
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

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
JANUARY 23, 2012

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. The definition of "emergency vehicle" in section
18 102 of Title 75 of the Pennsylvania Consolidated Statutes is
19 amended to read:

20 § 102. Definitions.

21 Subject to additional definitions contained in subsequent

1 provisions of this title which are applicable to specific
2 provisions of this title, the following words and phrases when
3 used in this title shall have, unless the context clearly
4 indicates otherwise, the meanings given to them in this section:

5 * * *

6 "Emergency vehicle." A county emergency management vehicle,
7 fire department vehicle, police vehicle, sheriff vehicle,
8 ambulance, advanced life support squad vehicle, basic life
9 support squad vehicle, blood delivery vehicle, human organ
10 delivery vehicle, hazardous material response vehicle, armed
11 forces emergency vehicle, one vehicle operated by a coroner or
12 chief county medical examiner and one vehicle operated by a
13 chief deputy coroner or deputy chief county medical examiner
14 used for answering emergency calls, a vehicle owned by or leased
15 to a regional emergency medical services council that is used as
16 authorized by the Department of Health to respond to an actual
17 or potential disaster, mass casualty situation or substantial
18 threat to public health, any vehicle owned and operated by the
19 Philadelphia Parking Authority established in accordance with 53
20 Pa.C.S. Ch. 55 (relating to parking authorities) and used in the
21 enforcement of 53 Pa.C.S. Ch. 57 (relating to taxicabs and
22 limousines in first class cities), or any other vehicle
23 designated by the State Police under section 6106 (relating to
24 designation of emergency vehicles by Pennsylvania State Police),
25 or a privately owned vehicle used in answering an emergency call
26 when used by any of the following:

27 (1) A police chief and assistant chief.

28 (2) A fire chief, assistant chief and, when a fire
29 company has three or more fire vehicles, a second or third
30 assistant chief.

1 (3) A fire police captain and fire police lieutenant.

2 (4) An ambulance corps commander and assistant
3 commander.

4 (5) A river rescue commander and assistant commander.

5 (6) A county emergency management coordinator.

6 (7) A fire marshal.

7 (8) A rescue service chief and assistant chief.

8 * * *

9 Section ~~1.1~~ 2. Sections ~~1332(b)(2)~~, 1550(a), (b)(1)(ii) and ←
10 (c) and 1572(a)(1)(ii) of Title 75 are amended to read:

11 ~~§ 1332. Display of registration plate.~~ ←

12 * * *

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

15 * * *

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

22 * * *

23 § 1550. Judicial review.

24 (a) General rule.--Any person who has been denied a driver's
25 license, whose driver's license has been canceled, whose
26 commercial driver's license designation has been removed or
27 whose operating privilege has been recalled, suspended, revoked
28 or disqualified by the department shall have the right to appeal
29 to the court vested with jurisdiction of such appeals by or
30 pursuant to Title 42 (relating to judiciary and judicial

1 procedure). The appellant shall serve a copy of the petition for
2 appeal, together with a copy of the notice of the action from
3 which the appeal has been taken, upon the department's legal
4 office.

5 (b) Supersedeas.--

6 (1) * * *

7 (ii) The filing and service of a petition for appeal
8 from denial, recall, suspension or cancellation of a
9 driver's license or from removal of the commercial driver
10 license designation under section 1503 (relating to
11 persons ineligible for licensing; license issuance to
12 minors; junior driver's license), 1504 (relating to
13 classes of licenses), 1509 (relating to qualifications
14 for school bus driver endorsement), 1514 (relating to
15 expiration and renewal of drivers' licenses), 1519
16 (relating to determination of incompetency) [or], 1572
17 (relating to cancellation of driver's license) or 1609.3
18 (relating to noncompliance with certification
19 requirements) shall not act as a supersedeas unless
20 ordered by the court after a hearing attended by the
21 petitioner.

22 * * *

23 (c) Proceedings of court.--The court shall set the matter
24 for hearing upon 60 days' written notice to the department and
25 determine whether:

26 (1) the petitioner's driver's license should be denied
27 or canceled[,];

28 (2) the petitioner's operating privilege should be
29 suspended, revoked or recalled; or

30 (3) the petitioner's endorsement or commercial driver

1 license designation should be removed.

2 * * *

3 § 1572. Cancellation of driver's license.

4 (a) General rule.--

5 (1) The department may cancel any driver's license upon
6 determining that one of the following applies:

7 * * *

8 (ii) The person failed to give the required or
9 correct information on an application or certification or
10 committed fraud in making the application or in obtaining
11 the license.

12 * * *

13 Section ~~2~~ 3. Section 1603 of Title 75 is amended by adding a ←
14 definition to read:

15 § 1603. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 * * *

20 "Medical examiner." An individual who is licensed, certified
21 or registered, in accordance with applicable statutes and
22 regulations, to perform physical examinations. The term includes
23 a doctor of medicine, an osteopath, a physician assistant, an
24 advanced practice nurse and a doctor of chiropractic.

25 * * *

26 Section ~~3~~ 4. Section 1606(b) of Title 75 is amended by ←
27 adding a paragraph to read:

28 § 1606. Requirement for commercial driver's license.

29 * * *

30 (b) Exemptions.--The following persons are not required to

1 obtain a commercial driver's license in order to drive the
2 commercial motor vehicle specified:

3 * * *

4 (7) An employee of a county emergency management
5 organization who is the holder of a Class C license and who
6 has a certificate of authorization from the head of the
7 county emergency management organization while operating any
8 emergency vehicle equipped with audible and visual signals
9 registered to the county or county emergency management
10 organization.

11 * * *

12 Section 4 5. Title 75 is amended by adding sections to read: ←
13 § 1609.1. Type of driving certification requirements.

14 (a) Self-certification requirement.--An applicant for a
15 commercial driver learner's permit or initial commercial
16 driver's license must make one of the applicable self-
17 certifications from the following:

18 (1) Nonexcepted Interstate Commerce. A certification
19 that the applicant:

20 (i) operates or expects to operate in interstate
21 commerce;

22 (ii) is subject to and meets the medical
23 qualification requirements under 49 CFR Part 391
24 (relating to qualifications of drivers and longer
25 combination vehicle (LCV) driver instructors); and

26 (iii) acknowledges the requirement to obtain a
27 medical certificate under 49 CFR § 391.45 (relating to
28 persons who must be medically examined and certified).

29 (2) Excepted Interstate Commerce. A certification that
30 the applicant operates or expects to operate in interstate

1 commerce but engages exclusively in transportation or
2 operations excepted under 49 CFR §§ 390.3(f) (relating to
3 general applicability), 391.2 (relating to general
4 exceptions), 391.68 (relating to private motor carrier of
5 passengers (nonbusiness)) or 398.3 (relating to
6 qualifications of drivers or operators) from all or parts of
7 the qualification requirements of 49 CFR Part 391, and is
8 therefore not required to obtain a medical examiner's
9 certificate under 49 CFR § 391.45.

10 (3) Nonexcepted Intrastate Commerce. A certification
11 that the applicant:

12 (i) operates in intrastate commerce;

13 (ii) is subject to and meets the medical
14 qualification requirements of 67 Pa. Code Ch. 231
15 (relating to intrastate motor carrier safety
16 requirements); and

17 (iii) acknowledges the requirement to obtain a
18 medical certificate.

19 (4) Excepted Intrastate Commerce. A certification that
20 the applicant operates in intrastate commerce, but engages
21 exclusively in transportation or operations excepted from all
22 or parts of the driver qualification requirements in 67 Pa.
23 Code Ch. 231 and is not required to obtain a medical
24 certificate.

25 (b) Existing drivers.--A holder of a commercial driver's
26 license shall submit to the department a self-certification of
27 driving which complies with subsection (a) within 30 days of
28 notice by the department.

29 § 1609.2. Medical certification.

30 (a) Requirements.--An individual who certifies that the

1 individual operates or expects to operate a commercial motor
2 vehicle in nonexcepted interstate commerce or nonexcepted
3 intrastate commerce shall provide the department with an
4 original or photographic copy of a medical examiner's
5 certificate prepared by a medical examiner. The medical
6 examiner's certificate shall be valid for up to two years from
7 the date of the medical examination.

8 (b) Maintaining certification.--A CDL holder who certifies
9 intent to operate a commercial motor vehicle in nonexcepted
10 interstate commerce or nonexcepted intrastate commerce shall
11 provide the department with an original or copy of a
12 subsequently issued medical examiner's certificate.

13 (c) Noncompliance with medical requirements.--

14 (1) This subsection applies in the following
15 circumstances:

16 (i) Upon the expiration of a medical certification
17 or a medical variance issued by the Federal Motor Carrier
18 Safety Administration or the department.

19 (ii) If the Federal Motor Carrier Safety
20 Administration notifies the department that a medical
21 variance was rescinded.

22 (2) If this subsection applies, the department shall
23 notify a nonexcepted commercial driver that the driver is no
24 longer in conformance with the medical certification
25 requirements and that the CDL designation will be removed
26 from the driver's license unless the driver:

27 (i) submits a current medical certificate or medical
28 variance; or

29 (ii) changes the self-certification to driving only
30 in excepted interstate commerce or excepted intrastate

1 commerce.

2 § 1609.3. Noncompliance with certification requirements.

3 The department shall remove the commercial driver license
4 designation from the driver's license of an individual who is
5 not in compliance with section 1609.1 (relating to type of
6 driving certification requirements) or section 1609.2 (relating
7 to medical certification).

8 Section ~~5~~ 6. Sections 1610(b)(2), ~~1611(1)~~ and 3116(d)(3) ←

9 ~~(ii), (e)(3), (i)(3), (1), 3116(L)(2) and (q) AND 6154 AND~~ ←

10 ~~1611(L)~~, 1611(L) AND 6154 of Title 75 are amended to read: ←

11 § 1610. Commercial driver's license.

12 * * *

13 (b) Classifications, endorsements and restrictions.--

14 * * *

15 (2) The following codes shall be used as required to
16 describe the commercial driver's license endorsements and
17 restrictions. Additional endorsements and restrictions may be
18 added by regulation for use on the commercial driver's
19 license:

20 A - Restricts the driver to driving under 49 CFR §
21 391.62(c) (relating to limited exemptions for
22 intracity zone drivers).

23 G - Indicates qualification under 49 CFR § 391.62(e).

24 H - Authorizes the driver to operate a vehicle
25 transporting hazardous materials.

26 L - Restricts the driver to vehicles not equipped
27 with air brakes.

28 N - Authorizes driving tank vehicles.

29 P - Authorizes driving vehicles carrying passengers.

30 Q - Requires the driver to wear corrective lenses.

1 S - Authorizes the driver to operate a school bus.

2 T - Authorizes driving double and triple trailers.

3 V - Indicates that the driver has been issued a
4 medical variance.

5 X - Represents a combination of hazardous materials
6 and tank vehicle endorsements.

7 Y - Requires the driver to wear a hearing aid.

8 * * *

9 § 1611. Disqualification.

10 * * *

11 (1) Disqualification for incomplete, incorrect or fraudulent
12 application or certification.--The department shall disqualify
13 any person from driving a commercial motor vehicle for 60 days
14 upon canceling the person's commercial driver's license pursuant
15 to section 1572(a)(1)(ii) (relating to cancellation of driver's
16 license) involving an application or certification related to
17 the requirements of this chapter.

18 * * *

19 ~~SECTION 5.1. SECTION 3116(L) (2) AND (Q) OF TITLE 75, (Q)~~ ←
20 ~~AMENDED DECEMBER 22, 2011 (P.L., NO.129), ARE AMENDED TO READ:~~
21 ~~§ 3116. Automated red light enforcement systems in first class~~
22 ~~cities.~~

23 * * *

24 ~~(d) Penalty.~~ ←

25 * * *

26 ~~(3) A fine is not authorized during:~~

27 * * *

28 ~~(ii) The first [60] 45 days for each additional~~
29 ~~intersection selected for the automated system.~~

30 * * *

1 ~~(e) Limitations.~~

2 * * *

3 ~~(3) Notwithstanding any other provision of law,~~
4 ~~information prepared under this section and information~~
5 ~~relating to violations under this section which is kept by~~
6 ~~the city of the first class, its authorized agents or its~~
7 ~~employees, including recorded images, written records,~~
8 ~~reports or facsimiles, names[,] and addresses [and the number~~
9 ~~of violations under this section], shall be for the exclusive~~
10 ~~use of the city, its authorized agents, its employees and law~~
11 ~~enforcement officials for the purpose of discharging their~~
12 ~~duties under this section and under any ordinances and~~
13 ~~resolutions of the city. The information shall not be deemed~~
14 ~~a public record under the act of [June 21, 1957 (P.L.390,~~
15 ~~No.212), referred to] February 14, 2008 (P.L.6, No.3), known~~
16 ~~as the Right to Know Law. The information shall not be~~
17 ~~discoverable by court order or otherwise, nor shall it be~~
18 ~~offered in evidence in any action or proceeding which is not~~
19 ~~directly related to a violation of this section or any~~
20 ~~ordinance or resolution of the city. The restrictions set~~
21 ~~forth in this paragraph shall not be deemed to preclude a~~
22 ~~court of competent jurisdiction from issuing an order~~
23 ~~directing that the information be provided to law enforcement~~
24 ~~officials if the information is reasonably described and is~~
25 ~~requested solely in connection with a criminal law~~
26 ~~enforcement action.~~

27 * * *

28 ~~(i) System administrator.~~

29 * * *

30 ~~(3) The system administrator shall submit an annual~~

1 ~~report to the chairman and the minority chairman of the~~
2 ~~Transportation Committee of the Senate and the chairman and~~
3 ~~minority chairman of the Transportation Committee of the~~
4 ~~House of Representatives. The report shall be considered a~~
5 ~~public record under the Right to Know Law and 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 ~~* * *~~

12 ~~(1) Payment of fine.~~

13 ~~(1) An owner to whom a notice of violation has been~~ ←
14 ~~issued may admit responsibility for the violation and pay the~~
15 ~~fine provided in the notice.~~

16 ~~* * *~~ ←

17 ~~(2) Payment must be made personally, through an~~
18 ~~authorized agent or by mailing both payment and the notice of~~
19 ~~violation to the system administrator. Payment by mail must~~
20 ~~be made only by money order, credit card or check made~~
21 ~~payable to the system administrator. The system administrator~~
22 ~~shall remit the fine, less the system administrator's~~
23 ~~operation and maintenance costs necessitated by this section,~~
24 ~~to the department for deposit into the Motor License Fund.~~

25 ~~[Fines deposited in the fund under this paragraph shall be~~ ←
26 ~~used by the department to develop, by regulation, a~~

27 ~~Transportation Enhancements Grant Program.] Except as~~ ←
28 ~~otherwise provided under paragraphs (4) and (5), the~~
29 ~~department shall use the fines deposited in the fund under~~
30 ~~this paragraph as prescribed under 67 Pa. Code Ch. 233~~

~~1 (relating to transportation enhancement grants from automated
2 red light enforcement system revenues).~~

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

~~5 (4) Distribution of fine revenue under paragraph (2)
6 shall be as follows:~~

~~7 (i) Fifty percent of the revenue generated through
8 an automated red light enforcement program under this
9 section shall be used exclusively for funding of
10 transportation enhancement grants in the city in which
11 the violation was prosecuted as provided under 67 Pa.
12 Code § 233.8(g)(1) (relating to grant selection process
13 and criteria).~~

~~14 (ii) Fifty percent of the revenues generated through
15 the automated red light enforcement program shall be
16 available for funding of transportation enhancement
17 grants to eligible sponsors throughout this Commonwealth
18 as provided under 67 Pa. Code § 233.8(g)(2) except that a
19 city of the first class, second class or second class A
20 that implements the automated red light enforcement
21 program shall be ineligible to receive grants under 67-
22 Pa. Code Ch. 233. This subparagraph shall not apply to
23 any grants expended or committed prior to the effective
24 date of this subparagraph.~~

~~25 (5) The department is allocated 2% of all automated red
26 light enforcement revenues transferred to the Motor License
27 Fund under this subsection for its costs in administering
28 transportation enhancement grants.~~

~~29 * * *~~

~~30 THE DEPARTMENT SHALL AWARD TRANSPORTATION ENHANCEMENT GRANTS~~ ←

~~ON A COMPETITIVE BASIS. THE DEPARTMENT MAY NOT RESERVE,
DESIGNATE OR SET ASIDE ANY SPECIFIC LEVEL OF FUNDS OR
PERCENTAGE OF FUNDS TO AN APPLICANT PRIOR TO THE COMPLETION
OF THE APPLICATION PROCESS; NOR MAY THE DEPARTMENT DESIGNATE
A SET PERCENTAGE OF FUNDS TO AN APPLICANT.~~

~~* * *~~

~~(q) Expiration. This section shall expire December 31,
{2011} 2017 [JUNE 30, 2012] DECEMBER 31, 2016.~~

~~Section 5.1. Title 75 is amended by adding a section to
read:~~

~~§ 3117. Automated red light enforcement systems in certain
cities.~~

~~(a) General rule. A city, upon passage of an ordinance, is
authorized to enforce section 3112(a)(3) (relating to traffic
control signals) by recording violations using an automated red
light enforcement system approved by the department.~~

~~(b) Applicability.~~

~~(1) This section shall only be applicable at
intersections in a city designated by the system
administrator in consultation with the secretary under the
requirements of paragraph (2).~~

~~(2) No automated red light system shall be installed
until the system administrator provides notice to the
department of the location of each intersection. After
receiving notice and before the system may be installed, the
department shall have 60 days to review each proposed
intersection and to issue a recommendation to the system
administrator which shall include all of the following:~~

~~(i) A statement on whether the proposed intersection
is an appropriate location for an automated red light~~



1 ~~enforcement system.~~

2 ~~(ii) The data on which the department based the~~
3 ~~recommendation.~~

4 ~~(iii) The location of an alternative intersection in~~
5 ~~the city that the department determines is appropriate~~
6 ~~for an automated red light enforcement system.~~

7 ~~(3) If the department does not issue a recommendation to~~
8 ~~the system administrator within 60 days, the department shall~~
9 ~~be deemed to recommend the intersection proposed by the~~
10 ~~system administrator as an appropriate location.~~

11 ~~(4) For each instance the system administrator~~
12 ~~determines not to follow the recommendation of the department~~
13 ~~issued under paragraph (2), the system administrator shall~~
14 ~~provide the following in the annual report required under~~
15 ~~subsection (j) (3):~~

16 ~~(i) A copy of the department's recommendation.~~

17 ~~(ii) A statement explaining the reasons for the~~
18 ~~system administrator's decision.~~

19 ~~(iii) The data the system administrator relied upon~~
20 ~~in making the decision.~~

21 ~~(c) Owner liability. For each violation under this section,~~
22 ~~the owner of the vehicle shall be liable for the penalty imposed~~
23 ~~unless the owner is convicted of the same violation under~~
24 ~~another section of this title or has a defense under subsection~~
25 ~~(g).~~

26 ~~(d) Certificate as evidence. A certificate, or a facsimile~~
27 ~~of a certificate, based upon inspection of recorded images~~
28 ~~produced by an automated red light enforcement system and sworn~~
29 ~~to or affirmed by a police officer employed by the city shall be~~
30 ~~prima facie evidence of the facts contained in it. The city must~~

1 ~~include written documentation that the automated red light~~
2 ~~enforcement system was operating correctly at the time of the~~
3 ~~alleged violation. A recorded image evidencing a violation of~~
4 ~~section 3112(a)(3) shall be admissible in any judicial or~~
5 ~~administrative proceeding to adjudicate the liability for the~~
6 ~~violation.~~

7 ~~(c) Penalty.~~

8 ~~(1) The penalty for a violation under subsection (a)~~
9 ~~shall be a fine of \$100 unless a lesser amount is set by~~
10 ~~ordinance.~~

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

13 ~~(i) The intersection is being manually controlled.~~

14 ~~(ii) The signal is in the mode described in section~~
15 ~~3114 (relating to flashing signals).~~

16 ~~(3) A fine is not authorized during any of the~~
17 ~~following:~~

18 ~~(i) The first 60 days of operation of the automated~~
19 ~~system at the initial intersection.~~

20 ~~(ii) The first 45 days for each additional~~
21 ~~intersection selected for the automated system.~~

22 ~~(4) A warning may be sent to the violator under~~
23 ~~paragraph (3).~~

24 ~~(5) A penalty imposed under this section shall not be~~
25 ~~deemed a criminal conviction and shall not be made part of~~
26 ~~the operating record under section 1535 (relating to schedule~~
27 ~~of convictions and points) of the individual upon whom the~~
28 ~~penalty is imposed, nor may the imposition of the penalty be~~
29 ~~subject to merit rating for insurance purposes.~~

30 ~~(6) No surcharge points may be imposed in the provision~~

~~of motor vehicle insurance coverage. Fines collected under
this section 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.).
(f) Limitations.~~

~~(1) No automated red light enforcement system shall be
utilized in such a manner as to take a frontal view recorded
image of the vehicle as evidence of having committed a
violation.~~

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

~~(3) Notwithstanding any other provision of law,
information prepared under this section and information
relating to violations under this section which is kept by
the city, its authorized agents or employees, including
recorded images, written records, reports or facsimiles,
names and addresses, shall be for the exclusive use of the
city, its authorized agents, its employees and law~~

~~enforcement officials for the purpose of discharging their
duties under this section and under any ordinances and
resolutions of the city. The information shall not be deemed
a public record under the act of February 14, 2008 (P.L.6,
No.3), known as the Right to Know Law. The information shall
not be discoverable by court order or otherwise, nor shall it
be offered in evidence in any action or proceeding which is
not directly related to a violation of this section or any
ordinance or resolution of the city. The restrictions set
forth under this paragraph shall not be deemed to preclude a
court of competent jurisdiction from issuing an order
directing that the information be provided to law enforcement
officials if the information is reasonably described and is
requested solely in connection with a criminal law
enforcement action.~~

~~(4) Recorded images obtained through the use of
automated red light enforcement systems deployed as a means
of promoting traffic safety in a city shall be destroyed at
the end of the 30 days following the final disposition of any
recorded event. The city shall file notice with the
Department of State that the records have been destroyed in
accordance with this section.~~

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

~~(g) Defenses.~~

1 ~~(1) It shall be a defense to a violation under this~~
2 ~~section that the person named in the notice of the violation~~
3 ~~was not operating the vehicle at the time of the violation.~~
4 ~~The owner may be required to submit evidence that the owner~~
5 ~~was not the driver at the time of the alleged violation. The~~
6 ~~city may not require the owner of the vehicle to disclose the~~
7 ~~identity of the operator of the vehicle at the time of the~~
8 ~~violation.~~

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

16 ~~(3) It shall be a defense to a violation under this~~
17 ~~section that the person receiving the notice of violation was~~
18 ~~not the owner of the vehicle at the time of the offense.~~

19 ~~(h) Department approval. No automated red light enforcement~~
20 ~~system may be used without the approval of the department, which~~
21 ~~shall have the authority to promulgate regulations for the~~
22 ~~certification and use of such systems.~~

23 ~~(i) Duty of city. If a city elects to implement this~~
24 ~~section, the following provisions shall apply:~~

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

1 ~~(2) The city or its designee shall serve as the system~~
2 ~~administrator to supervise and coordinate the administration~~
3 ~~of notices of violations issued under this section.~~

4 ~~(3) The following apply:~~

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

14 ~~(A) A copy of the recorded image showing the~~
15 ~~vehicle.~~

16 ~~(B) The registration number and state of~~
17 ~~issuance of the vehicle registration.~~

18 ~~(C) The date, time and place of the alleged~~
19 ~~violation.~~

20 ~~(D) Notice that the violation charged is under~~
21 ~~section 3112(a) (3).~~

22 ~~(E) Instructions for return of the notice of~~
23 ~~violation.~~

24 ~~(ii) The text of the notice must be as follows:~~

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

29 ~~(j) 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 issued~~
4 ~~under this section.~~

5 ~~(3) The system administrator shall submit an annual~~
6 ~~report 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 be considered a~~
10 ~~public record under the Right to Know Law, and include for~~
11 ~~the prior year:~~

12 ~~(i) The number of violations and fines issued.~~

13 ~~(ii) A compilation of fines paid and outstanding.~~

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

16 ~~(k) Notice to owner. In the case of a violation involving a~~
17 ~~motor vehicle registered under the laws of this Commonwealth,~~
18 ~~the notice of violation must be mailed within 30 days after the~~
19 ~~commission of the violation or within 30 days after the~~
20 ~~discovery of the identity of the registered owner, whichever is~~
21 ~~later, to the address of the registered owner as listed in the~~
22 ~~records of the department. In the case of motor vehicles~~
23 ~~registered in jurisdictions other than this Commonwealth, the~~
24 ~~notice of violation must be mailed within 30 days after the~~
25 ~~discovery of the identity of the registered owner to the address~~
26 ~~of the registered owner as listed in the records of the official~~
27 ~~in the jurisdiction having charge of the registration of the~~
28 ~~vehicle. A notice of violation under this section must be~~
29 ~~provided to an owner within 90 days of the commission of the~~
30 ~~offense.~~

~~(l) Mailing of notice and records. Notice of violation must be sent by first class mail. A manual or automatic record of mailing prepared by the system administrator in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in any judicial or administrative proceeding as to the facts contained in it.~~

~~(m) Payment of fine.~~

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

~~(2) Payment must be made personally, through an authorized agent or by mailing both payment and the notice of violation to the system administrator. Payment by mail must be made only by money order, credit card or check made payable to the system administrator. The system administrator shall remit the fine, less the system administrator's operation and maintenance costs necessitated under this section, to the department for deposit into the Motor License Fund. Except as otherwise provided in paragraphs (4) and (5), the department shall use the fines deposited in the fund under this paragraph as prescribed under 67 Pa. Code Ch. 233 (relating to transportation enhancement grants from authorized red light enforcement system revenues).~~

~~(2.1) Notwithstanding the provisions of paragraph (2), transportation enhancement grants awarded for projects in a city of the second class shall be limited to the following and in the following order of preference:~~

~~(i) safety improvements for intersections within the city at which red light camera enforcement is installed;~~

~~(ii) safety improvements for intersections located~~

1 ~~within the city; or~~

2 ~~(iii) actual construction, maintenance and repair of~~
3 ~~streets, roadways and highways.~~

4 ~~(3) Payment of the established fine and applicable~~
5 ~~penalties shall operate as a final disposition of the case.~~

6 ~~(4) Distribution of fine revenue under paragraph (2)~~
7 ~~shall be as follows:~~

8 ~~(i) Fifty percent of the grant revenues generated~~
9 ~~through an automated red light enforcement program under~~
10 ~~this section shall be used exclusively for funding of~~
11 ~~transportation enhancement grants in the city in which~~
12 ~~the violation was prosecuted as provided in 67 Pa. Code §~~
13 ~~233.8(g)(1) (relating to grant selection process and~~
14 ~~criteria).~~

15 ~~(ii) Fifty percent of the grant revenues generated~~
16 ~~through the automated red light enforcement program shall~~
17 ~~be available for funding of transportation enhancement~~
18 ~~grants to eligible sponsors throughout this Commonwealth~~
19 ~~as provided under 67 Pa. Code § 233.8(g)(2) except that a~~
20 ~~city of the first class, second class or second class A~~
21 ~~that implements the automated red light enforcement~~
22 ~~program shall be ineligible to receive grants under 67~~
23 ~~Pa. Code Ch. 233. This subparagraph shall not apply to~~
24 ~~any grants expended or committed prior to the effective~~
25 ~~date of this subparagraph.~~

26 ~~(5) The department is allocated 2% of all automated red~~
27 ~~light enforcement revenues transferred to the Motor License~~
28 ~~Fund under this subsection for its costs in administering~~
29 ~~transportation enhancement grants.~~

30 ~~(n) Hearing.~~

1 ~~(1) An owner to whom a notice of violation has been~~
2 ~~issued may, within 30 days of the mailing of the notice,~~
3 ~~request a hearing to contest the liability alleged in the~~
4 ~~notice. A hearing request must be made by appearing before~~
5 ~~the system administrator during regular office hours either~~
6 ~~personally or by an authorized agent or by mailing a request~~
7 ~~in writing.~~

8 ~~(2) Upon receipt of a hearing request, the system~~
9 ~~administrator shall in a timely manner schedule the matter~~
10 ~~before a hearing officer. The hearing officer shall be~~
11 ~~designated by the city. Written notice of the date, time and~~
12 ~~place of hearing must be sent by first class mail to the~~
13 ~~owner.~~

14 ~~(3) The hearing shall be informal; the rules of evidence~~
15 ~~shall not apply; and the decision of the hearing officer~~
16 ~~shall be final, subject to the right of the owner to appeal~~
17 ~~the decision to the magisterial district judge.~~

18 ~~(4) If the owner requests in writing that the decision~~
19 ~~of the hearing officer be appealed to the magisterial~~
20 ~~district judge, the system administrator shall file the~~
21 ~~notice of violation and supporting documents with the~~
22 ~~magisterial district judge, who shall hear and decide the~~
23 ~~matter de novo.~~

24 ~~(e) Compensation to manufacturer or vendor. If a city has~~
25 ~~established an automated red light enforcement system deployed~~
26 ~~as a means of promoting traffic safety and the enforcement of~~
27 ~~the traffic laws of this Commonwealth or the city, the~~
28 ~~compensation paid to the manufacturer or vendor of the automated~~
29 ~~red light enforcement system may not be based upon the number of~~
30 ~~traffic citations issued or a portion or percentage of the fine~~

1 ~~generated by the citations. The compensation paid to the~~
2 ~~manufacturer or vendor of the equipment shall be based upon the~~
3 ~~value of the equipment and the services provided or rendered in~~
4 ~~support of the automated red light enforcement system.~~

5 ~~(p) Duration of yellow light change interval. The duration~~
6 ~~of the yellow light change interval at intersections where~~
7 ~~automated red light enforcement systems are in use shall conform~~
8 ~~to the yellow light change interval duration specified on the~~
9 ~~traffic signal permit issued by the department or city of the~~
10 ~~second class.~~

11 ~~(g) Revenue limit. A city may not collect an amount equal~~
12 ~~to or greater than 5% of its annual budget from the collection~~
13 ~~of revenue from the issuance and payment of violations under~~
14 ~~this section.~~

15 ~~(r) Expiration. This section shall expire December 31,~~
16 ~~2017.~~

17 ~~(s) Definition. As used in this section, the term "city"~~
18 ~~means:~~

19 ~~(1) A city of the third class with a minimum population~~
20 ~~of 18,000, under the 2010 Federal decennial census, and a~~
21 ~~full time police department.~~

22 ~~(2) A city of the second class A.~~

23 ~~(3) A city of the second class.~~

24 Section 5.2. Section 6154 of Title 75 is amended to read: ←

25 § 6154. Nonreciprocity of operational limitations.

26 (a) General rule.--If any other state with which the
27 department has entered into a reciprocity agreement, including
28 the International Registration Plan, imposes an operational
29 limitation, burden or prohibition upon vehicles with a base
30 jurisdiction of Pennsylvania but not upon vehicles with a base

1 jurisdiction of the other state, the Commonwealth shall impose a
2 like operational limitation, burden or prohibition upon the same
3 class of vehicles that are operating in this Commonwealth but
4 based in the other state. Operational limitations shall include
5 the maximum weight, width, length or height of a vehicle.

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

10 Section 6 7. This act shall take effect as follows: ←

11 (1) The following provisions shall take effect in 60
12 days:

13 (i) The amendment of the definition of "emergency
14 vehicle" in 75 Pa.C.S. § 102.

15 (ii) The addition of 75 Pa.C.S. ~~§§ 1607(b)(7) and~~ ←
16 ~~3117 § 1606(B)(7).~~ ←

17 (iii) The amendment of 75 Pa.C.S. ~~§§ 1332(b)(2),~~ ←
18 ~~3116(d)(3)(ii), (e)(3), (i)(3) and (1) 3116(L)(2) and §~~ ←
19 ~~6154.~~

20 ~~(2) The following provisions shall take effect~~ ←
21 ~~immediately:~~

22 ~~(i) The amendment of 75 Pa.C.S. § 3116(q).~~

23 ~~(ii) This section.~~

24 ~~(3) The remainder of this act shall take effect January~~
25 ~~30, 2012.~~

26 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT ←
27 IMMEDIATELY.