING FOR INSURANCE PURPOSES.

21 (6) NO SURCHARGE POINTS MAY BE IMPOSED IN THE PROVISION
22 OF MOTOR VEHICLE INSURANCE COVERAGE. FINES COLLECTED UNDER
23 THIS SECTION SHALL NOT BE SUBJECT TO 42 PA.C.S. § 3571
24 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) OR 3573
25 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.).

26 (F) LIMITATIONS.--

27 (1) NO AUTOMATED RED LIGHT ENFORCEMENT SYSTEM SHALL BE
28 UTILIZED IN SUCH A MANNER AS TO TAKE A FRONTAL VIEW RECORDED
29 IMAGE OF THE VEHICLE AS EVIDENCE OF HAVING COMMITTED A
30 VIOLATION.

1 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, CAMERA
2 EQUIPMENT DEPLOYED AS PART OF AN AUTOMATED RED LIGHT
3 ENFORCEMENT SYSTEM AS PROVIDED UNDER THIS SECTION MUST BE
4 INCAPABLE OF AUTOMATED OR USER-CONTROLLED REMOTE INTERSECTION
5 SURVEILLANCE BY MEANS OF RECORDED VIDEO IMAGES. RECORDED
6 IMAGES COLLECTED AS PART OF THE AUTOMATED RED LIGHT
7 ENFORCEMENT SYSTEM MAY ONLY RECORD TRAFFIC VIOLATIONS AND MAY
8 NOT BE USED FOR ANY OTHER SURVEILLANCE PURPOSES. THE
9 RESTRICTIONS SET FORTH UNDER THIS PARAGRAPH SHALL NOT BE
10 DEEMED TO PRECLUDE A COURT OF COMPETENT JURISDICTION FROM
11 ISSUING AN ORDER DIRECTING THAT THE INFORMATION BE PROVIDED
12 TO LAW ENFORCEMENT OFFICIALS IF THE INFORMATION IS REASONABLY
13 DESCRIBED AND IS REQUESTED SOLELY IN CONNECTION WITH A
14 CRIMINAL LAW ENFORCEMENT ACTION.

15 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
16 INFORMATION PREPARED UNDER THIS SECTION AND INFORMATION
17 RELATING TO VIOLATIONS UNDER THIS SECTION WHICH IS KEPT BY
18 THE CITY, ITS AUTHORIZED AGENTS OR EMPLOYEES, INCLUDING
19 RECORDED IMAGES, WRITTEN RECORDS, REPORTS OR FACSIMILES,
20 NAMES AND ADDRESSES, SHALL BE FOR THE EXCLUSIVE USE OF THE
21 CITY, ITS AUTHORIZED AGENTS, ITS EMPLOYEES AND LAW
22 ENFORCEMENT OFFICIALS FOR THE PURPOSE OF DISCHARGING THEIR
23 DUTIES UNDER THIS SECTION AND UNDER ANY ORDINANCES AND
24 RESOLUTIONS OF THE CITY. THE INFORMATION SHALL NOT BE DEEMED
25 A PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6,
26 NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW. THE INFORMATION SHALL
27 NOT BE DISCOVERABLE BY COURT ORDER OR OTHERWISE, NOR SHALL IT
28 BE OFFERED IN EVIDENCE IN ANY ACTION OR PROCEEDING WHICH IS
29 NOT DIRECTLY RELATED TO A VIOLATION OF THIS SECTION OR ANY
30 ORDINANCE OR RESOLUTION OF THE CITY. THE RESTRICTIONS SET

1 FORTH UNDER THIS PARAGRAPH SHALL NOT BE DEEMED TO PRECLUDE A
2 COURT OF COMPETENT JURISDICTION FROM ISSUING AN ORDER
3 DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT
4 OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND IS
5 REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW
6 ENFORCEMENT ACTION.

7 (4) RECORDED IMAGES OBTAINED THROUGH THE USE OF
8 AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS DEPLOYED AS A MEANS
9 OF PROMOTING TRAFFIC SAFETY IN A CITY SHALL BE DESTROYED AT
10 THE END OF THE 30 DAYS FOLLOWING THE FINAL DISPOSITION OF ANY
11 RECORDED EVENT. THE CITY SHALL FILE NOTICE WITH THE
12 DEPARTMENT OF STATE THAT THE RECORDS HAVE BEEN DESTROYED IN
13 ACCORDANCE WITH THIS SECTION.

14 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
15 REGISTERED VEHICLE OWNER INFORMATION OBTAINED AS A RESULT OF
16 THE OPERATION OF AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM
17 UNDER THIS SECTION SHALL NOT BE THE PROPERTY OF THE
18 MANUFACTURER OR VENDOR OF THE AUTOMATED RED LIGHT ENFORCEMENT
19 SYSTEM AND MAY NOT BE USED FOR ANY PURPOSE OTHER THAN
20 PRESCRIBED IN THIS SECTION.

21 (G) DEFENSES.--

22 (1) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
23 SECTION THAT THE PERSON NAMED IN THE NOTICE OF THE VIOLATION
24 WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.
25 THE OWNER MAY BE REQUIRED TO SUBMIT EVIDENCE THAT THE OWNER
26 WAS NOT THE DRIVER AT THE TIME OF THE ALLEGED VIOLATION. THE
27 CITY MAY NOT REQUIRE THE OWNER OF THE VEHICLE TO DISCLOSE THE
28 IDENTITY OF THE OPERATOR OF THE VEHICLE AT THE TIME OF THE
29 VIOLATION.

30 (2) IF AN OWNER RECEIVES A NOTICE OF VIOLATION UNDER

1 THIS SECTION OF A TIME PERIOD DURING WHICH THE VEHICLE WAS
2 REPORTED TO A POLICE DEPARTMENT OF ANY STATE OR MUNICIPALITY
3 AS HAVING BEEN STOLEN, IT SHALL BE A DEFENSE TO A VIOLATION
4 UNDER THIS SECTION THAT THE VEHICLE HAS BEEN REPORTED TO A
5 POLICE DEPARTMENT AS STOLEN PRIOR TO THE TIME THE VIOLATION
6 OCCURRED AND HAD NOT BEEN RECOVERED PRIOR TO THAT TIME.

7 (3) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
8 SECTION THAT THE PERSON RECEIVING THE NOTICE OF VIOLATION WAS
9 NOT THE OWNER OF THE VEHICLE AT THE TIME OF THE OFFENSE.

10 (H) DEPARTMENT APPROVAL.--NO AUTOMATED RED LIGHT ENFORCEMENT
11 SYSTEM MAY BE USED WITHOUT THE APPROVAL OF THE DEPARTMENT, WHICH
12 SHALL HAVE THE AUTHORITY TO PROMULGATE REGULATIONS FOR THE
13 CERTIFICATION AND USE OF SUCH SYSTEMS.

14 (I) DUTY OF CITY.--IF A CITY ELECTS TO IMPLEMENT THIS
15 SECTION, THE FOLLOWING PROVISIONS SHALL APPLY:

16 (1) THE CITY MAY NOT USE AN AUTOMATED RED LIGHT
17 ENFORCEMENT SYSTEM UNLESS AN APPROPRIATE SIGN IS POSTED IN A
18 CONSPICUOUS PLACE BEFORE THE AREA IN WHICH THE AUTOMATED RED
19 LIGHT ENFORCEMENT DEVICE IS TO BE USED NOTIFYING THE PUBLIC
20 THAT AN AUTOMATED RED LIGHT ENFORCEMENT DEVICE IS IN USE
21 IMMEDIATELY AHEAD.

22 (2) THE CITY OR ITS DESIGNEE SHALL SERVE AS THE SYSTEM
23 ADMINISTRATOR TO SUPERVISE AND COORDINATE THE ADMINISTRATION
24 OF NOTICES OF VIOLATIONS ISSUED UNDER THIS SECTION.

25 (3) THE FOLLOWING APPLY:

26 (I) THE SYSTEM ADMINISTRATOR SHALL PREPARE A NOTICE
27 OF VIOLATION TO THE REGISTERED OWNER OF A VEHICLE
28 IDENTIFIED IN A RECORDED IMAGE PRODUCED BY AN AUTOMATED
29 RED LIGHT ENFORCEMENT SYSTEM AS EVIDENCE OF A VIOLATION
30 OF SECTION 3112(A) (3). THE ISSUANCE OF THE NOTICE OF

1 VIOLATION MUST BE DONE BY A POLICE OFFICER EMPLOYED BY
2 THE POLICE DEPARTMENT WITH PRIMARY JURISDICTION OVER THE
3 AREA WHERE THE VIOLATION OCCURRED. THE NOTICE OF
4 VIOLATION MUST HAVE ATTACHED TO IT ALL OF THE FOLLOWING:

5 (A) A COPY OF THE RECORDED IMAGE SHOWING THE
6 VEHICLE.

7 (B) THE REGISTRATION NUMBER AND STATE OF
8 ISSUANCE OF THE VEHICLE REGISTRATION.

9 (C) THE DATE, TIME AND PLACE OF THE ALLEGED
10 VIOLATION.

11 (D) NOTICE THAT THE VIOLATION CHARGED IS UNDER
12 SECTION 3112 (A) (3).

13 (E) INSTRUCTIONS FOR RETURN OF THE NOTICE OF
14 VIOLATION.

15 (II) THE TEXT OF THE NOTICE MUST BE AS FOLLOWS:
16 THIS NOTICE SHALL BE RETURNED PERSONALLY, BY MAIL OR
17 BY AN AGENT DULY AUTHORIZED IN WRITING, WITHIN 30
18 DAYS OF ISSUANCE. A HEARING MAY BE OBTAINED UPON THE
19 WRITTEN REQUEST OF THE REGISTERED OWNER.

20 (J) SYSTEM ADMINISTRATOR.--

21 (1) THE SYSTEM ADMINISTRATOR MAY HIRE AND DESIGNATE
22 PERSONNEL AS NECESSARY OR CONTRACT FOR SERVICES TO IMPLEMENT
23 THIS SECTION.

24 (2) THE SYSTEM ADMINISTRATOR SHALL PROCESS FINES ISSUED
25 UNDER THIS SECTION.

26 (3) THE SYSTEM ADMINISTRATOR SHALL SUBMIT AN ANNUAL
27 REPORT TO THE CHAIRMAN AND THE MINORITY CHAIRMAN OF THE
28 TRANSPORTATION COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
29 MINORITY CHAIRMAN OF THE TRANSPORTATION COMMITTEE OF THE
30 HOUSE OF REPRESENTATIVES. THE REPORT SHALL BE CONSIDERED A

1 PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW, AND INCLUDE FOR
2 THE PRIOR YEAR:

3 (I) THE NUMBER OF VIOLATIONS AND FINES ISSUED.

4 (II) A COMPILATION OF FINES PAID AND OUTSTANDING.

5 (III) THE AMOUNT OF MONEY PAID TO A VENDOR OR
6 MANUFACTURER UNDER THIS SECTION.

7 (K) NOTICE TO OWNER.--IN THE CASE OF A VIOLATION INVOLVING A
8 MOTOR VEHICLE REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH,
9 THE NOTICE OF VIOLATION MUST BE MAILED WITHIN 30 DAYS AFTER THE
10 COMMISSION OF THE VIOLATION OR WITHIN 30 DAYS AFTER THE
11 DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER, WHICHEVER IS
12 LATER, TO THE ADDRESS OF THE REGISTERED OWNER AS LISTED IN THE
13 RECORDS OF THE DEPARTMENT. IN THE CASE OF MOTOR VEHICLES
14 REGISTERED IN JURISDICTIONS OTHER THAN THIS COMMONWEALTH, THE
15 NOTICE OF VIOLATION MUST BE MAILED WITHIN 30 DAYS AFTER THE
16 DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER TO THE ADDRESS
17 OF THE REGISTERED OWNER AS LISTED IN THE RECORDS OF THE OFFICIAL
18 IN THE JURISDICTION HAVING CHARGE OF THE REGISTRATION OF THE
19 VEHICLE. A NOTICE OF VIOLATION UNDER THIS SECTION MUST BE
20 PROVIDED TO AN OWNER WITHIN 90 DAYS OF THE COMMISSION OF THE
21 OFFENSE.

22 (L) MAILING OF NOTICE AND RECORDS.--NOTICE OF VIOLATION MUST
23 BE SENT BY FIRST CLASS MAIL. A MANUAL OR AUTOMATIC RECORD OF
24 MAILING PREPARED BY THE SYSTEM ADMINISTRATOR IN THE ORDINARY
25 COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF MAILING AND
26 SHALL BE ADMISSIBLE IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING
27 AS TO THE FACTS CONTAINED IN IT.

28 (M) PAYMENT OF FINE.--

29 (1) AN OWNER TO WHOM A NOTICE OF VIOLATION HAS BEEN
30 ISSUED MAY ADMIT RESPONSIBILITY FOR THE VIOLATION AND PAY THE

1 FINE PROVIDED IN THE NOTICE.

2 (2) PAYMENT MUST BE MADE PERSONALLY, THROUGH AN
3 AUTHORIZED AGENT OR BY MAILING BOTH PAYMENT AND THE NOTICE OF
4 VIOLATION TO THE SYSTEM ADMINISTRATOR. PAYMENT BY MAIL MUST
5 BE MADE ONLY BY MONEY ORDER, CREDIT CARD OR CHECK MADE
6 PAYABLE TO THE SYSTEM ADMINISTRATOR. THE SYSTEM ADMINISTRATOR
7 SHALL REMIT THE FINE, LESS THE SYSTEM ADMINISTRATOR'S
8 OPERATION AND MAINTENANCE COSTS NECESSITATED UNDER THIS
9 SECTION, TO THE DEPARTMENT FOR DEPOSIT INTO THE MOTOR LICENSE
10 FUND. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (4) AND (5),
11 THE DEPARTMENT SHALL USE THE FINES DEPOSITED IN THE FUND
12 UNDER THIS PARAGRAPH AS PRESCRIBED UNDER 67 PA. CODE CH. 233
13 (RELATING TO TRANSPORTATION ENHANCEMENT GRANTS FROM
14 AUTHORIZED RED LIGHT ENFORCEMENT SYSTEM REVENUES).

15 (2.1) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (2),
16 TRANSPORTATION ENHANCEMENT GRANTS AWARDED FOR PROJECTS IN A
17 CITY OF THE SECOND CLASS SHALL BE LIMITED TO THE FOLLOWING
18 AND IN THE FOLLOWING ORDER OF PREFERENCE:

19 (I) SAFETY IMPROVEMENTS FOR INTERSECTIONS WITHIN THE
20 CITY AT WHICH RED LIGHT CAMERA ENFORCEMENT IS INSTALLED;

21 (II) SAFETY IMPROVEMENTS FOR INTERSECTIONS LOCATED
22 WITHIN THE CITY; OR

23 (III) ACTUAL CONSTRUCTION, MAINTENANCE AND REPAIR OF
24 STREETS, ROADWAYS AND HIGHWAYS.

25 (3) PAYMENT OF THE ESTABLISHED FINE AND APPLICABLE
26 PENALTIES SHALL OPERATE AS A FINAL DISPOSITION OF THE CASE.

27 (4) DISTRIBUTION OF FINE REVENUE UNDER PARAGRAPH (2)
28 SHALL BE AS FOLLOWS:

29 (I) FIFTY PERCENT OF THE GRANT REVENUES GENERATED
30 THROUGH AN AUTOMATED RED LIGHT ENFORCEMENT PROGRAM UNDER

1 THIS SECTION SHALL BE USED EXCLUSIVELY FOR FUNDING OF
2 TRANSPORTATION ENHANCEMENT GRANTS IN THE CITY IN WHICH
3 THE VIOLATION WAS PROSECUTED AS PROVIDED IN 67 PA. CODE §
4 233.8(G)(1) (RELATING TO GRANT SELECTION PROCESS AND
5 CRITERIA).

6 (II) FIFTY PERCENT OF THE GRANT REVENUES GENERATED
7 THROUGH THE AUTOMATED RED LIGHT ENFORCEMENT PROGRAM SHALL
8 BE AVAILABLE FOR FUNDING OF TRANSPORTATION ENHANCEMENT
9 GRANTS TO ELIGIBLE SPONSORS THROUGHOUT THIS COMMONWEALTH
10 AS PROVIDED UNDER 67 PA. CODE § 233.8(G)(2) EXCEPT THAT A
11 CITY OF THE FIRST CLASS, SECOND CLASS OR SECOND CLASS A
12 THAT IMPLEMENTS THE AUTOMATED RED LIGHT ENFORCEMENT
13 PROGRAM SHALL BE INELIGIBLE TO RECEIVE GRANTS UNDER 67
14 PA. CODE CH. 233. THIS SUBPARAGRAPH SHALL NOT APPLY TO
15 ANY GRANTS EXPENDED OR COMMITTED PRIOR TO THE EFFECTIVE
16 DATE OF THIS SUBPARAGRAPH.

17 (5) THE DEPARTMENT IS ALLOCATED 2% OF ALL AUTOMATED RED
18 LIGHT ENFORCEMENT REVENUES TRANSFERRED TO THE MOTOR LICENSE
19 FUND UNDER THIS SUBSECTION FOR ITS COSTS IN ADMINISTERING
20 TRANSPORTATION ENHANCEMENT GRANTS.

21 (N) HEARING.--

22 (1) AN OWNER TO WHOM A NOTICE OF VIOLATION HAS BEEN
23 ISSUED MAY, WITHIN 30 DAYS OF THE MAILING OF THE NOTICE,
24 REQUEST A HEARING TO CONTEST THE LIABILITY ALLEGED IN THE
25 NOTICE. A HEARING REQUEST MUST BE MADE BY APPEARING BEFORE
26 THE SYSTEM ADMINISTRATOR DURING REGULAR OFFICE HOURS EITHER
27 PERSONALLY OR BY AN AUTHORIZED AGENT OR BY MAILING A REQUEST
28 IN WRITING.

29 (2) UPON RECEIPT OF A HEARING REQUEST, THE SYSTEM
30 ADMINISTRATOR SHALL IN A TIMELY MANNER SCHEDULE THE MATTER

1 BEFORE A HEARING OFFICER. THE HEARING OFFICER SHALL BE
2 DESIGNATED BY THE CITY. WRITTEN NOTICE OF THE DATE, TIME AND
3 PLACE OF HEARING MUST BE SENT BY FIRST CLASS MAIL TO THE
4 OWNER.

5 (3) THE HEARING SHALL BE INFORMAL; THE RULES OF EVIDENCE
6 SHALL NOT APPLY; AND THE DECISION OF THE HEARING OFFICER
7 SHALL BE FINAL, SUBJECT TO THE RIGHT OF THE OWNER TO APPEAL
8 THE DECISION TO THE MAGISTERIAL DISTRICT JUDGE.

9 (4) IF THE OWNER REQUESTS IN WRITING THAT THE DECISION
10 OF THE HEARING OFFICER BE APPEALED TO THE MAGISTERIAL
11 DISTRICT JUDGE, THE SYSTEM ADMINISTRATOR SHALL FILE THE
12 NOTICE OF VIOLATION AND SUPPORTING DOCUMENTS WITH THE
13 MAGISTERIAL DISTRICT JUDGE, WHO SHALL HEAR AND DECIDE THE
14 MATTER DE NOVO.

15 (O) COMPENSATION TO MANUFACTURER OR VENDOR.--IF A CITY HAS
16 ESTABLISHED AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM DEPLOYED
17 AS A MEANS OF PROMOTING TRAFFIC SAFETY AND THE ENFORCEMENT OF
18 THE TRAFFIC LAWS OF THIS COMMONWEALTH OR THE CITY, THE
19 COMPENSATION PAID TO THE MANUFACTURER OR VENDOR OF THE AUTOMATED
20 RED LIGHT ENFORCEMENT SYSTEM MAY NOT BE BASED UPON THE NUMBER OF
21 TRAFFIC CITATIONS ISSUED OR A PORTION OR PERCENTAGE OF THE FINE
22 GENERATED BY THE CITATIONS. THE COMPENSATION PAID TO THE
23 MANUFACTURER OR VENDOR OF THE EQUIPMENT SHALL BE BASED UPON THE
24 VALUE OF THE EQUIPMENT AND THE SERVICES PROVIDED OR RENDERED IN
25 SUPPORT OF THE AUTOMATED RED LIGHT ENFORCEMENT SYSTEM.

26 (P) DURATION OF YELLOW LIGHT CHANGE INTERVAL.--THE DURATION
27 OF THE YELLOW LIGHT CHANGE INTERVAL AT INTERSECTIONS WHERE
28 AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS ARE IN USE SHALL CONFORM
29 TO THE YELLOW LIGHT CHANGE INTERVAL DURATION SPECIFIED ON THE
30 TRAFFIC SIGNAL PERMIT ISSUED BY THE DEPARTMENT OR CITY OF THE

1 SECOND CLASS.

2 (Q) REVENUE LIMIT.--A CITY MAY NOT COLLECT AN AMOUNT EQUAL
3 TO OR GREATER THAN 5% OF ITS ANNUAL BUDGET FROM THE COLLECTION
4 OF REVENUE FROM THE ISSUANCE AND PAYMENT OF VIOLATIONS UNDER
5 THIS SECTION.

6 (R) EXPIRATION.--THIS SECTION SHALL EXPIRE DECEMBER 31,
7 2017.

8 (S) DEFINITION.--AS USED IN THIS SECTION, THE TERM "CITY"
9 MEANS:

10 (1) A CITY OF THE THIRD CLASS WITH A MINIMUM POPULATION
11 OF 18,000, UNDER THE 2010 FEDERAL DECENNIAL CENSUS, AND A
12 FULL-TIME POLICE DEPARTMENT.

13 (2) A CITY OF THE SECOND CLASS A.

14 (3) A CITY OF THE SECOND CLASS.

15 SECTION 5.2. SECTION 6154 OF TITLE 75 IS AMENDED TO READ:
16 § 6154. Nonreciprocity of operational limitations.

17 (a) General rule.--If any other state with which the
18 department has entered into a reciprocity agreement, including
19 the International Registration Plan, imposes an operational
20 limitation, burden or prohibition upon vehicles with a base
21 jurisdiction of Pennsylvania but not upon vehicles with a base
22 jurisdiction of the other state, the Commonwealth shall impose a
23 like operational limitation, burden or prohibition upon the same
24 class of vehicles that are operating in this Commonwealth but
25 based in the other state. Operational limitations shall include
26 the maximum weight, width, length or height of a vehicle.

27 (b) Penalty.--A person who violates this section commits a
28 summary offense and shall, upon conviction, be sentenced to pay
29 a fine of not less than \$500 and not more than \$1,000 for each
30 violation.

1 ~~Section 2. This act shall take effect in 60 days.~~ ←

2 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: ←

3 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN 60
4 DAYS:

5 (I) THE AMENDMENT OF THE DEFINITION OF "EMERGENCY
6 VEHICLE" IN 75 PA.C.S. § 102.

7 (II) THE ADDITION OF 75 PA.C.S. ~~§ 1606(B)(7)~~ §§ ←
8 1607(B)(7) AND 3117.

9 (III) THE AMENDMENT OF 75 PA.C.S. ~~§ 6154~~ §§ 1332(B) ←
10 (2), 3116(D)(3)(II), (E)(3), (I)(3), (L) AND (Q) AND
11 6154.

12 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

13 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY
14 30, 2012.