
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 840 Session of 2015

INTRODUCED BY ARGALL, SCHWANK, TEPLITZ, WOZNIAK, FONTANA,
SCAVELLO, COSTA, YUDICHAK, BLAKE AND LEACH, JUNE 8, 2015

REFERRED TO TRANSPORTATION, JUNE 8, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in preliminary provisions, further providing for
3 definitions; and, in rules of the road in general, further
4 providing for speed timing devices and providing for pilot
5 program for automated speed enforcement systems.

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

8 Section 1. Section 102 of Title 75 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this title which are applicable to specific
13 provisions of this title, the following words and phrases when
14 used in this title shall have, unless the context clearly
15 indicates otherwise, the meanings given to them in this section:

16 * * *

17 "Automated speed enforcement system." An electronic traffic
18 sensor system that:

19 (1) is able to automatically detect vehicles exceeding

1 the posted speed limit; and

2 (2) records the vehicle's image, front or rear, license
3 plate, location, date, time and speed.

4 * * *

5 Section 2. Section 3368(c) of Title 75 is amended by adding
6 a paragraph to read:

7 § 3368. Speed timing devices.--

8 * * *

9 (c) Mechanical, electrical and electronic devices
10 authorized.--

11 * * *

12 (5) Light detection and ranging devices, commonly
13 referred to as LIDAR, may be used as part of an automated
14 speed enforcement system.

15 * * *

16 Section 3. Title 75 is amended by adding a section to read:

17 § 3368.1. Pilot program for automated speed enforcement
18 systems.

19 (a) General rule.--A pilot program is established to provide
20 for automated speed enforcement systems on interstate highways
21 within this Commonwealth.

22 (b) Applicability.--This section shall apply only to active
23 work zones on interstate highways under the jurisdiction of the
24 department or the Pennsylvania Turnpike Commission. An automated
25 speed enforcement system shall not be used unless:

26 (1) At least two appropriate warning signs are
27 conspicuously placed before the active work zone notifying
28 the public that an automated speed enforcement device is in
29 use.

30 (2) A notice identifying the location of the automated

1 speed enforcement system is posted on the department's or
2 Pennsylvania Turnpike Commission's publicly accessible
3 Internet website throughout the period of use.

4 (c) Liability.--Driving in excess of the posted speed limit
5 in an active work zone by at least 11 miles per hour is a
6 violation of this section.

7 (d) Notice of violation.--

8 (1) (i) An action to enforce this section shall be
9 initiated by an administrative notice of violation to the
10 registered owner of a vehicle identified by an automated
11 speed enforcement system as violating this section. A
12 notice of violation based upon inspection of recorded
13 images produced by an automated speed enforcement system
14 and sworn or affirmed by an authorized representative of
15 the department or the Pennsylvania Turnpike Commission
16 shall be prima facie evidence of the facts contained in
17 it.

18 (ii) The notice of violation must include written
19 verification that the automated speed enforcement system
20 was operating correctly at the time of the alleged
21 violation and the date of the most recent inspection that
22 confirms it to be operating properly.

23 (iii) The following shall be attached to the notice
24 of violation:

25 (A) A copy of the recorded image showing the
26 vehicle with its license plate visible.

27 (B) The registration number and state of
28 issuance of the vehicle registration.

29 (C) The date, time and place of the alleged
30 violation.

1 (D) Notice that the violation charged is under
2 this section.

3 (E) Instructions for return of the notice of
4 violation.

5 (2) In the case of a violation involving a motor vehicle
6 registered under the laws of this Commonwealth, the notice of
7 violation shall be mailed within 30 days after the commission
8 of the violation or within 30 days after the discovery of the
9 identity of the registered owner, whichever is later, to the
10 address of the registered owner as listed in the records of
11 the department.

12 (3) In the case of a violation involving a motor vehicle
13 registered in a jurisdiction other than this Commonwealth,
14 the notice of violation shall be mailed within 30 days after
15 the discovery of the identity of the registered owner to the
16 address of the registered owner as listed in the records of
17 the official in the jurisdiction having charge of the
18 registration of the vehicle.

19 (4) A notice of violation shall be invalid unless
20 provided to an owner within 90 days of the offense.

21 (5) The notice shall include the following text:
22 This notice shall be returned personally, by mail or by
23 an agent duly authorized in writing, within 30 days of
24 issuance. A hearing may be obtained upon the written
25 request of the registered owner.

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

1 contained in it.

2 (e) Penalty.--

3 (1) The penalty of a violation under this section shall
4 be a fine of \$100, and the fine shall not be subject to 42
5 Pa.C.S. § 3571 (relating to Commonwealth portion of fines,
6 etc.) or 3573 (relating to municipal corporation portion of
7 fines, etc.).

8 (2) The fine is not authorized during:

9 (i) The continuous 24-hour period after the
10 automated speed enforcement system is initially activated
11 in a work zone.

12 (ii) Times when the work zone is not active.

13 (3) A penalty imposed under this section shall not be:

14 (i) deemed a criminal conviction;

15 (ii) be made part of the operating record under
16 section 1535 (relating to schedule of convictions and
17 points) of the individual upon whom the penalty is
18 imposed;

19 (iii) the subject of merit rating for insurance
20 purposes; or

21 (iv) authorize imposition of surcharge points in the
22 provision of motor vehicle insurance coverage.

23 (f) Limitations.--

24 (1) Recorded images collected as part of the automated
25 speed enforcement system may record only violations of this
26 section and may not be used for any other surveillance
27 purposes. The restrictions set forth in this paragraph shall
28 not preclude a court of competent jurisdiction from issuing
29 an order directing that the information be provided to law
30 enforcement officials, if the information is requested solely

1 in connection with a criminal law enforcement action and is
2 reasonably described.

3 (2) Notwithstanding any other provision of law,
4 information gathered and maintained under this section which
5 is kept by the Commonwealth, its authorized agents or its
6 employees, including recorded images, written records,
7 reports or facsimiles, names and addresses shall be for the
8 exclusive purpose of discharging its duties under this
9 section. The information shall not be deemed a public record
10 under the act of February 14, 2008 (P.L.6, No.3), known as
11 the Right-to-Know Law. The information shall not be
12 discoverable by court order or otherwise or be admissible as
13 evidence in any proceeding except to determine liability
14 under this section. The restrictions set forth in this
15 paragraph shall not preclude a court of competent
16 jurisdiction from issuing an order directing that the
17 information be provided to law enforcement officials, if the
18 information is requested solely in connection with a criminal
19 law enforcement action and is reasonably described.

20 (3) Recorded images obtained through the use of
21 automated speed enforcement systems deployed as a means of
22 promoting traffic safety in active work zones shall be
23 destroyed within one year of final disposition of a notice of
24 violation, except that images subject to a court order under
25 paragraph (1) or (2) shall be destroyed within two years
26 after the date of the order, unless further extended by court
27 order.

28 (4) Notwithstanding any other provision of law,
29 registered vehicle owner information obtained as a result of
30 the operation of an automated speed enforcement system shall

1 be the exclusive property of the department or Pennsylvania
2 Turnpike Commission and may not be used for any purpose other
3 than prescribed in this section.

4 (5) A violation of this subsection shall constitute a
5 third-degree misdemeanor punishable by a \$500 fine. Each
6 violation shall constitute a separate and distinct offense.

7 (g) Defenses.--

8 (1) It shall be a defense to a violation under this
9 section that the vehicle was reported to a police department
10 as stolen prior to the time the violation occurred and was
11 not recovered prior to that time.

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

15 (h) Authority and duties of department and Pennsylvania
16 Turnpike Commission.--

17 (1) The department and Pennsylvania Turnpike Commission
18 shall each establish a pilot automated speed enforcement
19 system program not later than 18 months following the
20 effective date of this section.

21 (2) (i) The department and Pennsylvania Turnpike
22 Commission may each promulgate regulations for the
23 certification and the use of automated speed enforcement
24 systems.

25 (ii) In order to facilitate the prompt
26 implementation of this section, regulations promulgated
27 by the department and Pennsylvania Turnpike Commission
28 under this section shall be deemed temporary regulations
29 and not subject to:

30 (A) Sections 201, 202 and 203 of the act of July

1 31, 1968 (P.L.769, No.240), referred to as the
2 Commonwealth Documents Law.

3 (B) The act of June 25, 1982 (P.L.633, No.181),
4 known as the Regulatory Review Act.

5 (3) (i) The department and Pennsylvania Turnpike
6 Commission shall each serve directly or through a
7 contracted private service as the system administrator of
8 the program. Compensation under a contract authorized by
9 this paragraph shall be based only upon the value of
10 equipment and services provided or rendered in support of
11 the automated speed enforcement system program and may
12 not be based in any part upon the quantity of notices of
13 violation issued or amount of fines imposed or generated.

14 (ii) The system administrator shall prepare and
15 issue notices of violation.

16 (iii) The system administrator shall remit fines
17 administratively paid under this section to the
18 department or Pennsylvania Turnpike Commission for
19 deposit into the Motor License Fund to be used
20 exclusively for work zone safety.

21 (iv) The system administrator shall provide an
22 appropriate printed form by which owners may challenge a
23 notice of violation and convenient hearing hours and
24 times in each of the following metropolitan areas for
25 challenges to be heard as provided in this section: Erie,
26 Harrisburg, Philadelphia, Pittsburgh and Scranton. the
27 form may be included with or as part of the notice of
28 violation.

29 (4) Not later than April 1 annually, the department and
30 Pennsylvania Turnpike Commission shall submit a report on the

1 program for the preceding calendar year to the chairperson
2 and minority chairperson of the Transportation Committee of
3 the Senate and the chairperson and minority chairperson of
4 the Transportation Committee of the House of Representatives.
5 The report shall be a public record under the Right-to-Know
6 Law and include:

7 (i) The number of vehicular accidents and related
8 serious injuries and deaths in all work zones and in work
9 zones in which the program operated.

10 (ii) Speed data.

11 (iii) The number of notices of violation issued.

12 (iv) The amount of fines imposed and collected.

13 (v) Amounts paid under contracts authorized by this
14 section.

15 (i) Payment of fine.--

16 (1) An owner may admit responsibility for the violation
17 and pay the fine provided in the notice personally, through
18 an authorized agent, electronically or by mailing both
19 payment and the notice of violation to the system
20 administrator.

21 (2) Payment by mail must be made only by money order,
22 credit card or check made payable to the Commonwealth.

23 (3) Payment of the fine shall operate as a final
24 disposition of the case.

25 (4) If payment is not received within 90 days of
26 original notice, the department or Pennsylvania Turnpike
27 Commission may turn the matter over to applicable credit
28 collection agencies.

29 (j) Contest.--

30 (1) An owner may, within 30 days of the mailing of the

1 notice, request a hearing to contest liability by appearing
2 before the system administrator either personally or by an
3 authorized agent or by mailing a request in writing on the
4 prescribed form. Appearances in person shall be only at the
5 locations and times set by the system administrator.

6 (2) Upon receipt of a hearing request, the system
7 administrator shall in a timely manner schedule the matter
8 before a hearing officer designated by the department or
9 Pennsylvania Turnpike Commission. Written notice of the date,
10 time and place of hearing must be presented or sent by first
11 class mail to the owner.

12 (3) The hearing shall be informal and the rules of
13 evidence shall not apply. The decision of the hearing officer
14 shall be final, subject to the right of the owner to appeal
15 the decision.

16 (4) If the owner requests in writing that the decision
17 of the hearing officer be appealed, the system administrator
18 shall file the notice of violation and supporting documents
19 with the office of the magisterial district judge for the
20 magisterial district where the violation occurred, and the
21 magisterial district judge shall hear and decide the matter
22 de novo.

23 (k) Expiration.--This section shall expire five years from
24 its effective date.

25 Section 4. The Secretary of Transportation or the Chairman
26 of the Pennsylvania Turnpike Commission shall publish a notice
27 in the Pennsylvania Bulletin when an automated speed enforcement
28 system is operational in this Commonwealth.

29 Section 5. This act shall take effect as follows:

30 (1) The addition of 75 Pa.C.S. § 3368.1(e) shall take

1 effect 60 days after publication in the Pennsylvania Bulletin
2 of the notice under section 4.

3 (2) Section 4 and this section shall take effect
4 immediately.

5 (3) The remainder of this act shall take effect in 60
6 days.