

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 595 Session of 2011

INTRODUCED BY PILEGGI, ERICKSON, RAFFERTY, ALLOWAY, TOMLINSON, GREENLEAF, BREWSTER, YAW AND BROWNE, FEBRUARY 18, 2011

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, OCTOBER 17, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for display of registration plate
3 AND FOR AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST ←
4 CLASS CITIES; and providing for automated red light ←
5 enforcement in certain third-class cities.

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

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

10 SECTION 1. SECTIONS 1332(B)(2) AND 3116(D)(3)(II), (L) AND ←
11 (Q) OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE
12 AMENDED TO READ:

13 § 1332. Display of registration plate.

14 \* \* \*

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

17 \* \* \*

18 (2) is obscured in any manner which inhibits the proper
19 operation of an automated red light enforcement system in

1 place pursuant to section 3116 (relating to automated red  
2 light enforcement systems in first class cities) or 3117  
3 (relating to automated red light enforcement systems in  
4 certain ~~third class~~ cities); or ←

5 \* \* \*

6 § 3116. AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS ←  
7 CITIES.

8 \* \* \*

9 (D) PENALTY.--

10 \* \* \*

11 (3) A FINE IS NOT AUTHORIZED DURING:

12 \* \* \*

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

15 \* \* \*

16 (L) PAYMENT OF FINE.--

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

20 (2) PAYMENT MUST BE MADE PERSONALLY, THROUGH AN  
21 AUTHORIZED AGENT OR BY MAILING BOTH PAYMENT AND THE NOTICE OF  
22 VIOLATION TO THE SYSTEM ADMINISTRATOR. PAYMENT BY MAIL MUST  
23 BE MADE ONLY BY MONEY ORDER, CREDIT CARD OR CHECK MADE  
24 PAYABLE TO THE SYSTEM ADMINISTRATOR. THE SYSTEM ADMINISTRATOR  
25 SHALL REMIT THE FINE, LESS THE SYSTEM ADMINISTRATOR'S  
26 OPERATION AND MAINTENANCE COSTS NECESSITATED BY THIS SECTION,  
27 TO THE DEPARTMENT FOR DEPOSIT INTO THE MOTOR LICENSE FUND.  
28 [FINES DEPOSITED IN THE FUND UNDER THIS PARAGRAPH SHALL BE  
29 USED BY THE DEPARTMENT TO DEVELOP, BY REGULATION, A  
30 TRANSPORTATION ENHANCEMENTS GRANT PROGRAM.] EXCEPT AS

1 OTHERWISE PROVIDED UNDER PARAGRAPHS (4) AND (5), THE  
2 DEPARTMENT SHALL USE THE FINES DEPOSITED IN THE FUND UNDER  
3 THIS PARAGRAPH AS PRESCRIBED UNDER 67 PA. CODE CH. 233  
4 (RELATING TO TRANSPORTATION ENHANCEMENT GRANTS FROM AUTOMATED  
5 RED LIGHT ENFORCEMENT SYSTEM REVENUES).

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

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

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

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

28 (5) THE DEPARTMENT IS ALLOCATED 2% OF ALL AUTOMATED RED  
29 LIGHT ENFORCEMENT REVENUES TRANSFERRED TO THE MOTOR LICENSE  
30 FUND UNDER THIS SUBSECTION FOR ITS COSTS IN ADMINISTERING

1 TRANSPORTATION ENHANCEMENT GRANTS.

2 \* \* \*

3 (Q) EXPIRATION.--THIS SECTION SHALL EXPIRE DECEMBER 31,  
4 [2011] 2017.

5 Section 2. Title 75 is amended by adding a section to read:  
6 § 3117. Automated red light enforcement systems in certain  
7 ~~third class~~ cities. ←

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

12 (b) Applicability.--This section shall only be applicable at  
13 intersections in a city designated by the system administrator  
14 in consultation with the secretary.

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

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

1 (e) Penalty.--

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

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

7 (i) The intersection is being manually controlled.

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

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

12 (i) The first 60 days of operation of the automated  
13 system at the initial intersection.

14 (ii) The first ~~60~~ 45 days for each additional ←  
15 intersection selected for the automated system.

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

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

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

29 (f) Limitations.--

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

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

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

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

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

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

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

25 (g) Defenses.--

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

1 city may not require the owner of the vehicle to disclose the  
2 identity of the operator of the vehicle at the time of the  
3 violation.

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

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

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

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

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

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

29 (3) The following apply:

30 (i) The system administrator shall prepare a notice



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

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

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

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

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

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

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

24 (j) System administrator.--

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

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

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

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

1 (m) Payment of fine.--

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

5 (2) Payment must be made personally, through an  
6 authorized agent or by mailing both payment and the notice of  
7 violation to the system administrator. Payment by mail must  
8 be made only by money order, credit card or check made  
9 payable to the system administrator. The system administrator  
10 shall remit the fine, less the system administrator's  
11 operation and maintenance costs necessitated under this  
12 section, to the department for deposit into the Motor License  
13 Fund. ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (4) AND ←  
14 (5), THE department shall use the fines deposited in the fund  
15 under this paragraph as prescribed under 67 Pa. Code Ch. 233  
16 (relating to transportation enhancement grants from  
17 authorized red light enforcement system revenues).

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

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

24 (II) SAFETY IMPROVEMENTS FOR INTERSECTIONS LOCATED  
25 WITHIN THE CITY; OR

26 (III) ACTUAL CONSTRUCTION, MAINTENANCE AND REPAIR OF  
27 STREETS, ROADWAYS AND HIGHWAYS.

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

30 (4) DISTRIBUTION OF FINE REVENUE UNDER PARAGRAPH (2) ←

1 SHALL BE AS FOLLOWS:

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

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

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

24 (n) Hearing.--

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

1 in writing.

2 (2) Upon receipt of a hearing request, the system  
3 administrator shall in a timely manner schedule the matter  
4 before a hearing officer. The hearing officer shall be  
5 designated by the city. Written notice of the date, time and  
6 place of hearing must be sent by first class mail to the  
7 owner.

8 (3) The hearing shall be informal; the rules of evidence  
9 shall not apply; and the decision of the hearing officer  
10 shall be final, subject to the right of the owner to appeal  
11 the decision to the magisterial district judge.

12 (4) If the owner requests in writing that the decision  
13 of the hearing officer be appealed to the magisterial  
14 district judge, the system administrator shall file the  
15 notice of violation and supporting documents with the  
16 magisterial district judge, who shall hear and decide the  
17 matter de novo.

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

29 (p) Duration of yellow light change interval.--The duration  
30 of the yellow light change interval at intersections where

1 automated red light enforcement systems are in use shall conform  
2 to the yellow light change interval duration specified on the  
3 traffic signal permit issued by the department OR CITY OF THE ←  
4 SECOND CLASS.

5 (q) Revenue limit.--A city may not collect an amount equal  
6 to or greater than 5% of its annual budget from the collection  
7 of revenue from the issuance and payment of violations under  
8 this section.

9 (r) Expiration.--This section shall expire December 31,  
10 2017.

11 (s) Definition.--As used in this section, the term "city"  
12 means ~~a city of the third class with:~~ ←

13 (1) ~~a minimum population of 30,000;~~ and A CITY OF THE ←  
14 THIRD CLASS WITH A MINIMUM POPULATION OF 18,000, UNDER THE  
15 2010 FEDERAL DECENNIAL CENSUS, AND A FULL-TIME POLICE  
16 DEPARTMENT.

17 (2) ~~a full-time police department.~~ A CITY OF THE SECOND ←  
18 CLASS A.

19 (3) A CITY OF THE SECOND CLASS.

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