

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 1803** Session of  
2011

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

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 11, 2012

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## 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 3116(e)(3), (f), (i)(3), (l) and (q) of  
8 Title 75 of the Pennsylvania Consolidated Statutes, amended  
9 December 22, 2011 (P.L.596, No.129), are amended to read:

10 § 3116. Automated red light enforcement systems in first class  
11 cities.

12 \* \* \*

13 (e) Limitations.--

14 \* \* \*

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 of the first class, its authorized agents or its

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

21 \* \* \*

22 (f) Defenses.--

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

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

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

12           (4) It shall be a defense to a violation under this  
13 section that the person receiving the notice of violation was  
14 driving a bus with passengers on board at the time of the  
15 violation and that a sudden stop could have injured those  
16 passengers.

17 \* \* \*

18 (i) System administrator.--

19 \* \* \*

20           (3) The system administrator shall submit an annual  
21 report to the chairman and the minority chairman of the  
22 Transportation Committee of the Senate and the chairman and  
23 minority chairman of the Transportation Committee of the  
24 House of Representatives. The report shall be considered a  
25 public record under the Right-to-Know Law and include for the  
26 prior year:

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

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

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

1 \* \* \*

2 (1) Payment of fine.--

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

6 (2) Payment must be made personally, through an  
7 authorized agent or by mailing both payment and the notice of  
8 violation to the system administrator. Payment by mail must  
9 be made only by money order, credit card or check made  
10 payable to the system administrator. The system administrator  
11 shall remit the fine, less the system administrator's  
12 operation and maintenance costs necessitated by this section,  
13 to the department for deposit into the Motor License Fund.  
14 Fines deposited in the fund under this paragraph shall be  
15 used by the department to develop, by regulation, a  
16 Transportation Enhancements Grant Program. The department  
17 shall award transportation enhancement grants on a  
18 competitive basis. The department may pay any actual  
19 administrative costs arising from its administration of this  
20 section. The department may not reserve, designate or set  
21 aside any specific level of funds or percentage of funds to  
22 an applicant prior to the completion of the application  
23 process, nor may the department designate a set percentage of  
24 funds to an applicant. Grants shall be awarded by the  
25 department on recommendation of a selection committee  
26 consisting of four representatives of the department  
27 appointed by the secretary and four members appointed by the  
28 mayor of the city of the first class.

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

1 \* \* \*

2 (g) Expiration.--This section shall expire [June 30, 2012]  
3 December 31, 2016.

4 Section 2. Section 6109(a)(1), (f) and (h) of Title 75 are  
5 amended and the section is amended by adding a subsection to  
6 read:

7 § 6109. Specific powers of department and local authorities.

8 (a) Enumeration of police powers.--The provisions of this  
9 title shall not be deemed to prevent the department on State-  
10 designated highways and local authorities on streets or highways  
11 within their physical boundaries from the reasonable exercise of  
12 their police powers. The following are presumed to be reasonable  
13 exercises of police power:

14 (1) Except as limited by [subsection] subsections (g)  
15 and (h), regulating or prohibiting stopping, standing or  
16 parking.

17 \* \* \*

18 (f) Delegation of powers authorized.--Except as set forth in  
19 [subsection] subsections (g) and (h), nothing contained in this  
20 section shall be deemed to prevent local authorities by  
21 ordinance or resolution of the local governing body from  
22 delegating their powers under subsection (a)(1) or (22) to a  
23 parking authority established pursuant to 53 Pa.C.S. Ch. 55  
24 (relating to parking authorities).

25 (g) Delegation of powers in cities of the first class.--

26 (1) Notwithstanding any contrary provision of 53 Pa.C.S.  
27 Ch. 55 or this title, beginning on March 31, 2014, the  
28 parking authority of a city of the first class shall enforce  
29 and administer the system of on-street parking regulation in  
30 a city of the first class on behalf of the city. The system

1 of on-street parking regulation shall include all ordinances  
2 and resolutions enacted or adopted by the city of the first  
3 class pursuant to the powers specified under subsection (a)  
4 (1) and those certain stopping, standing and parking  
5 provisions provided in sections 3351 (relating to stopping,  
6 standing and parking outside business and residence  
7 districts), 3353 (relating to prohibitions in specified  
8 places) and 3354 (relating to additional parking  
9 regulations).

10 (2) Any revenues generated pursuant to the system of on-  
11 street parking regulation authorized by this subsection shall  
12 be collected by the authority on behalf of the city of the  
13 first class and disbursed as provided in this paragraph,  
14 subject to adjustment under paragraph (3). Beginning with its  
15 fiscal year ending in 2015, upon the conclusion of each of  
16 its fiscal years, the authority shall transfer the revenues  
17 of the system of on-street parking regulation net of the  
18 operating and administrative expenses of the system of on-  
19 street parking regulation as follows:

20 (i) Up to \$35,000,000 in the aggregate after taking  
21 into account any monthly remittances to the city in which  
22 it is located.

23 (ii) In the event the net annual revenue of the  
24 system of on-street parking regulation exceeds  
25 \$35,000,000, the authority shall transfer all of the  
26 excess to the general fund of a school district of the  
27 first class coterminous with the city.

28 (3) The amount set forth in paragraph (2)(i) shall be  
29 adjusted each fiscal year beginning with the fiscal year  
30 ending in 2014 by increasing the \$35,000,000 aggregate amount

1 by an amount equal to \$35,000,000 multiplied by the  
2 percentage increase, if any, in the gross revenue generated  
3 by the system of on-street parking regulation. No adjustment  
4 shall be made if the gross revenue generated by the system of  
5 on-street parking regulation did not increase over the prior  
6 fiscal year.

7 (4) The provisions of section 696(h)(1) of the act of  
8 March 10, 1949 (P.L.30, No.14), known as the Public School  
9 Code of 1949, shall not apply to amounts transferred to a  
10 school district of the first class under this subsection. Any  
11 portion of the excess net revenue of the system of on-street  
12 parking regulation not transferred to a school district of  
13 the first class must be transferred to the city of the first  
14 class in which the authority is located.

15 (5) As used in this subsection, the following words and  
16 phrases shall have the meanings given to them in this  
17 paragraph:

18 "Administer." To provide any services or materials  
19 necessary to enforce any ordinance or resolution enacted in  
20 order to regulate or prohibit the stopping, standing or  
21 parking of motor vehicles in a city of the first class or  
22 those certain stopping, standing and parking provisions  
23 provided in sections 3351, 3353 and 3354, including, but not  
24 limited to:

25 (i) The installation and maintenance of all  
26 equipment, including parking meters, on and along  
27 highways, streets and roadways.

28 (ii) The installation and maintenance of all  
29 signage, including signage for handicapped parking,  
30 residential permit parking and loading areas, on and

1 along highways, streets and roadways.

2 (iii) The operation and management of any  
3 handicapped parking, residential parking and loading area  
4 permit programs.

5 "Enforce." The issuance of parking violation notices or  
6 citations, the immobilization, towing and impoundment of  
7 motor vehicles and the collection of fines, penalties, costs  
8 and fees, including independent collection agency fees, for  
9 violations of any ordinance or resolution enacted in order to  
10 regulate or prohibit the stopping, standing or parking of  
11 motor vehicles in a city of the first class and those certain  
12 stopping, standing and parking provisions provided in this  
13 section and sections 3351, 3353 and 3354.

14 (h) Delegation of powers in cities of the second and third  
15 class.--

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

27 (1.1) Notwithstanding a provision of 53 Pa.C.S. Ch. 55  
28 or this title to the contrary, beginning on January 1, 2012,  
29 the parking authority of a city of the third class may  
30 enforce and administer ordinances and resolutions enacted or



1 adopted by the city of the third class under the powers  
2 specified under subsection (a)(1) and those certain stopping,  
3 standing and parking provisions provided in sections 3351,  
4 3353 and 3354.

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

11 (2.1) Beginning on March 1, 2012, the parking authority  
12 of a city of the third class may enter into an agreement with  
13 the city of the third class for the transfer of a portion of  
14 the fines, penalties and costs collected under this  
15 subsection, which the parking authority board deems  
16 reasonable, to the city of the third class.

17 (3) As used in this subsection, the following words and  
18 phrases shall have the meanings given to them in this  
19 paragraph:

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

27 (i) The installation and maintenance of all  
28 equipment, including parking meters, on and along  
29 highways, streets and roadways.

30 (ii) The installation and maintenance of all

1 signage, including signage for handicapped parking,  
2 residential permit parking and loading areas, on and  
3 along highways, streets and roadways.

4 (iii) The operation and management of any  
5 handicapped parking, residential parking and loading area  
6 permit programs.

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

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

19 Section 3. This act shall take effect ~~in 60 days~~. AS



20 FOLLOWS:

21 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT

22 IMMEDIATELY:

23 (I) THIS SECTION.

24 (II) THE AMENDMENT OF 75 PA.C.S. § 3116(Q).

25 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
26 DAYS.