
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1187 Session of
2017

INTRODUCED BY TAYLOR, SCHLOSSBERG, BULLOCK, DRISCOLL, V. BROWN,
W. KELLER, SOLOMON, O'BRIEN, A. HARRIS AND MARSHALL,
APRIL 12, 2017

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 12, 2017

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, providing for
3 pilot program for automated speed enforcement system on a
4 designated highway.

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

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

9 § 3369. Pilot program for automated speed enforcement system on
10 designated highway.

11 (a) General rule.--A pilot program is established to provide
12 for an automated speed enforcement system on the designated
13 highway.

14 (1) A city of the first class, upon passage of an
15 ordinance, is authorized to enforce section 3362 (relating to
16 maximum speed limits) by recording violations using an
17 automated speed enforcement system approved by the
18 department.

1 (2) This section shall only be applicable in a city of
2 the first class in areas agreed upon by the system
3 administrator and the Secretary of Transportation using the
4 automated speed enforcement system on U.S. Route 1 (Roosevelt
5 Boulevard) between Ninth Street and the Philadelphia County
6 line shared with Bucks County.

7 (b) Owner liability.--For each violation under this section,
8 the owner of the vehicle shall be liable for the penalty imposed
9 unless the owner is convicted of the same violation under
10 another section of this title or has a defense under subsection
11 (g).

12 (c) Certificate as evidence.--A certificate, or a facsimile
13 of a certificate, based upon inspection of recorded images
14 produced by an automated speed enforcement system and sworn to
15 or affirmed by a police officer employed by the city of the
16 first class shall be prima facie evidence of the facts contained
17 in it. The city must include written documentation that the
18 automated speed enforcement system was operating correctly at
19 the time of the alleged violation. A recorded image evidencing a
20 violation of section 3362 shall be admissible in any judicial or
21 administrative proceeding to adjudicate the liability for the
22 violation.

23 (d) Penalty.--The following shall apply:

24 (1) The penalty for a violation under subsection (a)
25 shall be a fine of \$150 unless a lesser amount is set by
26 ordinance. The ordinance may create fines for first offense,
27 second offense and third and subsequent offenses, but no
28 single fine shall exceed \$150.

29 (2) A penalty is authorized only for a violation of this
30 section if each of the following apply:

1 (i) At least two appropriate warning signs are
2 conspicuously placed at the beginning and end and at two-
3 mile intervals of the designated highway notifying the
4 public that an automated speed enforcement device is in
5 use.

6 (ii) A notice identifying the location of the
7 automated speed enforcement system is posted on the
8 department's publicly accessible Internet website
9 throughout the period of use.

10 (3) A fine is not authorized during the first 30 days of
11 operation of an automated speed enforcement system.

12 (4) The system administrator may provide a written
13 warning to the registered owner of a vehicle determined to
14 have violated this section during the first 60 days of
15 operation of the automated speed enforcement system.

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

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

27 (e) Liability.--Driving in excess of the posted speed limit
28 along the designated highway by 11 miles per hour or more is a
29 violation of this section.

30 (f) Limitations.--The following shall apply:

1 (1) No automated speed enforcement system shall be
2 utilized in such a manner as to take a frontal view recorded
3 image of the vehicle as evidence of having committed a
4 violation.

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

20 (3) Notwithstanding any other provision of law,
21 information prepared under this section and information
22 relating to violations under this section which is kept by
23 the city of the first class, its authorized agents or its
24 employees, including recorded images, written records,
25 reports or facsimiles, names, addresses and the number of
26 violations under this section, shall be for the exclusive use
27 of the city, its authorized agents, its employees and law
28 enforcement officials for the purpose of discharging their
29 duties under this section and under any ordinances and
30 resolutions of the city. The information shall not be deemed

1 a public record under the act of February 14, 2008 (P.L.6,
2 No.3), known as the Right-to-Know Law. The information shall
3 not be discoverable by court order or otherwise, nor shall it
4 be offered in evidence in any action or proceeding which is
5 not directly related to a violation of this section or any
6 ordinance or resolution of the city. The restrictions set
7 forth in this paragraph shall not be deemed to preclude a
8 court of competent jurisdiction from issuing an order
9 directing that the information be provided to law enforcement
10 officials if the information is reasonably described and is
11 requested solely in connection with a criminal law
12 enforcement action.

13 (4) Recorded images obtained through the use of
14 automated speed enforcement systems deployed as a means of
15 promoting traffic safety in a city of the first class shall
16 be destroyed within one year of final disposition of any
17 recorded event except that images subject to a court order
18 under paragraph (2) or (3) shall be destroyed within two
19 years after the date of the order, unless further extended by
20 court order. The city shall file notice with the Department
21 of State that the records have been destroyed in accordance
22 with this section.

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

30 (6) A violation of this subsection shall constitute a

1 misdemeanor of the third-degree punishable by a \$500 fine.
2 Each violation shall constitute a separate and distinct
3 offense.

4 (g) Defenses.--The following shall apply:

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

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

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

23 (4) It shall be a defense to a violation under this
24 section that the device being used to determine speed was not
25 in compliance with section 3368 (relating to speed timing
26 devices) with respect to testing for accuracy, certification
27 or calibration.

28 (h) Department approval.--No automated speed enforcement
29 system may be used without the approval of the department, which
30 shall have the authority to promulgate regulations for the

1 certification and use of the systems.

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

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

10 (2) The city shall designate or appoint the Philadelphia
11 Parking Authority as the system administrator to supervise
12 and coordinate the administration of notices of violation
13 issued under this section.

14 (3) The system administrator shall prepare a notice of
15 violation to the registered owner of a vehicle identified in
16 a recorded image produced by an automated speed enforcement
17 system as evidence of a violation of section 3362. The notice
18 of violation must be issued by a police officer employed by
19 the police department with primary jurisdiction over the area
20 where the violation occurred. The notice of violation shall
21 have the following attached to it:

22 (i) a copy of the recorded image showing the
23 vehicle;

24 (ii) the registration number and state of issuance
25 of the vehicle registration;

26 (iii) the date, time and place of the alleged
27 violation;

28 (iv) notice that the violation charged is under
29 section 3362; and

30 (v) instructions for return of the notice of

1 violation, which shall read:

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

6 (j) System administrator.--The following shall apply:

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

10 (2) The system administrator shall process notices of
11 violation and penalties issued under this section.

12 (3) Not later than April 1 annually, the system
13 administrator shall submit an annual report to the
14 chairperson and the minority chairperson of the
15 Transportation Committee of the Senate and the chairperson
16 and minority chairperson of the Transportation Committee of
17 the House of Representatives. The report shall be considered
18 a public record under the Right-to-Know Law and include for
19 the prior year:

20 (i) The number of violations and fines issued and
21 data regarding the speeds of vehicles in the enforcement
22 area.

23 (ii) A compilation of penalties paid and
24 outstanding.

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

27 (iv) The number of vehicular accidents and related
28 serious injuries and deaths along the designated highway.

29 (k) Notice to owner.--In the case of a violation involving a
30 motor vehicle registered under the laws of this Commonwealth,

1 the notice of violation must be mailed within 30 days after the
2 commission of the violation or within 30 days after the
3 discovery of the identity of the registered owner, whichever is
4 later, and not thereafter to the address of the registered owner
5 as listed in the records of the department. In the case of motor
6 vehicles registered in jurisdictions other than this
7 Commonwealth, the notice of violation must be mailed within 30
8 days after the discovery of the identity of the registered owner
9 to the address of the registered owner as listed in the records
10 of the official in the jurisdiction having charge of the
11 registration of the vehicle. A notice of violation under this
12 section must be provided to an owner within 90 days of the
13 commission of the offense.

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

20 (m) Payment of fine.--The following shall apply:

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

24 (2) Payment must be made personally, through an
25 authorized agent, electronically or by mailing both payment
26 and the notice of violation to the system administrator.
27 Payment by mail must be made only by money order, credit card
28 or check made payable to the system administrator. The system
29 administrator shall remit the fine, less the system
30 administrator's operation and maintenance costs necessitated

1 by this section, to the department for deposit into a
2 restricted receipts account in the Motor License Fund. Fines
3 deposited in the fund under this paragraph shall be used by
4 the department for a Transportation Enhancement Grants
5 Program as established by section 3116 (relating to automated
6 red light enforcement systems in first class cities). The
7 department shall award transportation enhancement grants on a
8 competitive basis. The department may pay actual
9 administrative costs arising from the department's
10 administration of this section. The department may not
11 reserve, designate or set aside a specific level of funds or
12 percentage of funds to an applicant prior to the completion
13 of the application process, nor may the department designate
14 a set percentage of funds to an applicant. Grants shall be
15 awarded by the department based on the majority vote of a
16 selection committee consisting of four representatives of the
17 department appointed by the secretary and four members
18 appointed by the mayor of the city of the first class, with
19 the secretary or a designee of the secretary serving as
20 chairperson. Priority shall be given to applications seeking
21 grant funds for transportation enhancements in the
22 municipality where the automated speed camera system is
23 operated.

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

26 (n) Hearing.--The following shall apply:

27 (1) An owner to whom a notice of violation has been
28 issued may, within 30 days of the mailing of the notice,
29 request a hearing to contest the liability alleged in the
30 notice. A hearing request must be made by appearing before

1 the system administrator during regular office hours either
2 personally or by an authorized agent or by mailing a request
3 in writing.

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

10 (3) The hearing shall be conducted pursuant to 2 Pa.C.S.
11 Ch. 5 (relating to practice and procedure) and will be
12 subject to appeal pursuant to 2 Pa.C.S. Ch. 7 (relating to
13 judicial review).

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

25 (p) Revenue limitation.--A city of the first class may not
26 collect an amount equal to or greater than 2% of its annual
27 budget from the collection of revenue from the issuance and
28 payment of violations under this section.

29 (q) Expiration.--This section shall expire five years from
30 its effective date.

1 Section 2. The Secretary of Transportation shall publish a
2 notice in the Pennsylvania Bulletin when the automated speed
3 enforcement system is operational along the designated highway
4 under 75 Pa.C.S. § 3369.

5 Section 3. This act shall take effect as follows:

6 (1) Except as set forth in paragraph (2), the addition
7 of 75 Pa.C.S. § 3369 shall take effect in 60 days.

8 (2) The addition of 75 Pa.C.S. § 3369(e) shall take
9 effect 60 days after publication in the Pennsylvania Bulletin
10 of the notice under section 2.

11 (3) The remainder of this act shall take effect
12 immediately.