

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1580 Session of  
2013

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SWANGER, M. K. KELLER, MILNE, ROCK, REGAN, HARPER, FARINA,  
CLYMER AND TOOIL, JUNE 24, 2013

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 24, 2013

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in enforcement, providing for automated enforcement  
3 of failure to stop for school bus with flashing red lights.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 6314. Automated enforcement of failure to stop for school bus  
9 with flashing red lights.

10 (a) General rule.--A school district may install and operate  
11 an automated side stop signal arm enforcement system for the  
12 purpose of enforcing the provisions of section 3345(a) (relating  
13 to meeting or overtaking school bus).

14 (b) Applicability.--

15 (1) Except as provided in paragraph (2), this section  
16 shall apply to all drivers of a vehicle meeting or overtaking  
17 any school bus stopped on a highway or trafficway when the  
18 red signal lights on the school bus are flashing and the side

1 stop signal arms are activated as described in section  
2 3345(a) and (f.1).

3 (2) Nothing in this section shall supersede the  
4 provisions of section 3105(h) (relating to drivers of  
5 emergency vehicles).

6 (3) Nothing in this section shall be construed as  
7 superseding the provisions of section 3345 (c) or (d).

8 (c) Owner liability.--For each violation under section  
9 3345(a), the owner or owners of the vehicle shall be liable as  
10 follows:

11 (1) The penalty for a violation under subsection (a)  
12 shall be a fine of \$250.

13 (2) In addition to the evidence provided in subsection  
14 (d), if a school bus operator observes the violation and can  
15 provide a signed report attesting to the identity of the  
16 driver, the violation shall be made part of the operating  
17 record as described under section 1535 (relating to schedule  
18 of convictions and points) of the individual upon whom the  
19 penalty is imposed, the imposition of the penalty shall be  
20 subject to merit rating for insurance purposes, and any  
21 surcharge points shall be imposed in the provision for motor  
22 vehicle insurance coverage.

23 (3) A fine is not authorized for a violation of this  
24 section if the exceptions provided in section 3345(g) are  
25 met.

26 (4) Fines collected under this section shall be subject  
27 to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of  
28 fines, etc.) or 3573 (relating to municipal corporation  
29 portion of fines, etc).

30 (5) Violations resulting in a homicide by vehicle under

section 3732 (relating to homicide by vehicle) shall be subject to the penalties provided therein.

(d) Certificate as evidence.--The school bus operator who observes the violation may provide a written and signed report further attesting to the violation within 48 hours and shall include the following as described in section 3345(a.1)(1):

(1) A recorded image or video evidencing a violation of this title shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation.

(2) In addition to the evidence provided in paragraph (1), if a school bus operator observes the violation and provides a signed report attesting to the identity of the driver, the violation shall be made part of the operating record, as described under section 1535, of the individual upon whom the penalty is imposed. The imposition of the penalty shall be subject to merit rating for insurance purposes, and any surcharge points shall be imposed in the provision for motor vehicle insurance coverage.

(e) Limitations.--

(1) (i) Notwithstanding any other provision of law, equipment deployed as part of an automated side stop signal arm enforcement system as provided under this section must be incapable of automated or user-controlled remote intersection surveillance by means of recorded video images.

(ii) Recorded images collected as part of the automated side stop signal arm enforcement system may only record traffic violations and may not be used for any other surveillance purposes.

1           (iii) The restrictions of this paragraph shall not  
2 be deemed to preclude a court of competent jurisdiction  
3 from issuing an order directing that the information be  
4 provided to law enforcement officials if the information  
5 is reasonably described and is requested solely in  
6 connection with a criminal law enforcement action.

7           (2) (i) To the extent practicable, an automated side  
8 stop signal arm enforcement system shall use necessary  
9 technologies to ensure that photographs or recorded video  
10 images produced by the school bus violation detection  
11 monitoring system shall not include a frontal view  
12 photograph or video image of the motor vehicle that is in  
13 violation of the stop arm traffic control sign or images  
14 that identify the operator, the passengers or the  
15 contents of the vehicle.

16           (ii) No notice of liability issued under this  
17 section shall be dismissed solely because a photograph or  
18 recorded video image allows for the identification of the  
19 operator, passengers or contents of a vehicle as long as  
20 a reasonable effort has been made to comply with this  
21 paragraph.

22           (3) (i) Notwithstanding any other provision of law,  
23 information prepared under this section and information  
24 relating to violations under this section which is kept  
25 by the department of the police officer having the  
26 authority to exercise police power in the area where the  
27 violation occurred, its authorized agents or employees,  
28 including recorded images, written records, reports or  
29 facsimiles, names, addresses and the number of violations  
30 under this section shall be for the exclusive use of the

1 department of the police officer having the authority to  
2 exercise police power in the area where the violation  
3 occurred, its authorized agents or employees and law  
4 enforcement officials for the purpose of discharging  
5 their duties under this section.

6 (ii) The information shall not be deemed a public  
7 record under the act of February 14, 2008 (P.L.6, No.3),  
8 known as the Right-to-Know Law.

9 (iii) The information may be discoverable by court  
10 order or otherwise and may be offered in evidence in any  
11 action or proceeding which is directly related to a  
12 violation of this section or any other violation in  
13 connection with a criminal law enforcement action.

14 (4) Images obtained through the use of an automated side  
15 stop signal arm enforcement system shall be destroyed within  
16 one year of final disposition of the recorded event. The  
17 vendor of an automated side stop signal arm enforcement  
18 system shall notify the department by written notice in  
19 accordance with this section that the records have been  
20 destroyed.

21 (5) Notwithstanding any other provision of law,  
22 registered vehicle owner information obtained as a result of  
23 the operation of an automated side stop signal arm  
24 enforcement system under this section shall not be the  
25 property of the manufacturer or vendor of the automated side  
26 stop signal arm enforcement system and may not be used for  
27 any purpose other than prescribed in this section.

28 (f) Defenses.--

29 (1) It shall be a defense to a prosecution using an  
30 automated side stop signal arm enforcement system for a

1 violation under section 3345 that the person named in the  
2 notice of the violation was not operating the vehicle at the  
3 time of the violation. The owner may be required to submit  
4 evidence that the owner was not the driver at the time of the  
5 alleged violation.

6 (2) The person named in the notice of violation may have  
7 the opportunity to nominate the actual driver of the vehicle  
8 at the time the violation occurred.

9 (3) If the owner receives a notice of violation under  
10 section 3345 of a time period during which the vehicle was  
11 reported to the police department of any state or  
12 municipality as having been stolen, it shall be a defense to  
13 the violation that the vehicle has been reported to a police  
14 department as stolen prior to the time the violation occurred  
15 and has not been recovered prior to that time.

16 (4) It shall be a defense to a prosecution using an  
17 automated side stop signal arm enforcement system for a  
18 violation under section 3345 that the person receiving the  
19 notice of violation was not the owner of the vehicle at the  
20 time of the offense if the person can provide valid  
21 documentation of nonownership.

22 (g) Approval.--

23 (1) A school district may enter into an agreement with a  
24 private vendor or manufacturer to provide an automated side  
25 stop signal arm enforcement system on each bus within its  
26 fleet, whether owned or leased, up to and including the  
27 installation, operation and maintenance of such systems.

28 (2) Wherever an agreement under this section is to take  
29 effect upon its acceptance by a school district, or is to be  
30 effective in school districts accepting its provisions, the

1 acceptance shall be, except as otherwise provided, in a  
2 school district by vote of the board of school directors. The  
3 meeting to consider approval of an automated side stop signal  
4 arm enforcement system shall be properly noticed under 65  
5 Pa.C.S. Ch. 7 (relating to open meetings).

6 (h) Duty of the school district or contracted company to  
7 provide school transportation.--

8 (1) A school district or contracted company that  
9 provides school transportation shall cooperate with the  
10 primary police department with authority to issue violations  
11 using automated side stop signal arm enforcement systems  
12 under this section to inform the police department of the  
13 intent to consider an automated side stop signal arm  
14 enforcement system so that the police department may make  
15 appropriate staff changes to fulfill their duties in  
16 enforcing violations of section 3345.

17 (2) A school district operating an automated side stop  
18 signal arm enforcement system shall conduct a statistical  
19 analysis to assess the safety impact of the system. The  
20 statistical analysis, either independently or with a  
21 manufacturer or vendor of an automated side stop signal arm  
22 enforcement system, shall:

23 (i) Be based upon the best available crash, traffic  
24 and other data.

25 (ii) Include the number of citations issued in the  
26 school district before and after the installation of the  
27 system.

28 (iii) Include any additional information deemed of  
29 interest or importance by the school district.

30 (iv) Be conducted no later than 12 months after the

1 installation of the system.

2 (v) Be made available to the public and published on  
3 the publicly accessible Internet website of the  
4 municipality.

5 (vi) Be submitted to the department.

6 (3) Provide a list of all approved bus stop locations to  
7 the police officer or department charged with reviewing the  
8 violations as well as the manufacturer or vendor.

9 (i) Duty of police or police department.--Police and police  
10 departments enforcing violations of section 3345 and using  
11 automated side stop signal arm enforcement systems shall:

12 (1) Review submitted evidence from the manufacturer or  
13 vendor of an automated side stop signal arm enforcement  
14 system to determine if there is sufficient evidence that a  
15 violation under section 3345 occurred and electronically  
16 certify the notice of violation.

17 (2) Provide information to a school district or  
18 contracted company that provides school transportation with  
19 information related to the police or police department's  
20 capacity to review and authorize the notice of violation.

21 (j) Duty of the manufacturer or vendor.--A manufacturer or  
22 vendor of automated side stop signal arm enforcement systems  
23 shall:

24 (1) Prepare a notice of violation to the registered  
25 owner of a vehicle identified in a recorded image or video  
26 link produced by an automated side stop signal arm  
27 enforcement system as evidence of a violation of section 3345  
28 upon authorization of the police officer employed by the  
29 police department with primary jurisdiction over the area  
30 where the violation occurred. The notice of violation must



1 have attached to it all of the following:

2 (i) A copy of the recorded image showing the  
3 vehicle.

4 (ii) The license plate number and state of issuance  
5 of the motor vehicle.

6 (iii) The date, time and place of the alleged  
7 violation.

8 (iv) Notice that the violation charged is under  
9 section 3345.

10 (v) Instructions for return of the notice of  
11 violation.

12 (vi) Instructions for the registered owner to  
13 nominate the driver of the vehicle at the time of the  
14 violation by way of an affidavit of nonliability.

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

16 This notice shall be returned personally, by mail or  
17 by an agent duly authorized in writing or  
18 electronically within 30 days of issuance. A hearing  
19 may be obtained upon the written request of the  
20 registered owner.

21 (3) Process fines issued under this section.

22 (4) Receive affidavits of nonliability in order to  
23 update the violation and send to the primary police  
24 department with authority to issue violations under section  
25 3345 to approve the change.

26 (5) Preclude the issuance of any violation occurring in  
27 a location where the use of the side stop signal arm  
28 enforcement system is not authorized, including, but not  
29 limited to:

30 (i) Emergency vehicles.

1           (ii) Unauthorized loading zone locations are  
2           described in section 3345 (h) and (i).

3           (k) Duty of the municipality.--

4           (1) To the extent possible, the municipal portion of  
5           finest collected for violations of section 3345 shall be used  
6           in the following order:

7           (i) To cover the cost to the municipality and police  
8           department for the implementation and enforcement of this  
9           section.

10          (ii) To fund school district pupil transportation  
11          costs.

12          (iii) Where applicable, to fund a student driver  
13          education program.

14          (2) The municipality shall post signs at the major entry  
15          and exit points of the municipality's geographic borders  
16          indicating that violations under section 3345(a) are being  
17          automatically enforced. The signs shall also contain the  
18          potential fine for such violation.

19          (l) Notice to owner.--

20          (1) In the case of a violation involving a motor vehicle  
21          registered under the laws of this Commonwealth, the notice of  
22          violation shall be mailed within 60 days after the commission  
23          of the violation or within 60 days after the discovery of the  
24          identity of the registered owner, whichever is later, to the  
25          address of the registered owner as listed in the records of  
26          the department.

27          (2) In the case of motor vehicles registered in  
28          jurisdictions other than this Commonwealth, the notice of  
29          violation shall be mailed within 60 days after the discovery  
30          of the identity of the registered owner to the address of the

1 registered owner as listed in the records of the official in  
2 the jurisdiction having charge of the registration of the  
3 vehicle.

4 (m) Mailing of notice and records.--

5 (1) A notice of violation shall be sent by first class  
6 mail.

7 (2) A manual or automatic record of mailing prepared by  
8 the manufacturer or vendor in the ordinary course of business  
9 shall be prima facie evidence of mailing and shall be  
10 admissible in any judicial or administrative proceeding as to  
11 the facts contained in it.

12 (n) 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 (2) (i) Payment must be made personally, through an  
17 authorized agent, electronically or by mailing both  
18 payment and the notice of violation to the manufacturer  
19 or vendor of an automated side stop signal arm  
20 enforcement system. Payment by mail must be made only by  
21 money order, credit card or check made payable to the  
22 manufacturer or vendor.

23 (ii) The manufacturer or vendor shall remit the  
24 fine, less the operation and maintenance costs  
25 necessitated under this section, as provided under 42  
26 Pa.C.S. §§ 3571 and 3573.

27 (o) Hearing.--

28 (1) An owner to whom a notice of violation has been  
29 issued may, within 30 days of the mailing of the notice,  
30 request in writing a hearing to contest the liability alleged

1 in the notice before a magisterial district judge.

2 (2) The manufacturer or vendor of an automated side stop  
3 signal arm enforcement system shall file the notice of  
4 violation and supporting documents with the magisterial  
5 district judge, who shall hear and decide the matter de novo.

6 (p) Compensation to manufacturer or vendor.--The  
7 compensation paid to the manufacturer or vendor of the automated  
8 side stop signal arm enforcement system may not be based on the  
9 number of citations issued or a portion or percentage of the  
10 fine 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 services provided or rendered in  
13 support of the automated side stop signal arm enforcement  
14 system.

15 (q) Definitions.--As used in this section, the following  
16 words and phrases shall have the meanings given to them in this  
17 subsection:

18 "Automated side stop signal arm enforcement system" or  
19 "system." A camera system with two or more camera sensors and  
20 computers that produce recorded video and two or more film or  
21 digital photographic still images of a motor vehicle being used  
22 or operated in a manner that violates section 3345(a).

23 "Manufacturer" or "vendor." A company that creates, owns or  
24 has a license or permission to sell, lease or distribute an  
25 automated side stop signal arm enforcement system.

26 "Police officer" or "police department." A state, county or  
27 municipal full-time law enforcement officer or agency with the  
28 power to issue citations for violations under this title.

29 "Pupil transportation."The transport of resident pupils of a  
30 school district to and from preprimary, primary or secondary

1 schools and students to or from public, private or parochial  
2 schools. The term does not include transportation for field  
3 trips.

4 "Side stop signal arms." As described in section 4552(b.1)  
5 (relating to general requirements for school buses).

6 "Violation certificate." A certificate, or a facsimile of a  
7 certificate, based upon inspection of recorded images or video  
8 produced by an automated side stop signal arm enforcement system  
9 and sworn to or affirmed by a police officer having the  
10 authority to exercise police power in the area where the  
11 violation occurred as described in section 3345(a.1)(2).

12 Section 2. This act shall take effect in 60 days.