

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 172 Session of 2017

INTRODUCED BY ARGALL, SCHWANK, VULAKOVICH, SCAVELLO, BREWSTER, TARTAGLIONE, COSTA, YUDICHAK, RAFFERTY, BARTOLOTTA, BROWNE, REGAN AND BLAKE, JANUARY 23, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 12, 2018

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, providing
4 for pilot program for automated speed enforcement system in
5 highway work zones and for pilot program for automated speed
6 enforcement system on a designated highway.

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

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

11 § 102. Definitions.

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

17 \* \* \*

18 "Automated speed enforcement system." An electronic traffic

1 sensor system that:

2 (1) is able to automatically detect vehicles exceeding  
3 the posted speed limit with a type of speed timing device;

4 and

5 ~~(2) records the vehicle's rear license plate, location,~~ <--  
6 ~~date, time and speed.~~

7 (2) PRODUCES RECORDED IMAGES THAT SHOW: <--

8 (I) A CLEAR AND LEGIBLE IDENTIFICATION OF THE  
9 VEHICLE'S ENTIRE REAR LICENSE PLATE;

10 (II) LOCATION; AND

11 (III) DATE AND TIME; AND

12 (3) PRODUCES AT LEAST TWO TIME-STAMPED RECORDED IMAGES  
13 OF THE VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR  
14 THE VEHICLE. EACH TIME-STAMPED IMAGE SHALL DISPLAY TIME TO  
15 THE HUNDREDTH OF A SECOND.

16 \* \* \*

17 Section 2. Title 75 is amended by adding sections to read:

18 § 3369. Pilot program for automated speed enforcement system in  
19 highway work zones.

20 (a) General rule.--A pilot program is established to provide  
21 for an automated speed enforcement system in active work zones  
22 on State highways. The following apply:

23 (1) The department and Pennsylvania Turnpike Commission,  
24 following promulgation of regulations, are authorized to  
25 enforce section 3362 (relating to maximum speed limits) by  
26 recording violations using an automated speed enforcement  
27 system approved by the department.

28 (2) This section shall only be applicable on Federal aid  
29 highways and the Pennsylvania Turnpike in areas agreed upon  
30 by the secretary and Pennsylvania Turnpike Commission,

1 respectively, using an automated speed enforcement system.

2 (b) Owner liability.--For each violation under this section,  
3 the owner of the vehicle shall be liable for the penalty imposed  
4 unless the owner is convicted of the same violation under  
5 another section of this title or has a defense under subsection  
6 (g).

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

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

18 (1) The penalty for a violation under subsection (a)  
19 shall be a fine of \$40.

20 (2) The fine is not authorized during times when the  
21 designated highway work zone is not active.

22 (3) A penalty is authorized only for a violation of this  
23 section if each of the following apply:

24 (i) At least two appropriate warning signs are  
25 conspicuously placed at the beginning and end and at two-  
26 mile intervals of the designated highway work zone  
27 notifying the public that an automated speed enforcement  
28 device is in use.

29 (ii) A notice identifying the location of the  
30 automated speed enforcement system is posted on a

1 publicly accessible Internet website throughout the  
2 period of use.

3 (4) A fine is not authorized during the first five days  
4 of operation of an automated speed enforcement system in each  
5 separate highway work zone.

6 (5) The system administrator may provide a written  
7 warning to the registered owner of a vehicle determined to  
8 have violated this section during the first five days of  
9 operation of the automated speed enforcement system.

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

16 (7) No surcharge points may be imposed in the provision  
17 of motor vehicle insurance coverage. Penalties collected  
18 under this section shall not be subject to 42 Pa.C.S. § 3571  
19 (relating to Commonwealth portion of fines, etc.) or 3573  
20 (relating to municipal corporation portion of fines, etc.).

21 (e) Liability.--Driving in excess of the posted speed limit  
22 along the designated highway work zone by 11 miles per hour or  
23 more is a violation of this section.

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

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

29 (2) Notwithstanding any other provision of law, camera  
30 equipment deployed as part of an automated speed enforcement

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

14 (3) Notwithstanding any other provision of law,  
15 information prepared under this section and information  
16 relating to violations under this section which is kept by  
17 the department, Pennsylvania Turnpike Commission or system  
18 administrator or their authorized agents or employees,  
19 including recorded images, written records, reports or  
20 facsimiles, names, addresses and the number of violations  
21 under this section, shall be for the exclusive use of the  
22 department, Pennsylvania Turnpike Commission and system  
23 administrator, their authorized agents and employees and law  
24 enforcement officials for the purpose of discharging their  
25 duties under this section. The information shall not be  
26 deemed a public record under the act of February 14, 2008  
27 (P.L.6, No.3), known as the Right-to-Know Law. The  
28 information shall not be discoverable by court order or  
29 otherwise, nor shall it be offered in evidence in any action  
30 or proceeding which is not directly related to a violation of

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

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

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

24 (6) A violation of this subsection shall constitute a  
25 misdemeanor of the third degree punishable by a \$500 fine.  
26 Each violation shall constitute a separate and distinct  
27 offense.

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

29 (1) It shall be a defense to a violation under this  
30 section that the person named in the notice of the violation

1 was not operating the vehicle at the time of the violation.  
2 The owner may be required to submit evidence that the owner  
3 was not the driver at the time of the alleged violation. The  
4 owner of the vehicle shall not be required to disclose the  
5 identity of the operator of the vehicle at the time of the  
6 violation.

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

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

17 (4) It shall be a defense to a violation under this  
18 section that the device being used to determine speed was not  
19 in compliance with section 3368 (relating to speed timing  
20 devices) with respect to testing for accuracy, certification  
21 or calibration.

22 (h) Department approval.--No automated speed enforcement  
23 system may be used without the approval of the department. The  
24 department shall have the authority to promulgate regulations  
25 for the certification and use of the systems, which may include  
26 the use of radio-microwave devices, commonly referred to as  
27 electronic speed meters or radar, or light detection and ranging  
28 devices, commonly referred to as LIDAR, in their operations.  
29 Notwithstanding any other provision of law, these devices shall  
30 be tested for accuracy at regular intervals as designated by

1 regulation of the department.

2 (i) Procedure.--The following shall apply:

3 (1) An automated speed enforcement system may not be  
4 used unless there is posted an appropriate sign in a  
5 conspicuous place before the designated highway work zone in  
6 which the automated speed enforcement device is to be used  
7 notifying the public that an automated speed enforcement  
8 device is in use immediately ahead.

9 (2) The department and the Pennsylvania Turnpike  
10 Commission shall designate or appoint a system administrator  
11 or system administrators to supervise and coordinate the  
12 administration of notices of violation issued under this  
13 section.

14 (3) A 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 vehicle  
23 with license plate visible;

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) A 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, in coordination with the department and the  
14 Pennsylvania Turnpike Commission, shall submit an annual  
15 report to the chairperson and the minority chairperson of the  
16 Transportation Committee of the Senate and the chairperson  
17 and minority chairperson of the Transportation Committee of  
18 the House of Representatives. The report shall be considered  
19 a public record under the Right-to-Know Law and include for  
20 the prior year:

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

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

26 (iii) The amount of money paid to the system  
27 administrator.

28 (iv) The amount of money paid to a vendor or  
29 manufacturer under this section.

30 (v) The number of vehicular accidents and related

1 serious injuries and deaths along the designated highway  
2 work zones.

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

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

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

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

28 (2) Payment must be made personally, through an  
29 authorized agent, electronically or by mailing both payment  
30 and the notice of violation to the system administrator.

1 Payment by mail must be made only by money order, credit card  
2 or check made payable to the system administrator. The system  
3 administrator shall remit the fine to the department or  
4 Pennsylvania Turnpike Commission. The department and the  
5 Pennsylvania Turnpike Commission shall pay the  
6 administrator's operation and maintenance costs necessitated  
7 by this section. The remaining fines shall be deposited into  
8 a restricted receipts account in the Motor License Fund.  
9 Fines deposited in the fund under this paragraph shall be  
10 used by the department for a Transportation Enhancement  
11 Grants Program as established by section 3116 (relating to  
12 automated red light enforcement systems in first class  
13 cities). The department shall award transportation  
14 enhancement grants on a competitive basis. The department may  
15 pay actual administrative costs arising from the department's  
16 administration of this section. The department may not  
17 reserve, designate or set aside a specific level of funds or  
18 percentage of funds to an applicant prior to the completion  
19 of the application process, nor may the department designate  
20 a set percentage of funds to an applicant.

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

23 (4) If payment is not made within 90 days of original  
24 notice, the department or Pennsylvania Turnpike Commission  
25 may turn the matter over to the applicable credit agencies.

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. A hearing request form may be included with or as  
4 part of the notice of violation.

5 (2) Upon receipt of a hearing request, the system  
6 administrator shall in a timely manner schedule the matter  
7 before a hearing officer. The hearing officer shall be  
8 designated by the department. Written notice of the date,  
9 time and place of hearing must be sent by first class mail to  
10 the owner. The system administrator shall establish  
11 convenient hearing hours and times in each of the following  
12 metropolitan areas for challenges to be heard as provided in  
13 this section: Erie, Harrisburg, Philadelphia, Pittsburgh and  
14 Scranton.

15 (3) The hearing shall be conducted pursuant to 2 Pa.C.S.  
16 Ch. 5 (relating to practice and procedure) and shall be  
17 subject to appeal pursuant to 2 Pa.C.S. Ch. 7 (relating to  
18 judicial review).

19 (o) Compensation to system administrator, manufacturer or  
20 vendor.--Compensation paid to the manufacturer or vendor of the  
21 automated speed enforcement system may not be based upon the  
22 number of traffic citations issued or a portion or percentage of  
23 the fine generated by the citations. The compensation paid to  
24 the system administrator, manufacturer or vendor of the  
25 equipment shall be based upon the value of the equipment and the  
26 services provided or rendered in support of the automated speed  
27 enforcement system.

28 (p) Expiration.--This section shall expire five years from  
29 the effective date of regulations promulgated by the department  
30 under this section.

1 (g) Definition.--For the purposes of this section, the term  
2 "designated highway work zone" is the portion of an active work  
3 zone agreed to by the secretary and Pennsylvania Turnpike  
4 Commission where construction, maintenance or utility workers  
5 are located on the roadway, berm or shoulder and workers are  
6 adjacent to an active travel lane and where an automated  
7 enforcement system is active. For the purpose of this  
8 definition, workers shall also be considered adjacent to an  
9 active travel lane where workers are present and are protected  
10 by a traffic barrier.

11 § 3370. Pilot program for automated speed enforcement system on  
12 designated highway.

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

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

21 (2) This section shall only be applicable in a city of  
22 the first class in areas agreed upon by the system  
23 administrator and the Secretary of Transportation using the  
24 automated speed enforcement system on U.S. Route 1 (Roosevelt <--  
25 Boulevard) between Ninth Street and the Philadelphia County  
26 line shared with Bucks County. THE FOLLOWING HIGHWAYS: <--

27 (I) U.S. ROUTE 1 (ROOSEVELT BOULEVARD) BETWEEN NINTH  
28 STREET AND THE PHILADELPHIA COUNTY LINE SHARED WITH BUCKS  
29 COUNTY.

30 (II) HENRY AVENUE BETWEEN HUNTING PARK AVENUE AND

1 PORT ROYAL AVENUE.

2 (b) Owner liability.--For each violation under this section,  
3 the owner of the vehicle shall be liable for the penalty imposed  
4 unless the owner is convicted of the same violation under  
5 another section of this title or has a defense under subsection  
6 (g).

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

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

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

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

26 (i) At least two appropriate warning signs are  
27 conspicuously placed at the beginning and end and at two-  
28 mile intervals of the designated highway notifying the  
29 public that an automated speed enforcement device is in  
30 use.

1           (ii) A notice identifying the location of the  
2           automated speed enforcement system is posted on the  
3           department's publicly accessible Internet website  
4           throughout the period of use.

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

7           (4) The system administrator may provide a written  
8           warning to the registered owner of a vehicle determined to  
9           have violated this section during the first 30 days of  
10          operation of the automated speed enforcement system.

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

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

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

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

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

30                 (2) Notwithstanding any other provision of law, camera

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

15 (3) Notwithstanding any other provision of law,  
16 information prepared under this section and information  
17 relating to violations under this section which is kept by  
18 the city of the first class, its authorized agents or its  
19 employees, including recorded images, written records,  
20 reports or facsimiles, names, addresses and the number of  
21 violations under this section, shall be for the exclusive use  
22 of the city, its authorized agents, its employees and law  
23 enforcement officials for the purpose of discharging their  
24 duties under this section and under any ordinances and  
25 resolutions of the city. The information shall not be deemed  
26 a public record under the act of February 14, 2008 (P.L.6,  
27 No.3), known as the Right-to-Know Law. The information shall  
28 not be discoverable by court order or otherwise, nor shall it  
29 be offered in evidence in any action or proceeding which is  
30 not directly related to a violation of this section or any



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

8 (4) Recorded images obtained through the use of  
9 automated speed enforcement systems deployed as a means of  
10 promoting traffic safety in a city of the first class shall  
11 be destroyed within one year of final disposition of any  
12 recorded event except that images subject to a court order  
13 under paragraph (2) or (3) shall be destroyed within two  
14 years after the date of the order, unless further extended by  
15 court order. The city shall file notice with the Department  
16 of State that the records have been destroyed in accordance  
17 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 speed enforcement system under  
21 this section shall not be the property of the manufacturer or  
22 vendor of the automated speed enforcement system and may not  
23 be used for any purpose other than prescribed in this  
24 section.

25 (6) A violation of this subsection shall constitute a  
26 misdemeanor of the third degree punishable by a \$500 fine.  
27 Each violation shall constitute a separate and distinct  
28 offense.

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

30 (1) It shall be a defense to a violation under this

1 section that the person named in the notice of the violation  
2 was not operating the vehicle at the time of the violation.  
3 The owner may be required to submit evidence that the owner  
4 was not the driver at the time of the alleged violation. The  
5 city of the first class may not require the owner of the  
6 vehicle to disclose the identity of the operator of the  
7 vehicle at the time of the violation.

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

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

18 (4) It shall be a defense to a violation under this  
19 section that the device being used to determine speed was not  
20 in compliance with section 3368 (relating to speed timing  
21 devices) with respect to testing for accuracy, certification  
22 or calibration.

23 (h) Department approval.--

24 (1) No automated speed enforcement system may be used  
25 without the approval of the department, which shall have the  
26 authority to promulgate regulations for the certification and  
27 use of the systems which regulations may include the use of  
28 radio-microwave devices, commonly referred to as electronic  
29 speed meters or radar, or light detection and ranging  
30 devices, commonly referred to as lidar, in their operations.

1           (2) Notwithstanding any other provision of law, the  
2 devices identified in paragraph (1) shall be tested for  
3 accuracy at regular intervals as designated by regulation of  
4 the department.

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

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

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

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

25           (i) a copy of the recorded image showing the  
26 vehicle;

27           (ii) the registration number and state of issuance  
28 of the vehicle registration;

29           (iii) the date, time and place of the alleged  
30 violation;

1           (iv) notice that the violation charged is under  
2 section 3362; and

3           (v) instructions for return of the notice of  
4 violation, which shall read:

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

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

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

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

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

23           (i) The number of violations and fines issued and  
24 data regarding the speeds of vehicles in the enforcement  
25 area.

26           (ii) A compilation of penalties paid and  
27 outstanding.

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

30           (iv) The number of vehicular accidents and related

1 serious injuries and deaths along the designated highway.

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

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

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

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

27 (2) Payment must be made personally, through an  
28 authorized agent, electronically or by mailing both payment  
29 and the notice of violation to the system administrator.  
30 Payment by mail must be made only by money order, credit card

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

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

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

30 (1) An owner to whom a notice of violation has been

1 issued may, within 30 days of the mailing of the notice,  
2 request a hearing to contest the liability alleged in the  
3 notice. A hearing request must be made by appearing before  
4 the system administrator during regular office hours either  
5 personally or by an authorized agent or by mailing a request  
6 in writing.

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

13 (3) The hearing shall be conducted pursuant to 2 Pa.C.S.  
14 Ch. 5 (relating to practice and procedure) and shall be  
15 subject to appeal pursuant to 2 Pa.C.S. Ch. 7 (relating to  
16 judicial review).

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

28 (p) Revenue limitation.--A city of the first class may not  
29 collect an amount equal to or greater than 2% of its annual  
30 budget from the collection of revenue from the issuance and

1 payment of violations under this section.

2 (g) Expiration.--This section shall expire five years from  
3 its effective date.

4 Section 3. The Secretary of Transportation and the Chief  
5 Executive Officer of the Pennsylvania Turnpike Commission shall  
6 publish a notice in the Pennsylvania Bulletin when the automated  
7 speed enforcement system is operational along the designated  
8 highway work zones under 75 Pa.C.S. § 3369.

9 Section 4. The Secretary of Transportation shall publish a  
10 notice in the Pennsylvania Bulletin when the automated speed  
11 enforcement system is operational along the designated highway  
12 under 75 Pa.C.S. § 3370.

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

14 (1) Except as set forth in paragraph (2), the addition  
15 of 75 Pa.C.S. § 3369 shall take effect in 120 days.

16 (2) The addition of 75 Pa.C.S. § 3369(e) shall take  
17 effect 60 days after publication in the Pennsylvania Bulletin  
18 of the notice under section 3.

19 (3) Except as set forth in paragraph (4), the addition  
20 of 75 Pa.C.S. § 3370 shall take effect in 60 days.

21 (4) The addition of 75 Pa.C.S. § 3370(e) shall take  
22 effect 60 days after publication in the Pennsylvania Bulletin  
23 of the notice under section 4.

24 (5) The remainder of this act shall take effect  
25 immediately.