

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1803 Session of 2011

INTRODUCED BY CALTAGIRONE, CREIGHTON, DONATUCCI, GEIST, GILLESPIE, GODSHALL, MAHONEY, MURT, STURLA, SWANGER AND YOUNGBLOOD, AUGUST 10, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 6, 2012

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing FOR AUTOMATED RED LIGHT
3 ENFORCEMENT SYSTEMS IN FIRST CLASS CITIES AND for specific
4 powers of department and local authorities. ←

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

7 Section 1. Section 6109(h) of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended to read: ←

9 SECTION 1. SECTION 3116(E) (3), (F), (I) (3), (L) AND (Q) OF ←
10 TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED
11 DECEMBER 22, 2011 (P.L.596, NO.129), ARE AMENDED TO READ:

12 § 3116. AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS
13 CITIES.

14 \* \* \*

15 (E) LIMITATIONS.--

16 \* \* \*

17 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
18 INFORMATION PREPARED UNDER THIS SECTION AND INFORMATION

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

23 \* \* \*

24 (F) DEFENSES.--

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

1 VEHICLE TO DISCLOSE THE IDENTITY OF THE OPERATOR OF THE  
2 VEHICLE AT THE TIME OF THE VIOLATION.

3 (2) IF AN OWNER RECEIVES A NOTICE OF VIOLATION PURSUANT  
4 TO THIS SECTION OF A TIME PERIOD DURING WHICH THE VEHICLE WAS  
5 REPORTED TO A POLICE DEPARTMENT OF ANY STATE OR MUNICIPALITY  
6 AS HAVING BEEN STOLEN, IT SHALL BE A DEFENSE TO A VIOLATION  
7 PURSUANT TO THIS SECTION THAT THE VEHICLE HAS BEEN REPORTED  
8 TO A POLICE DEPARTMENT AS STOLEN PRIOR TO THE TIME THE  
9 VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED PRIOR TO THAT  
10 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 (4) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS  
15 SECTION THAT THE PERSON RECEIVING THE NOTICE OF VIOLATION WAS  
16 DRIVING A BUS WITH PASSENGERS ON BOARD AT THE TIME OF THE  
17 VIOLATION AND THAT A SUDDEN STOP COULD HAVE INJURED THOSE  
18 PASSENGERS.

19 \* \* \*

20 (I) SYSTEM ADMINISTRATOR.--

21 \* \* \*

22 (3) THE SYSTEM ADMINISTRATOR SHALL SUBMIT AN ANNUAL  
23 REPORT TO THE CHAIRMAN AND THE MINORITY CHAIRMAN OF THE  
24 TRANSPORTATION COMMITTEE OF THE SENATE AND THE CHAIRMAN AND  
25 MINORITY CHAIRMAN OF THE TRANSPORTATION COMMITTEE OF THE  
26 HOUSE OF REPRESENTATIVES. THE REPORT SHALL BE CONSIDERED A  
27 PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW AND INCLUDE FOR THE  
28 PRIOR YEAR:

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

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

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

3 \* \* \*

4 (L) PAYMENT OF FINE.--

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

8 (2) PAYMENT MUST BE MADE PERSONALLY, THROUGH AN  
9 AUTHORIZED AGENT OR BY MAILING BOTH PAYMENT AND THE NOTICE OF  
10 VIOLATION TO THE SYSTEM ADMINISTRATOR. PAYMENT BY MAIL MUST  
11 BE MADE ONLY BY MONEY ORDER, CREDIT CARD OR CHECK MADE  
12 PAYABLE TO THE SYSTEM ADMINISTRATOR. THE SYSTEM ADMINISTRATOR  
13 SHALL REMIT THE FINE, LESS THE SYSTEM ADMINISTRATOR'S  
14 OPERATION AND MAINTENANCE COSTS NECESSITATED BY THIS SECTION,  
15 TO THE DEPARTMENT FOR DEPOSIT INTO THE MOTOR LICENSE FUND.  
16 FINES DEPOSITED IN THE FUND UNDER THIS PARAGRAPH SHALL BE  
17 USED BY THE DEPARTMENT TO DEVELOP, BY REGULATION, A  
18 TRANSPORTATION ENHANCEMENTS GRANT PROGRAM. THE DEPARTMENT  
19 SHALL AWARD TRANSPORTATION ENHANCEMENT GRANTS ON A  
20 COMPETITIVE BASIS. THE DEPARTMENT MAY PAY ANY ACTUAL  
21 ADMINISTRATIVE COSTS ARISING FROM ITS ADMINISTRATION OF THIS  
22 SECTION. THE DEPARTMENT MAY NOT RESERVE, DESIGNATE OR SET  
23 ASIDE ANY SPECIFIC LEVEL OF FUNDS OR PERCENTAGE OF FUNDS TO  
24 AN APPLICANT PRIOR TO THE COMPLETION OF THE APPLICATION  
25 PROCESS, NOR MAY THE DEPARTMENT DESIGNATE A SET PERCENTAGE OF  
26 FUNDS TO AN APPLICANT. GRANTS SHALL BE AWARDED BY THE  
27 DEPARTMENT ON RECOMMENDATION OF A SELECTION COMMITTEE  
28 CONSISTING OF FOUR REPRESENTATIVES OF THE DEPARTMENT  
29 APPOINTED BY THE SECRETARY AND FOUR MEMBERS APPOINTED BY THE  
30 MAYOR OF THE CITY OF THE FIRST CLASS.

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

3 \* \* \*

4 (Q) EXPIRATION.--THIS SECTION SHALL EXPIRE [JUNE 30, 2012]  
5 DECEMBER 31, 2016.

6 SECTION 2. SECTION 6109(A) (1), (F) AND (H) OF TITLE 75 ARE  
7 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO  
8 READ:

9 § 6109. Specific powers of department and local authorities.

10 \* \* \*

11 (A) ENUMERATION OF POLICE POWERS.--THE PROVISIONS OF THIS  
12 TITLE SHALL NOT BE DEEMED TO PREVENT THE DEPARTMENT ON STATE-  
13 DESIGNATED HIGHWAYS AND LOCAL AUTHORITIES ON STREETS OR HIGHWAYS  
14 WITHIN THEIR PHYSICAL BOUNDARIES FROM THE REASONABLE EXERCISE OF  
15 THEIR POLICE POWERS. THE FOLLOWING ARE PRESUMED TO BE REASONABLE  
16 EXERCISES OF POLICE POWER:

17 (1) EXCEPT AS LIMITED BY [SUBSECTION] SUBSECTIONS (G)  
18 AND (H), REGULATING OR PROHIBITING STOPPING, STANDING OR  
19 PARKING.

20 \* \* \*

21 (F) DELEGATION OF POWERS AUTHORIZED.--EXCEPT AS SET FORTH IN  
22 [SUBSECTION] SUBSECTIONS (G) AND (H), NOTHING CONTAINED IN THIS  
23 SECTION SHALL BE DEEMED TO PREVENT LOCAL AUTHORITIES BY  
24 ORDINANCE OR RESOLUTION OF THE LOCAL GOVERNING BODY FROM  
25 DELEGATING THEIR POWERS UNDER SUBSECTION (A) (1) OR (22) TO A  
26 PARKING AUTHORITY ESTABLISHED PURSUANT TO 53 PA.C.S. CH. 55  
27 (RELATING TO PARKING AUTHORITIES).

28 (G) DELEGATION OF POWERS IN CITIES OF THE FIRST CLASS.--

29 (1) NOTWITHSTANDING ANY CONTRARY PROVISION OF 53 PA.C.S.  
30 CH. 55 OR THIS TITLE, BEGINNING ON MARCH 31, 2014, THE

1 PARKING AUTHORITY OF A CITY OF THE FIRST CLASS SHALL ENFORCE  
2 AND ADMINISTER THE SYSTEM OF ON-STREET PARKING REGULATION IN  
3 A CITY OF THE FIRST CLASS ON BEHALF OF THE CITY. THE SYSTEM  
4 OF ON-STREET PARKING REGULATION SHALL INCLUDE ALL ORDINANCES  
5 AND RESOLUTIONS ENACTED OR ADOPTED BY THE CITY OF THE FIRST  
6 CLASS PURSUANT TO THE POWERS SPECIFIED UNDER SUBSECTION (A)  
7 (1) AND THOSE CERTAIN STOPPING, STANDING AND PARKING  
8 PROVISIONS PROVIDED IN SECTIONS 3351 (RELATING TO STOPPING,  
9 STANDING AND PARKING OUTSIDE BUSINESS AND RESIDENCE  
10 DISTRICTS), 3353 (RELATING TO PROHIBITIONS IN SPECIFIED  
11 PLACES) AND 3354 (RELATING TO ADDITIONAL PARKING  
12 REGULATIONS).

13 (2) ANY REVENUES GENERATED PURSUANT TO THE SYSTEM OF ON-  
14 STREET PARKING REGULATION AUTHORIZED BY THIS SUBSECTION SHALL  
15 BE COLLECTED BY THE AUTHORITY ON BEHALF OF THE CITY OF THE  
16 FIRST CLASS AND DISBURSED AS PROVIDED IN THIS PARAGRAPH,  
17 SUBJECT TO ADJUSTMENT UNDER PARAGRAPH (3). BEGINNING WITH ITS  
18 FISCAL YEAR ENDING IN 2015, UPON THE CONCLUSION OF EACH OF  
19 ITS FISCAL YEARS, THE AUTHORITY SHALL TRANSFER THE REVENUES  
20 OF THE SYSTEM OF ON-STREET PARKING REGULATION NET OF THE  
21 OPERATING AND ADMINISTRATIVE EXPENSES OF THE SYSTEM OF ON-  
22 STREET PARKING REGULATION AS FOLLOWS:

23 (I) UP TO \$35,000,000 IN THE AGGREGATE AFTER TAKING  
24 INTO ACCOUNT ANY MONTHLY REMITTANCES TO THE CITY IN WHICH  
25 IT IS LOCATED.

26 (II) IN THE EVENT THE NET ANNUAL REVENUE OF THE  
27 SYSTEM OF ON-STREET PARKING REGULATION EXCEEDS  
28 \$35,000,000, THE AUTHORITY SHALL TRANSFER ALL OF THE  
29 EXCESS TO THE GENERAL FUND OF A SCHOOL DISTRICT OF THE  
30 FIRST CLASS COTERMINOUS WITH THE CITY.

1           (3) THE AMOUNT SET FORTH IN PARAGRAPH (2) (I) SHALL BE  
2 ADJUSTED EACH FISCAL YEAR BEGINNING WITH THE FISCAL YEAR  
3 ENDING IN 2014 BY INCREASING THE \$35,000,000 AGGREGATE AMOUNT  
4 BY AN AMOUNT EQUAL TO \$35,000,000 MULTIPLIED BY THE  
5 PERCENTAGE INCREASE, IF ANY, IN THE GROSS REVENUE GENERATED  
6 BY THE SYSTEM OF ON-STREET PARKING REGULATION. NO ADJUSTMENT  
7 SHALL BE MADE IF THE GROSS REVENUE GENERATED BY THE SYSTEM OF  
8 ON-STREET PARKING REGULATION DID NOT INCREASE OVER THE PRIOR  
9 FISCAL YEAR.

10           (4) THE PROVISIONS OF SECTION 696(H) (1) OF THE ACT OF  
11 MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL  
12 CODE OF 1949, SHALL NOT APPLY TO AMOUNTS TRANSFERRED TO A  
13 SCHOOL DISTRICT OF THE FIRST CLASS UNDER THIS SUBSECTION. ANY  
14 PORTION OF THE EXCESS NET REVENUE OF THE SYSTEM OF ON-STREET  
15 PARKING REGULATION NOT TRANSFERRED TO A SCHOOL DISTRICT OF  
16 THE FIRST CLASS MUST BE TRANSFERRED TO THE CITY OF THE FIRST  
17 CLASS IN WHICH THE AUTHORITY IS LOCATED.

18           (5) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND  
19 PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
20 PARAGRAPH:

21           "ADMINISTER." TO PROVIDE ANY SERVICES OR MATERIALS  
22 NECESSARY TO ENFORCE ANY ORDINANCE OR RESOLUTION ENACTED IN  
23 ORDER TO REGULATE OR PROHIBIT THE STOPPING, STANDING OR  
24 PARKING OF MOTOR VEHICLES IN A CITY OF THE FIRST CLASS OR  
25 THOSE CERTAIN STOPPING, STANDING AND PARKING PROVISIONS  
26 PROVIDED IN SECTIONS 3351, 3353 AND 3354, INCLUDING, BUT NOT  
27 LIMITED TO:

28           (I) THE INSTALLATION AND MAINTENANCE OF ALL  
29 EQUIPMENT, INCLUDING PARKING METERS, ON AND ALONG  
30 HIGHWAYS, STREETS AND ROADWAYS.

1           (II) THE INSTALLATION AND MAINTENANCE OF ALL  
2           SIGNAGE, INCLUDING SIGNAGE FOR HANDICAPPED PARKING,  
3           RESIDENTIAL PERMIT PARKING AND LOADING AREAS, ON AND  
4           ALONG HIGHWAYS, STREETS AND ROADWAYS.

5           (III) THE OPERATION AND MANAGEMENT OF ANY  
6           HANDICAPPED PARKING, RESIDENTIAL PARKING AND LOADING AREA  
7           PERMIT PROGRAMS.

8           "ENFORCE." THE ISSUANCE OF PARKING VIOLATION NOTICES OR  
9           CITATIONS, THE IMMOBILIZATION, TOWING AND IMPOUNDMENT OF  
10           MOTOR VEHICLES AND THE COLLECTION OF FINES, PENALTIES, COSTS  
11           AND FEES, INCLUDING INDEPENDENT COLLECTION AGENCY FEES, FOR  
12           VIOLATIONS OF ANY ORDINANCE OR RESOLUTION ENACTED IN ORDER TO  
13           REGULATE OR PROHIBIT THE STOPPING, STANDING OR PARKING OF  
14           MOTOR VEHICLES IN A CITY OF THE FIRST CLASS AND THOSE CERTAIN  
15           STOPPING, STANDING AND PARKING PROVISIONS PROVIDED IN THIS  
16           SECTION AND SECTIONS 3351, 3353 AND 3354.

17           (h) Delegation of powers in cities of the second and third  
18 class.--

19           (1) Notwithstanding any contrary provision of 53 Pa.C.S.  
20 Ch. 55 or this title, beginning on January 1, 2005, the  
21 parking authority of a city of the second class shall enforce  
22 and administer all ordinances and resolutions enacted or  
23 adopted by the city of the second class pursuant to the  
24 powers specified under subsection (a)(1) and those certain  
25 stopping, standing and parking provisions provided in  
26 sections 3351 (relating to stopping, standing and parking  
27 outside [of] business and residence districts), 3353  
28 (relating to prohibitions in specified places) and 3354  
29 (relating to additional parking regulations).

30           (1.1) Notwithstanding a provision of 53 Pa.C.S. Ch. 55



1 or this title to the contrary, beginning on January 1, 2012,  
2 the parking authority of a city of the third class may  
3 enforce and administer ordinances and resolutions enacted or  
4 adopted by the city of the third class under the powers  
5 specified under subsection (a)(1) and those certain stopping,  
6 standing and parking provisions provided in sections 3351,  
7 3353 and 3354.

8 (2) Beginning on March 1, 2005, the parking authority of  
9 a city of the second class shall enter into an agreement with  
10 the city of the second class for the transfer of a portion of  
11 the fines, penalties and costs collected pursuant to this  
12 subsection, which the parking authority board deems  
13 reasonable, to the city of the second class.

14 (2.1) Beginning on March 1, 2012, the parking authority  
15 of a city of the third class may enter into an agreement with  
16 the city of the third class for the transfer of a portion of  
17 the fines, penalties and costs collected under this  
18 subsection, which the parking authority board deems  
19 reasonable, to the city of the third class.

20 (3) As used in this subsection, the following words and  
21 phrases shall have the meanings given to them in this  
22 paragraph:

23 "Administer." To provide any services or materials  
24 necessary to enforce any ordinance or resolution enacted in  
25 order to regulate or prohibit the stopping, standing or  
26 parking of motor vehicles in a city of the second class or  
27 those certain stopping, standing and parking provisions  
28 provided in sections 3351, 3353 and 3354, including, but not  
29 limited to:

30 (i) The installation and maintenance of all

1 equipment, including parking meters, on and along  
2 highways, streets and roadways.

3 (ii) The installation and maintenance of all  
4 signage, including signage for handicapped parking,  
5 residential permit parking and loading areas, on and  
6 along highways, streets and roadways.

7 (iii) The operation and management of any  
8 handicapped parking, residential parking and loading area  
9 permit programs.

10 (iv) The adjudication of all disputed parking  
11 violation notices or citations issued through enforcement  
12 by the parking authority in a city of the second class.

13 "Enforce." The issuance of parking violation notices or  
14 citations, the immobilization, towing and impoundment of  
15 motor vehicles and the collection of fines, penalties and  
16 costs, including independent collection agency fees, for  
17 violations of any ordinance or resolution enacted in order to  
18 regulate or prohibit the stopping, standing or parking of  
19 motor vehicles in a city of the second class and those  
20 certain stopping, standing and parking provisions provided in  
21 sections 3351, 3353 and 3354.

22 Section 2 3. This act shall take effect in 60 days. ←