

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

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 24, 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 cities.

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

8 Section 1. Sections 1332(b)(2) and 3116(d)(3)(ii), (E)(3),
9 (I)(3), (l) and (q) of Title 75 of the Pennsylvania Consolidated
10 Statutes 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

1 (relating to automated red light enforcement systems in  
2 certain cities); or

3 \* \* \*

4 § 3116. Automated red light enforcement systems in first class  
5 cities.

6 \* \* \*

7 (d) Penalty.--

8 \* \* \*

9 (3) A fine is not authorized during:

10 \* \* \*

11 (ii) The first [60] 45 days for each additional  
12 intersection selected for the automated system.

13 \* \* \*

14 (E) LIMITATIONS.--

15 \* \* \*

16 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
17 INFORMATION PREPARED UNDER THIS SECTION AND INFORMATION  
18 RELATING TO VIOLATIONS UNDER THIS SECTION WHICH IS KEPT BY  
19 THE CITY OF THE FIRST CLASS, ITS AUTHORIZED AGENTS OR ITS  
20 EMPLOYEES, INCLUDING RECORDED IMAGES, WRITTEN RECORDS,  
21 REPORTS OR FACSIMILES, NAMES[, ] AND ADDRESSES [AND THE NUMBER  
22 OF VIOLATIONS UNDER THIS SECTION], SHALL BE FOR THE EXCLUSIVE  
23 USE OF THE CITY, ITS AUTHORIZED AGENTS, ITS EMPLOYEES AND LAW  
24 ENFORCEMENT OFFICIALS FOR THE PURPOSE OF DISCHARGING THEIR  
25 DUTIES UNDER THIS SECTION AND UNDER ANY ORDINANCES AND  
26 RESOLUTIONS OF THE CITY. THE INFORMATION SHALL NOT BE DEEMED  
27 A PUBLIC RECORD UNDER THE ACT OF [JUNE 21, 1957 (P.L.390,  
28 NO.212), REFERRED TO] FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN  
29 AS THE RIGHT-TO-KNOW LAW. THE INFORMATION SHALL NOT BE  
30 DISCOVERABLE BY COURT ORDER OR OTHERWISE, NOR SHALL IT BE



1 OFFERED IN EVIDENCE IN ANY ACTION OR PROCEEDING WHICH IS NOT  
2 DIRECTLY RELATED TO A VIOLATION OF THIS SECTION OR ANY  
3 ORDINANCE OR RESOLUTION OF THE CITY. THE RESTRICTIONS SET  
4 FORTH IN THIS PARAGRAPH SHALL NOT BE DEEMED TO PRECLUDE A  
5 COURT OF COMPETENT JURISDICTION FROM ISSUING AN ORDER  
6 DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT  
7 OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND IS  
8 REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW  
9 ENFORCEMENT ACTION.

10 \* \* \*

11 (I) SYSTEM ADMINISTRATOR.--

12 \* \* \*

13 (3) THE SYSTEM ADMINISTRATOR SHALL SUBMIT AN ANNUAL  
14 REPORT TO THE CHAIRMAN AND THE MINORITY CHAIRMAN OF THE  
15 TRANSPORTATION COMMITTEE OF THE SENATE AND THE CHAIRMAN AND  
16 MINORITY CHAIRMAN OF THE TRANSPORTATION COMMITTEE OF THE  
17 HOUSE OF REPRESENTATIVES. THE REPORT SHALL BE CONSIDERED A  
18 PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW AND INCLUDE FOR THE  
19 PRIOR YEAR:

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

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

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

24 \* \* \*

25 (1) Payment of fine.--

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

29 (2) Payment must be made personally, through an  
30 authorized agent or by mailing both payment and the notice of

1 violation to the system administrator. Payment by mail must  
2 be made only by money order, credit card or check made  
3 payable to the system administrator. The system administrator  
4 shall remit the fine, less the system administrator's  
5 operation and maintenance costs necessitated by this section,  
6 to the department for deposit into the Motor License Fund.  
7 [Fines deposited in the fund under this paragraph shall be  
8 used by the department to develop, by regulation, a  
9 Transportation Enhancements Grant Program.] Except as  
10 otherwise provided under paragraphs (4) and (5), the  
11 department shall use the fines deposited in the fund under  
12 this paragraph as prescribed under 67 Pa. Code Ch. 233  
13 (relating to transportation enhancement grants from automated  
14 red light enforcement system revenues).

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

17 (4) Distribution of fine revenue under paragraph (2)  
18 shall be as follows:

19 (i) Fifty percent of the revenue generated through  
20 an automated red light enforcement program under this  
21 section shall be used exclusively for funding of  
22 transportation enhancement grants in the city in which  
23 the violation was prosecuted as provided under 67 Pa.  
24 Code § 233.8(g)(1) (relating to grant selection process  
25 and criteria).

26 (ii) Fifty percent of the revenues generated through  
27 the automated red light enforcement program shall be  
28 available for funding of transportation enhancement  
29 grants to eligible sponsors throughout this Commonwealth  
30 as provided under 67 Pa. Code § 233.8(g)(2) except that a

1 city of the first class, second class or second class A  
2 that implements the automated red light enforcement  
3 program shall be ineligible to receive grants under 67  
4 Pa. Code Ch. 233. This subparagraph shall not apply to  
5 any grants expended or committed prior to the effective  
6 date of this subparagraph.

7 (5) The department is allocated 2% of all automated red  
8 light enforcement revenues transferred to the Motor License  
9 Fund under this subsection for its costs in administering  
10 transportation enhancement grants.

11 \* \* \*

12 (q) Expiration.--This section shall expire December 31,  
13 [2011] 2017.

14 Section 2. Title 75 is amended by adding a section to read:  
15 § 3117. Automated red light enforcement systems in certain  
16 cities.

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

21 ~~(b) Applicability. This section shall only be applicable at~~ ←  
22 ~~intersections in a city designated by the system administrator~~  
23 ~~in consultation with the secretary.~~

24 (B) APPLICABILITY.-- ←

25 (1) THIS SECTION SHALL ONLY BE APPLICABLE AT  
26 INTERSECTIONS IN A CITY DESIGNATED BY THE SYSTEM  
27 ADMINISTRATOR IN CONSULTATION WITH THE SECRETARY UNDER THE  
28 REQUIREMENTS OF PARAGRAPH (2).

29 (2) NO AUTOMATED RED LIGHT SYSTEM SHALL BE INSTALLED  
30 UNTIL THE SYSTEM ADMINISTRATOR PROVIDES NOTICE TO THE

1 DEPARTMENT OF THE LOCATION OF EACH INTERSECTION. AFTER  
2 RECEIVING NOTICE AND BEFORE THE SYSTEM MAY BE INSTALLED, THE  
3 DEPARTMENT SHALL HAVE 60 DAYS TO REVIEW EACH PROPOSED  
4 INTERSECTION AND TO ISSUE A RECOMMENDATION TO THE SYSTEM  
5 ADMINISTRATOR WHICH SHALL INCLUDE ALL OF THE FOLLOWING:

6 (I) A STATEMENT ON WHETHER THE PROPOSED INTERSECTION  
7 IS AN APPROPRIATE LOCATION FOR AN AUTOMATED RED LIGHT  
8 ENFORCEMENT SYSTEM.

9 (II) THE DATA ON WHICH THE DEPARTMENT BASED THE  
10 RECOMMENDATION.

11 (III) THE LOCATION OF AN ALTERNATIVE INTERSECTION IN  
12 THE CITY THAT THE DEPARTMENT DETERMINES IS APPROPRIATE  
13 FOR AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM.

14 (3) IF THE DEPARTMENT DOES NOT ISSUE A RECOMMENDATION TO  
15 THE SYSTEM ADMINISTRATOR WITHIN 60 DAYS, THE DEPARTMENT SHALL  
16 BE DEEMED TO RECOMMEND THE INTERSECTION PROPOSED BY THE  
17 SYSTEM ADMINISTRATOR AS AN APPROPRIATE LOCATION.

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

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

24 (II) A STATEMENT EXPLAINING THE REASONS FOR THE  
25 SYSTEM ADMINISTRATOR'S DECISION.

26 (III) THE DATA THE SYSTEM ADMINISTRATOR RELIED UPON  
27 IN MAKING THE DECISION.

28 (c) Owner liability.--For each violation under this section,  
29 the owner of the vehicle shall be liable for the penalty imposed  
30 unless the owner is convicted of the same violation under

1 another section of this title or has a defense under subsection  
2 (g).

3 (d) Certificate as evidence.--A certificate, or a facsimile  
4 of a certificate, based upon inspection of recorded images  
5 produced by an automated red light enforcement system and sworn  
6 to or affirmed by a police officer employed by the city shall be  
7 prima facie evidence of the facts contained in it. The city must  
8 include written documentation that the automated red light  
9 enforcement system was operating correctly at the time of the  
10 alleged violation. A recorded image evidencing a violation of  
11 section 3112(a)(3) shall be admissible in any judicial or  
12 administrative proceeding to adjudicate the liability for the  
13 violation.

14 (e) Penalty.--

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

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

20 (i) The intersection is being manually controlled.

21 (ii) The signal is in the mode described in section  
22 3114 (relating to flashing signals).

23 (3) A fine is not authorized during any of the  
24 following:

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

27 (ii) The first 45 days for each additional  
28 intersection selected for the automated system.

29 (4) A warning may be sent to the violator under  
30 paragraph (3).

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

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

12 (f) Limitations.--

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

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



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

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

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

8           (g) Defenses.--

9           (1) It shall be a defense to a violation under this  
10 section that the person named in the notice of the violation  
11 was not operating the vehicle at the time of the violation.  
12 The owner may be required to submit evidence that the owner  
13 was not the driver at the time of the alleged violation. The  
14 city may not require the owner of the vehicle to disclose the  
15 identity of the operator of the vehicle at the time of the  
16 violation.

17           (2) If an owner receives a notice of violation under  
18 this section of a time period during which the vehicle was  
19 reported to a police department of any state or municipality  
20 as having been stolen, it shall be a defense to a violation  
21 under this section that the vehicle has been reported to a  
22 police department as stolen prior to the time the violation  
23 occurred and had not been recovered prior to that time.

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

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

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

3 (1) The city may not use an automated red light  
4 enforcement system unless an appropriate sign is posted in a  
5 conspicuous place before the area in which the automated red  
6 light enforcement device is to be used notifying the public  
7 that an automated red light enforcement device is in use  
8 immediately ahead.

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

12 (3) The following apply:

13 (i) The system administrator shall prepare a notice  
14 of violation to the registered owner of a vehicle  
15 identified in a recorded image produced by an automated  
16 red light enforcement system as evidence of a violation  
17 of section 3112(a) (3). The issuance of the notice of  
18 violation must be done by a police officer employed by  
19 the police department with primary jurisdiction over the  
20 area where the violation occurred. The notice of  
21 violation must have attached to it all of the following:

22 (A) A copy of the recorded image showing the  
23 vehicle.

24 (B) The registration number and state of  
25 issuance of the vehicle registration.

26 (C) The date, time and place of the alleged  
27 violation.

28 (D) Notice that the violation charged is under  
29 section 3112(a) (3).

30 (E) Instructions for return of the notice of

1 violation.

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

3 This notice shall be returned personally, by mail or  
4 by an agent duly authorized in writing, within 30  
5 days of issuance. A hearing may be obtained upon the  
6 written request of the registered owner.

7 (j) System administrator.--

8 (1) The system administrator may hire and designate  
9 personnel as necessary or contract for services to implement  
10 this section.

11 (2) The system administrator shall process fines issued  
12 under this section.

13 (3) The system administrator shall submit an annual  
14 report to the chairman and the minority chairman of the  
15 Transportation Committee of the Senate and the chairman and  
16 minority chairman of the Transportation Committee of the  
17 House of Representatives. The report shall BE CONSIDERED A  
18 PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6,  
19 NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW, AND include for the  
20 prior year:

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

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

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

25 (k) Notice to owner.--In the case of a violation involving a  
26 motor vehicle registered under the laws of this Commonwealth,  
27 the notice of violation must be mailed within 30 days after the  
28 commission of the violation or within 30 days after the  
29 discovery of the identity of the registered owner, whichever is  
30 later, to the address of the registered owner as listed in the



1 records of the department. In the case of motor vehicles  
2 registered in jurisdictions other than this Commonwealth, the  
3 notice of violation must be mailed within 30 days after the  
4 discovery of the identity of the registered owner to the address  
5 of the registered owner as listed in the records of the official  
6 in the jurisdiction having charge of the registration of the  
7 vehicle. A notice of violation under this section must be  
8 provided to an owner within 90 days of the commission of the  
9 offense.

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

16 (m) 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 under this  
27 section, to the department for deposit into the Motor License  
28 Fund. Except as otherwise provided in paragraphs (4) and (5),  
29 the department shall use the fines deposited in the fund  
30 under this paragraph as prescribed under 67 Pa. Code Ch. 233

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

3 (2.1) Notwithstanding the provisions of paragraph (2),  
4 transportation enhancement grants awarded for projects in a  
5 city of the second class shall be limited to the following  
6 and in the following order of preference:

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

9 (ii) safety improvements for intersections located  
10 within the city; or

11 (iii) actual construction, maintenance and repair of  
12 streets, roadways and highways.

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

15 (4) Distribution of fine revenue under paragraph (2)  
16 shall be as follows:

17 (i) Fifty percent of the grant revenues generated  
18 through an automated red light enforcement program under  
19 this section shall be used exclusively for funding of  
20 transportation enhancement grants in the city in which  
21 the violation was prosecuted as provided in 67 Pa. Code §  
22 233.8(g)(1) (relating to grant selection process and  
23 criteria).

24 (ii) Fifty percent of the grant revenues generated  
25 through the automated red light enforcement program shall  
26 be available for funding of transportation enhancement  
27 grants to eligible sponsors throughout this Commonwealth  
28 as provided under 67 Pa. Code § 233.8(g)(2) except that a  
29 city of the first class, second class or second class A  
30 that implements the automated red light enforcement

1 program shall be ineligible to receive grants under 67  
2 Pa. Code Ch. 233. This subparagraph shall not apply to  
3 any grants expended or committed prior to the effective  
4 date of this subparagraph.

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

9 (n) Hearing.--

10 (1) An owner to whom a notice of violation has been  
11 issued may, within 30 days of the mailing of the notice,  
12 request a hearing to contest the liability alleged in the  
13 notice. A hearing request must be made by appearing before  
14 the system administrator during regular office hours either  
15 personally or by an authorized agent or by mailing a request  
16 in writing.

17 (2) Upon receipt of a hearing request, the system  
18 administrator shall in a timely manner schedule the matter  
19 before a hearing officer. The hearing officer shall be  
20 designated by the city. Written notice of the date, time and  
21 place of hearing must be sent by first class mail to the  
22 owner.

23 (3) The hearing shall be informal; the rules of evidence  
24 shall not apply; and the decision of the hearing officer  
25 shall be final, subject to the right of the owner to appeal  
26 the decision to the magisterial district judge.

27 (4) If the owner requests in writing that the decision  
28 of the hearing officer be appealed to the magisterial  
29 district judge, the system administrator shall file the  
30 notice of violation and supporting documents with the

1 magisterial district judge, who shall hear and decide the  
2 matter de novo.

3 (o) Compensation to manufacturer or vendor.--If a city has  
4 established an automated red light enforcement system deployed  
5 as a means of promoting traffic safety and the enforcement of  
6 the traffic laws of this Commonwealth or the city, the  
7 compensation paid to the manufacturer or vendor of the automated  
8 red light enforcement system may not be based upon the number of  
9 traffic citations issued or a portion or percentage of the fine  
10 generated by the citations. The compensation paid to the  
11 manufacturer or vendor of the equipment shall be based upon the  
12 value of the equipment and the services provided or rendered in  
13 support of the automated red light enforcement system.

14 (p) Duration of yellow light change interval.--The duration  
15 of the yellow light change interval at intersections where  
16 automated red light enforcement systems are in use shall conform  
17 to the yellow light change interval duration specified on the  
18 traffic signal permit issued by the department or city of the  
19 second class.

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

24 (r) Expiration.--This section shall expire December 31,  
25 2017.

26 (s) Definition.--As used in this section, the term "city"  
27 means:

28 (1) A city of the third class with a minimum population  
29 of 18,000, under the 2010 Federal decennial census, and a  
30 full-time police department.



1           (2) A city of the second class A.

2           (3) A city of the second class.

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