

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

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, JUNE 22, 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 AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED <--
8 STATUTES, IN GENERAL PROVISIONS, FURTHER PROVIDING FOR
9 DEFINITIONS; AND, IN RULES OF THE ROAD IN GENERAL, FURTHER
10 PROVIDING FOR SPEED TIMING DEVICES AND PROVIDING FOR
11 AUTOMATED SPEED ENFORCEMENT SYSTEMS IN ACTIVE WORK ZONES AND
12 ESTABLISHING A PILOT PROGRAM FOR AUTOMATED SPEED ENFORCEMENT
13 SYSTEM ON DESIGNATED HIGHWAY.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 ~~Section 1. Section 102 of Title 75 of the Pennsylvania~~ <--
17 ~~Consolidated Statutes is amended by adding a definition to read:~~
18 ~~§ 102. Definitions.~~

19 ~~Subject to additional definitions contained in subsequent~~
20 ~~provisions of this title which are applicable to specific~~
21 ~~provisions of this title, the following words and phrases when~~
22 ~~used in this title shall have, unless the context clearly~~

1 ~~indicates otherwise, the meanings given to them in this section:~~

2 ~~* * *~~

3 ~~"Automated speed enforcement system." An electronic traffic~~
4 ~~sensor system that:~~

5 ~~(1) is able to automatically detect vehicles exceeding~~
6 ~~the posted speed limit with a type of speed timing device;~~
7 ~~and~~

8 ~~(2) produces recorded images that show:~~

9 ~~(i) a clear and legible identification of the~~
10 ~~vehicle's entire rear license plate;~~

11 ~~(ii) location; and~~

12 ~~(iii) date and time; and~~

13 ~~(3) produces at least two time stamped recorded images~~
14 ~~of the vehicle that include the same stationary object near~~
15 ~~the vehicle. Each time stamped image shall display time to~~
16 ~~the hundredth of a second.~~

17 ~~* * *~~

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

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

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

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

29 ~~(2) This section shall only be applicable on Federal aid~~
30 ~~highways and the Pennsylvania Turnpike in areas agreed upon~~

1 ~~by the secretary and Pennsylvania Turnpike Commission,~~
2 ~~respectively, using an automated speed enforcement system.~~

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

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

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

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

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

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

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

30 ~~(ii) A notice identifying the location of the~~

1 ~~automated speed enforcement system is posted on a~~
2 ~~publicly accessible Internet website throughout the~~
3 ~~period of use.~~

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

7 ~~(5) 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 five days of~~
10 ~~operation of the automated speed enforcement system.~~

11 ~~(6) 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 ~~(7) 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 ~~(c) Liability. Driving in excess of the posted speed limit~~
23 ~~along the designated highway work zone by 11 miles per hour or~~
24 ~~more is a 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~~
8 ~~designated highway work zone enforced when triggered by a~~
9 ~~violation. The restrictions set forth in this paragraph shall~~
10 ~~not be deemed to preclude a court of competent jurisdiction~~
11 ~~from issuing an order directing that the information be~~
12 ~~provided to law enforcement officials if the information is~~
13 ~~reasonably described and is requested solely in connection~~
14 ~~with a criminal law 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 department, Pennsylvania Turnpike Commission or system~~
19 ~~administrator or their authorized agents or employees,~~
20 ~~including recorded images, written records, reports or~~
21 ~~facsimiles, names, addresses and the number of violations~~
22 ~~under this section, shall be for the exclusive use of the~~
23 ~~department, Pennsylvania Turnpike Commission and system~~
24 ~~administrator, their authorized agents and employees and law~~
25 ~~enforcement officials for the purpose of discharging their~~
26 ~~duties under this section. The information shall not be~~
27 ~~deemed a public record under the act of February 14, 2008~~
28 ~~(P.L.6, No.3), known as the Right to Know Law. The~~
29 ~~information shall not be discoverable by court order or~~
30 ~~otherwise, nor shall it be offered in evidence in any action~~

1 ~~or proceeding which is not directly related to a violation of~~
2 ~~this section. The restrictions set forth in this paragraph~~
3 ~~shall not be deemed to preclude a court of competent~~
4 ~~jurisdiction from issuing an order directing that the~~
5 ~~information be provided to law enforcement officials if the~~
6 ~~information is reasonably described and is requested solely~~
7 ~~in connection with a criminal law 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 this Commonwealth shall be~~
11 ~~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 department shall file notice with the~~
16 ~~Department of State that the records have been destroyed in~~
17 ~~accordance 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 system~~
22 ~~administrator, manufacturer or vendor of the automated speed~~
23 ~~enforcement system and may not be used for any purpose other~~
24 ~~than prescribed in this 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 ~~owner of the vehicle shall not be required to disclose the~~
6 ~~identity of the operator of the vehicle at the time of the~~
7 ~~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. No automated speed enforcement~~
24 ~~system may be used without the approval of the department. The~~
25 ~~department shall have the authority to promulgate regulations~~
26 ~~for the certification and use of the systems, which may include~~
27 ~~the use of radio-microwave devices, commonly referred to as~~
28 ~~electronic speed meters or radar, or light detection and ranging~~
29 ~~devices, commonly referred to as LIDAR, in their operations.~~
30 ~~Notwithstanding any other provision of law, these devices shall~~

1 ~~be tested for accuracy at regular intervals as designated by~~
2 ~~regulation of the department.~~

3 ~~(i) Procedure. The following shall apply:~~

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

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

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

23 ~~(i) a copy of the recorded image showing the vehicle~~
24 ~~with license plate visible;~~

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

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

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

1 ~~(v) instructions for return of the notice of~~
2 ~~violation, which shall read:~~

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

7 ~~(j) System administrator. The following shall apply:~~

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

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

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

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

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

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

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

1 ~~(v) The number of vehicular accidents and related~~
2 ~~serious injuries and deaths along the designated highway~~
3 ~~work zones.~~

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

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

25 ~~(m) Payment of fine. The following shall apply:~~

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

29 ~~(2) Payment must be made personally, through an~~
30 ~~authorized agent, electronically or by mailing both payment~~

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

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

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

~~(n) Hearing. The following shall apply:~~

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

1 ~~notice. A hearing request must be made by appearing before~~
2 ~~the system administrator during regular office hours either~~
3 ~~personally or by an authorized agent or by mailing a request~~
4 ~~in writing. A hearing request form may be included with or as~~
5 ~~part of the notice of violation.~~

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. The hearing officer shall be~~
9 ~~designated by the department. Written notice of the date,~~
10 ~~time and place of hearing must be sent by first class mail to~~
11 ~~the owner. The system administrator shall establish~~
12 ~~convenient hearing hours and times in each of the following~~
13 ~~metropolitan areas for challenges to be heard as provided in~~
14 ~~this section: Erie, Harrisburg, Philadelphia, Pittsburgh and~~
15 ~~Scranton.~~

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

20 ~~(c) Compensation to system administrator, manufacturer or~~
21 ~~vendor. 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 system administrator, manufacturer or vendor of the~~
26 ~~equipment shall be based upon the value of the equipment and the~~
27 ~~services provided or rendered in support of the automated speed~~
28 ~~enforcement system.~~

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

1 ~~under this section.~~

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

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

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

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

22 ~~(2) This section shall only be applicable in a city of~~
23 ~~the first class in areas agreed upon by the system~~
24 ~~administrator and the Secretary of Transportation using the~~
25 ~~automated speed enforcement system on the following highways:~~

26 ~~(i) U.S. Route 1 (Roosevelt Boulevard) between Ninth~~
27 ~~Street and the Philadelphia County line shared with Bucks~~
28 ~~County.~~

29 ~~(ii) Henry Avenue between Hunting Park Avenue and~~
30 ~~Port Royal Avenue.~~

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

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

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

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

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

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

30 ~~(ii) A notice identifying the location of the~~

~~automated speed enforcement system is posted on the department's publicly accessible Internet website throughout the period of use.~~

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

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

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

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

~~(c) Liability. Driving in excess of the posted speed limit along the designated highway by 11 miles per hour or more is a violation of this section.~~

~~(f) Limitations. The following shall apply:~~

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

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

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

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

~~forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.~~

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

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

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

~~(g) Defenses. The following shall apply:~~

~~(1) It shall be a defense to a violation under this 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 ~~city of the first class may not require the owner of the~~
5 ~~vehicle to disclose the identity of the operator of the~~
6 ~~vehicle at the time of the 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.~~

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

30 ~~(2) Notwithstanding any other provision of law, the~~

~~1 devices identified in paragraph (1) shall be tested for~~
~~2 accuracy at regular intervals as designated by regulation of~~
~~3 the department.~~

~~4 (i) Duty of city. If a city of the first class elects to~~
~~5 implement this section, the following provisions shall apply:~~

~~6 (1) The city may not use an automated speed enforcement~~
~~7 system unless there is posted an appropriate sign in a~~
~~8 conspicuous place before the area in which the automated~~
~~9 speed enforcement device is to be used notifying the public~~
~~10 that an automated speed enforcement device is in use~~
~~11 immediately ahead.~~

~~12 (2) The city shall designate or appoint the Philadelphia~~
~~13 Parking Authority as the system administrator to supervise~~
~~14 and coordinate the administration of notices of violation~~
~~15 issued under this section.~~

~~16 (3) The system administrator shall prepare a notice of~~
~~17 violation to the registered owner of a vehicle identified in~~
~~18 a recorded image produced by an automated speed enforcement~~
~~19 system as evidence of a violation of section 3362. The notice~~
~~20 of violation must be issued by a police officer employed by~~
~~21 the police department with primary jurisdiction over the area~~
~~22 where the violation occurred. The notice of violation shall~~
~~23 have the following attached to it:~~

~~24 (i) a copy of the recorded image showing the~~
~~25 vehicle;~~

~~26 (ii) the registration number and state of issuance~~
~~27 of the vehicle registration;~~

~~28 (iii) the date, time and place of the alleged~~
~~29 violation;~~

~~30 (iv) notice that the violation charged is under~~

1 ~~section 3362; and~~

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

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

8 ~~(j) System administrator. The following shall apply:~~

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

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

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

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

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

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

29 ~~(iv) The number of vehicular accidents and related~~
30 ~~serious injuries and deaths along the designated highway.~~

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

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

22 ~~(m) Payment of fine. The following shall apply:~~

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

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

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

~~26 (3) Payment of the established fine and applicable
27 penalties shall operate as a final disposition of the case.~~

~~28 (n) Hearing. The following shall apply:~~

~~29 (1) An owner to whom a notice of violation has been
30 issued may, within 30 days of the mailing of the notice,~~

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

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. The hearing officer shall be~~
9 ~~designated by the city of the first class. Written notice of~~
10 ~~the date, time and place of hearing must be sent by first~~
11 ~~class mail to the owner.~~

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

16 ~~(c) Compensation to manufacturer or vendor. If a city of~~
17 ~~the first class has established an automated speed enforcement~~
18 ~~system deployed as a means of promoting traffic safety and the~~
19 ~~enforcement of the traffic laws of this Commonwealth or the~~
20 ~~city, the 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 manufacturer or vendor of the equipment shall be based upon~~
25 ~~the value of the equipment and the services provided or rendered~~
26 ~~in support of the automated speed enforcement system.~~

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

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

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

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

12 ~~Section 5. This act shall take effect as follows:~~

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

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

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

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

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

25 SECTION 1. SECTION 102 OF TITLE 75 OF THE PENNSYLVANIA <--
26 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:
27 § 102. DEFINITIONS.

28 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
29 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
30 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN

1 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
2 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

3 * * *

4 "AUTOMATED SPEED ENFORCEMENT SYSTEM." AN ELECTRONIC TRAFFIC
5 SENSOR SYSTEM THAT:

6 (1) IS ABLE TO AUTOMATICALLY DETECT VEHICLES EXCEEDING
7 THE POSTED SPEED LIMIT WITH A TYPE OF SPEED TIMING DEVICE;

8 (2) PRODUCES A RECORDED IMAGE THAT SHOWS:

9 (I) A CLEAR AND LEGIBLE IDENTIFICATION OF ONLY THE
10 VEHICLE'S LICENSE PLATE;

11 (II) LOCATION; AND

12 (III) DATE AND TIME.

13 "AUTOMATED SPEED ENFORCEMENT WORK AREA." THE PORTION OF AN
14 ACTIVE WORK ZONE WHERE CONSTRUCTION, MAINTENANCE OR UTILITY
15 WORKERS ARE LOCATED ON THE ROADWAY, BERM OR SHOULDER AND WORKERS
16 ARE ADJACENT TO AN ACTIVE TRAVEL LANE AND WHERE AN AUTOMATED
17 SPEED ENFORCEMENT SYSTEM IS ACTIVE. FOR THE PURPOSES OF THIS
18 DEFINITION, WORKERS SHALL ALSO BE CONSIDERED ADJACENT TO AN
19 ACTIVE TRAVEL LANE WHERE WORKERS ARE PRESENT AND ARE PROTECTED
20 BY A TRAFFIC BARRICADE.

21 * * *

22 SECTION 2. SECTION 3368(C)(2) OF TITLE 75 IS AMENDED,
23 SUBSECTION (C) IS AMENDED BY ADDING A PARAGRAPH AND THE SECTION
24 IS AMENDED BY ADDING A SUBSECTION TO READ:

25 § 3368. SPEED TIMING DEVICES.--

26 * * *

27 (C) MECHANICAL, ELECTRICAL AND ELECTRONIC DEVICES
28 AUTHORIZED.--

29 * * *

30 (2) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (3),

1 ELECTRONIC DEVICES SUCH AS RADIO-MICROWAVE DEVICES
2 [(COMMONLY], COMMONLY REFERRED TO AS ELECTRONIC SPEED METERS
3 OR [RADAR)] RADAR, MAY BE USED ONLY AS PART OF AN AUTOMATED
4 SPEED ENFORCEMENT SYSTEM OR BY MEMBERS OF THE PENNSYLVANIA
5 STATE POLICE.

6 * * *

7 (5) LIGHT DETECTION AND RANGING DEVICES, COMMONLY
8 REFERRED TO AS LIDAR, MAY BE USED ONLY AS PART OF AN
9 AUTOMATED SPEED ENFORCEMENT SYSTEM OR BY MEMBERS OF THE
10 PENNSYLVANIA STATE POLICE.

11 * * *

12 (F) LIDAR TESTING AND CALIBRATION.--

13 (1) THE DEPARTMENT MAY, UPON PUBLICATION IN THE
14 PENNSYLVANIA BULLETIN, PROVIDE THAT LIDAR SPEED MEASURING
15 DEVICES AND LIDAR SYSTEMS SHALL BE CALIBRATED AND TESTED
16 USING THE TESTING PROCEDURES IN DEPARTMENT REGULATION.

17 (2) LIDAR SPEED MEASURING DEVICES AND LIDAR SYSTEMS
18 SHALL BE CALIBRATED AND TESTED EVERY 365 DAYS AT A MINIMUM
19 BEFORE BEING UTILIZED BY THE PENNSYLVANIA STATE POLICE OR AS
20 PART OF AN AUTOMATED SPEED ENFORCEMENT SYSTEM.

21 (3) THE CERTIFICATION THAT THE LIDAR DEVICE AND SYSTEM,
22 AS APPLICABLE, HAVE BEEN TESTED AND FOUND TO BE ACCURATE
23 SHALL CREATE A PRESUMPTION THAT THE REQUIREMENTS OF THIS
24 SUBSECTION HAVE BEEN FULFILLED.

25 (4) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND
26 PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
27 PARAGRAPH UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

28 "LIDAR." THE TECHNOLOGY OF MEASURING TARGET RANGE USING
29 REFLECTED LIGHT TO DETERMINE TARGET RANGE AND SPEED FROM THE
30 TIME-OF-FLIGHT OF LASER PULSES.

1 "LIDAR SPEED-MEASURING DEVICE." SPEED-MEASURING
2 EQUIPMENT THAT DETERMINES TARGET RANGE AND SPEED BASED ON THE
3 TIME-OF-FLIGHT OF LASER LIGHT PULSES REFLECTED OFF A TARGET.

4 "LIDAR SYSTEM." A LIDAR SPEED-MEASURING DEVICE THAT
5 INCORPORATES ADDITIONAL EQUIPMENT THAT IS USED TO GATHER,
6 PROCESS AND RECORD IMAGES, AS APPLICABLE, TO BE USED AS PART
7 OF SPEED ENFORCEMENT EFFORTS.

8 SECTION 3. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:
9 § 3369. AUTOMATED SPEED ENFORCEMENT SYSTEMS IN ACTIVE WORK
10 ZONES.

11 (A) ESTABLISHMENT.--A PROGRAM IS ESTABLISHED TO PROVIDE FOR
12 AUTOMATED SPEED ENFORCEMENT SYSTEMS IN ACTIVE WORK ZONES.

13 (B) APPLICABILITY.--THIS SECTION SHALL APPLY TO FEDERAL AID
14 HIGHWAYS ONLY UNDER THE JURISDICTION OF THE DEPARTMENT AND THE
15 PENNSYLVANIA TURNPIKE COMMISSION. AN AUTOMATED SPEED ENFORCEMENT
16 SYSTEM MAY NOT BE USED UNLESS:

17 (1) AT LEAST TWO APPROPRIATE WARNING SIGNS ARE
18 CONSPICUOUSLY PLACED BEFORE THE ACTIVE WORK ZONE NOTIFYING
19 THE PUBLIC THAT AN AUTOMATED SPEED ENFORCEMENT DEVICE IS IN
20 USE.

21 (2) A NOTICE IDENTIFYING THE LOCATION OF THE AUTOMATED
22 SPEED ENFORCEMENT SYSTEM IS POSTED AT THE ACTIVE WORK ZONE
23 AND ON THE DEPARTMENT'S OR PENNSYLVANIA TURNPIKE COMMISSION'S
24 PUBLICLY ACCESSIBLE INTERNET WEBSITE. THE NOTICE ON THE
25 WEBSITES SHALL REMAIN THROUGHOUT THE PERIOD OF USE.

26 (C) LIABILITY.--DRIVING IN EXCESS OF THE POSTED SPEED LIMIT
27 IN AN AUTOMATED SPEED ENFORCEMENT WORK AREA BY AT LEAST 11 MILES
28 PER HOUR IS A VIOLATION OF THIS SECTION.

29 (C.1) OWNER LIABILITY.--FOR EACH VIOLATION UNDER THIS
30 SECTION, THE OWNER OF THE VEHICLE SHALL BE LIABLE FOR THE

1 PENALTY IMPOSED UNLESS THE OWNER IS CONVICTED OF THE SAME
2 VIOLATION UNDER ANOTHER PROVISION OF THIS TITLE OR HAS A DEFENSE
3 UNDER SUBSECTION (G).

4 (D) NOTICE OF VIOLATION.--

5 (1) (I) AN ACTION TO ENFORCE THIS SECTION SHALL BE
6 INITIATED BY AN ADMINISTRATIVE NOTICE OF VIOLATION TO THE
7 REGISTERED OWNER OF A VEHICLE IDENTIFIED BY AN AUTOMATED
8 SPEED ENFORCEMENT SYSTEM AS VIOLATING THIS SECTION. A
9 NOTICE OF VIOLATION BASED UPON INSPECTION OF RECORDED
10 IMAGES PRODUCED BY AN AUTOMATED SPEED ENFORCEMENT SYSTEM
11 AND SWORN OR AFFIRMED BY AN AUTHORIZED MEMBER OF THE
12 PENNSYLVANIA STATE POLICE SHALL BE PRIMA FACIE EVIDENCE
13 OF THE FACTS CONTAINED IN THE NOTICE. THE PENNSYLVANIA
14 STATE POLICE SHALL RECEIVE CERTIFICATION FROM THE
15 DEPARTMENT, THE PENNSYLVANIA TURNPIKE COMMISSION OR THE
16 SYSTEM ADMINISTRATOR WHEN AN AUTOMATED SPEED ENFORCEMENT
17 SYSTEM IS ACTIVE IN ACCORDANCE WITH SUBSECTION (B).

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 THE AUTOMATED SPEED ENFORCEMENT SYSTEM TO BE
23 OPERATING PROPERLY.

24 (III) AN AUTOMATED SPEED ENFORCEMENT SYSTEM OPERATOR
25 SHALL COMPLETE TRAINING OFFERED BY THE MANUFACTURER OF
26 THE AUTOMATED SPEED ENFORCEMENT SYSTEM, INCLUDING
27 TRAINING ON ANY DEVICES CRITICAL TO THE OPERATION OF THE
28 SYSTEM, OR THE MANUFACTURER'S REPRESENTATIVE IN THE
29 PROCEDURES FOR SETTING UP, TESTING AND OPERATING AN
30 AUTOMATED SPEED ENFORCEMENT SYSTEM. UPON COMPLETION OF

1 THE TRAINING, THE MANUFACTURER OR MANUFACTURER'S
2 REPRESENTATIVE SHALL ISSUE A SIGNED CERTIFICATE TO THE
3 AUTOMATED SPEED ENFORCEMENT SYSTEM DEVICE OPERATOR, WHICH
4 SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR
5 A VIOLATION INVOLVING AN AUTOMATED SPEED ENFORCEMENT
6 SYSTEM DEVICE. AN AUTOMATED SPEED ENFORCEMENT SYSTEM
7 DEVICE OPERATOR SHALL FILL OUT AND SIGN A DAILY LOG FOR
8 AN AUTOMATED SPEED ENFORCEMENT SYSTEM, WHICH:

9 (A) STATES THE DATE, TIME AND LOCATION OF THE
10 DEVICE SETUP;

11 (B) STATES THAT THE AUTOMATED SPEED ENFORCEMENT
12 SYSTEM DEVICE OPERATOR SUCCESSFULLY PERFORMED AND THE
13 AUTOMATED SPEED ENFORCEMENT SYSTEM DEVICE PASSED THE
14 SELF-TESTS SPECIFIED BY THE MANUFACTURER OF THE
15 AUTOMATED SPEED ENFORCEMENT SYSTEM DEVICE;

16 (C) SHALL BE KEPT ON FILE; AND

17 (D) SHALL BE ADMITTED IN ANY PROCEEDING FOR A
18 VIOLATION INVOLVING AN AUTOMATED SPEED ENFORCEMENT
19 SYSTEM DEVICE.

20 (IV) AN AUTOMATED SPEED ENFORCEMENT SYSTEM DEVICE
21 SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY A
22 CALIBRATION LABORATORY. THE CALIBRATION LABORATORY SHALL
23 ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE
24 ANNUAL CALIBRATION CHECK, WHICH SHALL BE KEPT ON FILE AND
25 SHALL BE ADMITTED AS EVIDENCE IN ANY PROCEEDING FOR A
26 VIOLATION INVOLVING AN AUTOMATED SPEED ENFORCEMENT SYSTEM
27 DEVICE.

28 (V) THE FOLLOWING SHALL BE ATTACHED TO THE NOTICE OF
29 VIOLATION:

30 (A) A COPY OF THE RECORDED IMAGE SHOWING THE

1 VEHICLE WITH ITS LICENSE PLATE VISIBLE.

2 (B) THE REGISTRATION NUMBER AND STATE OF
3 ISSUANCE OF THE VEHICLE REGISTRATION.

4 (C) VERIFICATION THAT THE AUTOMATED SPEED
5 ENFORCEMENT SYSTEM WAS OPERATING CORRECTLY AT THE
6 TIME OF THE ALLEGED VIOLATION AND THE DATE OF THE
7 MOST RECENT INSPECTION THAT CONFIRMS THE AUTOMATED
8 SPEED ENFORCEMENT SYSTEM TO BE OPERATING PROPERLY.

9 (D) THE DATE, TIME AND PLACE OF THE ALLEGED
10 VIOLATION.

11 (E) NOTICE THAT THE VIOLATION CHARGED IS UNDER
12 THIS SECTION.

13 (F) INSTRUCTIONS FOR RETURN OF THE NOTICE OF
14 VIOLATION.

15 (2) IN THE CASE OF A VIOLATION INVOLVING A MOTOR VEHICLE
16 REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH, THE NOTICE OF
17 VIOLATION SHALL BE MAILED WITHIN 30 DAYS AFTER THE COMMISSION
18 OF THE VIOLATION OR WITHIN 30 DAYS AFTER THE DISCOVERY OF THE
19 IDENTITY OF THE REGISTERED OWNER, WHICHEVER IS LATER, TO THE
20 ADDRESS OF THE REGISTERED OWNER AS LISTED IN THE RECORDS OF
21 THE DEPARTMENT.

22 (3) IN THE CASE OF A VIOLATION INVOLVING A MOTOR VEHICLE
23 REGISTERED IN A JURISDICTION OTHER THAN THIS COMMONWEALTH,
24 THE NOTICE OF VIOLATION SHALL BE MAILED WITHIN 30 DAYS AFTER
25 THE DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER TO THE
26 ADDRESS OF THE REGISTERED OWNER AS LISTED IN THE RECORDS OF
27 THE OFFICIAL IN THE JURISDICTION HAVING CHARGE OF THE
28 REGISTRATION OF THE VEHICLE.

29 (4) A NOTICE OF VIOLATION SHALL BE INVALID UNLESS
30 PROVIDED TO AN OWNER WITHIN 90 DAYS OF THE OFFENSE.

1 (5) THE NOTICE SHALL INCLUDE THE FOLLOWING TEXT:
2 THIS NOTICE SHALL BE RETURNED PERSONALLY, BY MAIL OR BY
3 AN AGENT DULY AUTHORIZED IN WRITING, WITHIN 30 DAYS OF
4 ISSUANCE. A HEARING MAY BE OBTAINED UPON THE WRITTEN
5 REQUEST OF THE REGISTERED OWNER.

6 (6) NOTICE OF VIOLATION MUST BE SENT BY FIRST CLASS
7 MAIL. A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED BY THE
8 SYSTEM ADMINISTRATOR IN THE ORDINARY COURSE OF BUSINESS SHALL
9 BE PRIMA FACIE EVIDENCE OF MAILING AND SHALL BE ADMISSIBLE IN
10 A JUDICIAL OR ADMINISTRATIVE PROCEEDING AS TO THE FACTS
11 CONTAINED IN THE NOTICE.

12 (E) PENALTY.--

13 (1) THE PENALTY OF A VIOLATION UNDER THIS SECTION SHALL
14 BE A FINE OF \$75 FOR THE FIRST OFFENSE AND \$150 FOR THE
15 SECOND AND SUBSEQUENT OFFENSES, AND THE FINE SHALL NOT BE
16 SUBJECT TO 42 PA.C.S. § 3571 (RELATING TO COMMONWEALTH
17 PORTION OF FINES, ETC.) OR 3573 (RELATING TO MUNICIPAL
18 CORPORATION PORTION OF FINES, ETC.).

19 (2) THE FINE IS NOT AUTHORIZED DURING TIMES WHEN THE
20 AUTOMATED SPEED ENFORCEMENT WORK AREA IS NOT ACTIVE.

21 (3) A PENALTY IMPOSED UNDER THIS SECTION SHALL NOT:

22 (I) BE DEEMED A CRIMINAL CONVICTION;

23 (II) BE MADE PART OF THE OPERATING RECORD OF THE
24 INDIVIDUAL UPON WHOM THE PENALTY IS IMPOSED UNDER SECTION
25 1535 (RELATING TO SCHEDULE OF CONVICTIONS AND POINTS);

26 (III) BE THE SUBJECT OF MERIT RATING FOR INSURANCE
27 PURPOSES; OR

28 (IV) AUTHORIZE IMPOSITION OF SURCHARGE POINTS IN THE
29 PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

30 (F) LIMITATIONS.--

1 (1) RECORDED IMAGES COLLECTED AS PART OF THE AUTOMATED
2 SPEED ENFORCEMENT SYSTEM MAY RECORD ONLY VIOLATIONS OF THIS
3 SECTION AND MAY NOT BE USED FOR ANY OTHER SURVEILLANCE
4 PURPOSES. THE RESTRICTIONS PROVIDED IN THIS PARAGRAPH SHALL
5 NOT PRECLUDE A COURT OF COMPETENT JURISDICTION FROM ISSUING
6 AN ORDER DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW
7 ENFORCEMENT OFFICIALS, IF THE INFORMATION IS REQUESTED SOLELY
8 IN CONNECTION WITH A CRIMINAL LAW ENFORCEMENT ACTION AND IS
9 REASONABLY DESCRIBED.

10 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
11 INFORMATION GATHERED AND MAINTAINED UNDER THIS SECTION THAT
12 IS KEPT BY THE COMMONWEALTH, ITS AUTHORIZED AGENTS OR ITS
13 EMPLOYEES, INCLUDING RECORDED IMAGES, WRITTEN RECORDS,
14 REPORTS OR FACSIMILES, NAMES AND ADDRESSES, SHALL BE FOR THE
15 EXCLUSIVE PURPOSE OF DISCHARGING ITS DUTIES UNDER THIS
16 SECTION. THE INFORMATION SHALL NOT BE DEEMED A PUBLIC RECORD
17 UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS
18 THE RIGHT-TO-KNOW LAW. THE INFORMATION SHALL NOT BE
19 DISCOVERABLE BY COURT ORDER OR OTHERWISE OR BE ADMISSIBLE AS
20 EVIDENCE IN A PROCEEDING EXCEPT TO DETERMINE LIABILITY UNDER
21 THIS SECTION. THE RESTRICTIONS PROVIDED IN THIS PARAGRAPH
22 SHALL NOT PRECLUDE A COURT OF COMPETENT JURISDICTION FROM
23 ISSUING AN ORDER DIRECTING THAT THE INFORMATION BE PROVIDED
24 TO LAW ENFORCEMENT OFFICIALS, IF THE INFORMATION IS REQUESTED
25 SOLELY IN CONNECTION WITH A CRIMINAL LAW ENFORCEMENT ACTION
26 AND IS REASONABLY DESCRIBED.

27 (3) RECORDED IMAGES OBTAINED THROUGH THE USE OF
28 AUTOMATED SPEED ENFORCEMENT SYSTEMS DEPLOYED AS A MEANS OF
29 PROMOTING TRAFFIC SAFETY IN AUTOMATED SPEED ENFORCEMENT WORK
30 AREAS SHALL BE DESTROYED WITHIN ONE YEAR OF FINAL DISPOSITION

1 OF A NOTICE OF VIOLATION, EXCEPT THAT IMAGES SUBJECT TO A
2 COURT ORDER UNDER PARAGRAPH (1) OR (2) SHALL BE DESTROYED
3 WITHIN TWO YEARS AFTER THE DATE OF THE ORDER, UNLESS FURTHER
4 EXTENDED BY COURT ORDER. THE DEPARTMENT, THE PENNSYLVANIA
5 TURNPIKE COMMISSION OR THE SYSTEM ADMINISTRATOR SHALL RETAIN
6 EVIDENCE THAT THE RECORDS HAVE BEEN DESTROYED IN ACCORDANCE
7 WITH THIS SECTION.

8 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
9 REGISTERED VEHICLE OWNER INFORMATION OBTAINED AS A RESULT OF
10 THE OPERATION OF AN AUTOMATED SPEED ENFORCEMENT SYSTEM UNDER
11 THIS SECTION SHALL BE THE EXCLUSIVE PROPERTY OF THE
12 COMMONWEALTH AND NOT THE PROPERTY OF THE MANUFACTURER OR
13 VENDOR OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM AND MAY NOT
14 BE USED FOR A PURPOSE OTHER THAN PRESCRIBED IN THIS SECTION.

15 (5) A VIOLATION OF THIS SUBSECTION SHALL CONSTITUTE A
16 MISDEMEANOR OF THE THIRD DEGREE PUNISHABLE BY A \$500 FINE.
17 EACH VIOLATION SHALL CONSTITUTE A SEPARATE AND DISTINCT
18 OFFENSE.

19 (G) DEFENSES.--

20 (1) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
21 SECTION THAT THE VEHICLE WAS REPORTED TO A POLICE DEPARTMENT
22 AS STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED AND WAS
23 NOT RECOVERED PRIOR TO THAT TIME.

24 (2) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
25 SECTION THAT THE PERSON RECEIVING THE NOTICE OF VIOLATION WAS
26 NOT THE OWNER OF THE VEHICLE AT THE TIME OF THE OFFENSE.

27 (3) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
28 SECTION THAT THE DEVICE BEING USED TO DETERMINE SPEED WAS NOT
29 IN COMPLIANCE WITH SECTION 3368 (RELATING TO SPEED TIMING
30 DEVICES) WITH RESPECT TO TESTING FOR ACCURACY, CERTIFICATION

1 OR CALIBRATION.

2 (H) AUTHORITY AND DUTIES OF DEPARTMENT AND PENNSYLVANIA
3 TURNPIKE COMMISSION.--

4 (1) THE DEPARTMENT AND PENNSYLVANIA TURNPIKE COMMISSION
5 SHALL ESTABLISH A FIVE-YEAR AUTOMATED SPEED ENFORCEMENT
6 SYSTEM PROGRAM NOT LATER THAN 18 MONTHS FOLLOWING THE
7 EFFECTIVE DATE OF THIS SECTION.

8 (2) (I) THE DEPARTMENT AND PENNSYLVANIA TURNPIKE
9 COMMISSION MAY PROMULGATE REGULATIONS FOR THE
10 CERTIFICATION AND THE USE OF AUTOMATED SPEED ENFORCEMENT
11 SYSTEMS.

12 (II) IN ORDER TO FACILITATE THE PROMPT
13 IMPLEMENTATION OF THIS SECTION, REGULATIONS PROMULGATED
14 BY THE DEPARTMENT AND PENNSYLVANIA TURNPIKE COMMISSION
15 UNDER THIS SECTION SHALL BE DEEMED TEMPORARY REGULATIONS
16 AND NOT SUBJECT TO:

17 (A) SECTIONS 201, 202, 203, 204 AND 205 OF THE
18 ACT OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO
19 AS THE COMMONWEALTH DOCUMENTS LAW.

20 (B) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
21 KNOWN AS THE REGULATORY REVIEW ACT.

22 (C) SECTION 204 (B) OF THE ACT OF OCTOBER 15,
23 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH
24 ATTORNEYS ACT.

25 (3) (I) THE DEPARTMENT AND PENNSYLVANIA TURNPIKE
26 COMMISSION SHALL SERVE DIRECTLY OR THROUGH A CONTRACTED
27 PRIVATE SERVICE AS THE SYSTEM ADMINISTRATOR OF THE
28 PROGRAM. COMPENSATION UNDER A CONTRACT AUTHORIZED BY THIS
29 PARAGRAPH SHALL BE BASED ONLY UPON THE VALUE OF EQUIPMENT
30 AND SERVICES PROVIDED OR RENDERED IN SUPPORT OF THE

1 AUTOMATED SPEED ENFORCEMENT SYSTEM PROGRAM AND MAY NOT BE
2 BASED ON THE QUANTITY OF NOTICES OF VIOLATION ISSUED OR
3 AMOUNT OF FINES IMPOSED OR GENERATED.

4 (II) THE SYSTEM ADMINISTRATOR SHALL PREPARE AND
5 ISSUE NOTICES OF VIOLATION.

6 (III) TWO RESTRICTED ACCOUNTS ARE ESTABLISHED IN THE
7 STATE TREASURY FOR FINES REMITTED UNDER THIS SECTION TO
8 THE DEPARTMENT AND PENNSYLVANIA TURNPIKE COMMISSION,
9 RESPECTIVELY. THE SYSTEM ADMINISTRATOR OF THE DEPARTMENT
10 OR PENNSYLVANIA TURNPIKE COMMISSION, IF ANY, SHALL SEND
11 AN INVOICE TO THE DEPARTMENT OR PENNSYLVANIA TURNPIKE
12 COMMISSION BASED, RESPECTIVELY, ON THE SERVICES UNDER
13 SUBPARAGRAPH (I) AND THE PENNSYLVANIA STATE POLICE UNDER
14 SUBSECTION (D) (1) (I). THE DEPARTMENT, PENNSYLVANIA
15 TURNPIKE COMMISSION AND THE PENNSYLVANIA STATE POLICE
16 SHALL USE THE APPROPRIATE RESTRICTED ACCOUNT TO PAY FOR
17 THE ADMINISTRATION OF THE PILOT PROGRAM AND THE SYSTEM
18 ADMINISTRATOR'S INVOICE COSTS, IF APPLICABLE. REMAINING
19 FINES SHALL BE ALLOCATED BY THE DEPARTMENT OR
20 PENNSYLVANIA TURNPIKE COMMISSION FOR THE FIRST THREE
21 YEARS AS FOLLOWS:

22 (A) FORTY-FIVE PERCENT OF THE FINES FROM
23 VIOLATIONS OCCURRING IN AN AUTOMATED SPEED
24 ENFORCEMENT WORK AREA SHALL BE DEPOSITED INTO A
25 RESTRICTED ACCOUNT IN THE STATE TREASURY ON A
26 QUARTERLY BASIS. THE DEPARTMENT OF REVENUE SHALL,
27 WITHIN 90 DAYS OF THE DATE OF DEPOSIT, TRANSFER TO
28 THE PENNSYLVANIA STATE POLICE AN AMOUNT EQUIVALENT TO
29 THE PREVIOUS QUARTERLY DEPOSIT TO BE USED BY THE
30 PENNSYLVANIA STATE POLICE AS FOLLOWS:

1 (I) FIFTY-FIVE PERCENT OF THE FUNDS SHALL BE
2 DEDICATED AND USED FOR THE PURPOSE OF RECRUITING,
3 TRAINING OR EQUIPPING PENNSYLVANIA STATE POLICE
4 CADETS.

5 (II) FORTY-FIVE PERCENT OF THE FUNDS SHALL
6 BE DEDICATED AND USED TO PAY FOR AN INCREASED
7 PENNSYLVANIA STATE TROOPER PRESENCE IN WORK ZONES
8 ON THE STATE ROAD SYSTEM MANAGED BY THE
9 DEPARTMENT OR THE PENNSYLVANIA TURNPIKE
10 COMMISSION. FUNDS UNDER THIS SUBCLAUSE SHALL BE
11 IN ADDITION TO ANY CONTRACTUAL AGREEMENT BETWEEN
12 THE DEPARTMENT OR THE PENNSYLVANIA TURNPIKE
13 COMMISSION AND THE PENNSYLVANIA STATE POLICE FOR
14 ENFORCEMENT IN WORK ZONES ON THE STATE ROAD
15 SYSTEM MANAGED BY THE DEPARTMENT OR THE
16 PENNSYLVANIA TURNPIKE COMMISSION.

17 (B) FIFTEEN PERCENT OF THE FINES FROM VIOLATIONS
18 OCCURRING IN AN AUTOMATED SPEED ENFORCEMENT WORK AREA
19 SHALL BE TRANSFERRED TO THE DEPARTMENT OR THE
20 PENNSYLVANIA TURNPIKE COMMISSION, WHICHEVER STATE
21 ROAD SYSTEM UTILIZED THE AUTOMATED SPEED ENFORCEMENT
22 SYSTEM, FOR THE PURPOSE OF WORK ZONE SAFETY, TRAFFIC
23 SAFETY AND EDUCATING THE MOTORING PUBLIC ON WORK ZONE
24 SAFETY, AT THE DISCRETION OF THE DEPARTMENT OR
25 PENNSYLVANIA TURNPIKE COMMISSION.

26 (C) FORTY PERCENT OF THE FINES FROM VIOLATIONS
27 OCCURRING IN AN AUTOMATED SPEED ENFORCEMENT WORK AREA
28 SHALL BE DEPOSITED IN THE MOTOR LICENSE FUND AND
29 SHALL BE APPROPRIATED BY THE GENERAL ASSEMBLY.

30 (IV) REMAINING FINES SHALL BE ALLOCATED BY THE

1 DEPARTMENT OR PENNSYLVANIA TURNPIKE COMMISSION FOR THE
2 LAST TWO YEARS TO DEVELOP A WORK ZONE AND HIGHWAY SAFETY
3 PROGRAM. AT A MINIMUM, FUNDS FROM THE WORK ZONE AND
4 HIGHWAY SAFETY PROGRAM SHALL BE USED FOR IMPROVEMENT
5 PROJECTS AND COUNTERMEASURES TO IMPROVE THE SAFETY IN
6 WORK ZONES AND ON HIGHWAYS. FUNDS MAY ALSO BE USED TO
7 INCREASE AWARENESS OF DISTRACTED DRIVING AND
8 TRANSPORTATION ENHANCEMENTS ESTABLISHED UNDER SECTION
9 3116 (RELATING TO AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS
10 IN FIRST CLASS CITIES).

11 (V) IF THE AMOUNT OF FUNDS UNDER SUBPARAGRAPH (III)
12 (A) IS LOWER THAN THE AMOUNT OF FUNDS UNDER SUBPARAGRAPH
13 (III) (A) FOR THE PREVIOUS FISCAL YEAR, FUNDS FROM THE
14 MOTOR LICENSE FUND MAY NOT BE USED TO SUPPLEMENT THE
15 FUNDS FOR THE CURRENT FISCAL YEAR. FUNDING PROVIDED FOR
16 UNDER SUBPARAGRAPH (III) (A) SHALL BE SUPPLEMENTAL AND
17 SHALL NOT PROHIBIT THE PENNSYLVANIA STATE POLICE FROM
18 OBTAINING ADDITIONAL FUNDING FROM ANY OTHER MEANS.

19 (VI) IF THE FIVE-YEAR PROGRAM IS NOT EXTENDED BY THE
20 GENERAL ASSEMBLY, ANY REMAINING FINES REMITTED TO THE
21 DEPARTMENT OR PENNSYLVANIA TURNPIKE COMMISSION SHALL BE
22 USED AS PROVIDED UNDER SUBPARAGRAPH (IV).

23 (VII) THE SYSTEM ADMINISTRATOR SHALL PROVIDE AN
24 APPROPRIATE PRINTED FORM BY WHICH OWNERS MAY CHALLENGE A
25 NOTICE OF VIOLATION AND CONVENIENT HEARING HOURS AND
26 TIMES IN EACH OF THE FOLLOWING METROPOLITAN AREAS FOR
27 CHALLENGES TO BE HEARD AS PROVIDED IN THIS SECTION: ERIE,
28 HARRISBURG, PHILADELPHIA, PITTSBURGH AND SCRANTON. THE
29 FORM MAY BE INCLUDED WITH OR AS PART OF THE NOTICE OF
30 VIOLATION.

1 (4) NOT LATER THAN APRIL 1 ANNUALLY, THE DEPARTMENT, THE
2 PENNSYLVANIA TURNPIKE COMMISSION AND THE PENNSYLVANIA STATE
3 POLICE SHALL SUBMIT A REPORT ON THE PROGRAM FOR THE PRECEDING
4 CALENDAR YEAR TO THE CHAIRPERSON AND MINORITY CHAIRPERSON OF
5 THE TRANSPORTATION COMMITTEE OF THE SENATE AND THE
6 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE TRANSPORTATION
7 COMMITTEE OF THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL
8 BE A PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW AND INCLUDE:

9 (I) THE NUMBER OF VEHICULAR ACCIDENTS AND RELATED
10 SERIOUS INJURIES AND DEATHS IN ALL WORK ZONES AND IN
11 AUTOMATED SPEED ENFORCEMENT WORK AREAS WHERE THE PROGRAM
12 OPERATED.

13 (II) SPEED DATA.

14 (III) THE NUMBER OF NOTICES OF VIOLATION ISSUED.

15 (IV) THE AMOUNT OF FINES IMPOSED AND COLLECTED.

16 (V) AMOUNTS PAID UNDER CONTRACTS AUTHORIZED BY THIS
17 SECTION.

18 (VI) THE NUMBER OF HOURS OF PENNSYLVANIA STATE
19 POLICE PRESENCE IN WORK ZONES THAT WERE PROVIDED AS A
20 RESULT OF THE FUNDS UNDER PARAGRAPH (3) (III) (A) (II).

21 (VII) USE OF FUNDS UNDER PARAGRAPH (3) (IV).

22 (I) PAYMENT OF FINE.--

23 (1) AN OWNER MAY ADMIT RESPONSIBILITY FOR THE VIOLATION
24 AND PAY THE FINE PROVIDED IN THE NOTICE PERSONALLY, THROUGH
25 AN AUTHORIZED AGENT, ELECTRONICALLY OR BY MAILING BOTH
26 PAYMENT AND THE NOTICE OF VIOLATION TO THE SYSTEM
27 ADMINISTRATOR.

28 (2) PAYMENT BY MAIL MUST BE MADE ONLY BY MONEY ORDER,
29 CREDIT CARD OR CHECK MADE PAYABLE TO THE COMMONWEALTH, THE
30 PENNSYLVANIA TURNPIKE COMMISSION OR THE SYSTEM ADMINISTRATOR,

1 AS APPLICABLE.

2 (3) PAYMENT OF THE FINE SHALL OPERATE AS A FINAL
3 DISPOSITION OF THE CASE.

4 (4) IF PAYMENT IS NOT RECEIVED WITHIN 90 DAYS OF
5 ORIGINAL NOTICE, THE DEPARTMENT OR PENNSYLVANIA TURNPIKE
6 COMMISSION MAY TURN THE MATTER OVER TO APPLICABLE CREDIT
7 COLLECTION AGENCIES.

8 (J) CONTEST.--

9 (1) AN OWNER MAY, WITHIN 30 DAYS OF THE MAILING OF THE
10 NOTICE, REQUEST A HEARING TO CONTEST LIABILITY BY APPEARING
11 BEFORE THE SYSTEM ADMINISTRATOR EITHER PERSONALLY OR BY AN
12 AUTHORIZED AGENT OR BY MAILING A REQUEST IN WRITING ON THE
13 PRESCRIBED FORM. APPEARANCES IN PERSON SHALL BE ONLY AT THE
14 LOCATIONS AND TIMES SET BY THE SYSTEM ADMINISTRATOR.

15 (2) UPON RECEIPT OF A HEARING REQUEST, THE SYSTEM
16 ADMINISTRATOR SHALL IN A TIMELY MANNER SCHEDULE THE MATTER
17 BEFORE A HEARING OFFICER DESIGNATED BY THE DEPARTMENT OR
18 PENNSYLVANIA TURNPIKE COMMISSION. WRITTEN NOTICE OF THE DATE,
19 TIME AND PLACE OF HEARING MUST BE PRESENTED OR SENT BY FIRST
20 CLASS MAIL TO THE OWNER.

21 (3) THE HEARING SHALL BE INFORMAL AND THE RULES OF
22 EVIDENCE SHALL NOT APPLY. THE DECISION OF THE HEARING OFFICER
23 SHALL BE FINAL, SUBJECT TO THE RIGHT OF THE OWNER TO APPEAL
24 THE DECISION.

25 (4) IF THE OWNER REQUESTS IN WRITING THAT THE DECISION
26 OF THE HEARING OFFICER BE APPEALED, THE SYSTEM ADMINISTRATOR
27 SHALL FILE THE NOTICE OF VIOLATION AND SUPPORTING DOCUMENTS
28 WITH THE OFFICE OF THE MAGISTERIAL DISTRICT JUDGE FOR THE
29 MAGISTERIAL DISTRICT WHERE THE VIOLATION OCCURRED, AND THE
30 MAGISTERIAL DISTRICT JUDGE SHALL HEAR AND DECIDE THE MATTER

1 DE NOVO.

2 (K) EXPIRATION.--THIS SECTION SHALL EXPIRE FIVE YEARS FROM
3 THE EFFECTIVE DATE OF THIS SECTION.

4 § 3370. PILOT PROGRAM FOR AUTOMATED SPEED ENFORCEMENT SYSTEM ON
5 DESIGNATED HIGHWAY.

6 (A) GENERAL RULE.--A PILOT PROGRAM IS ESTABLISHED TO PROVIDE
7 FOR AN AUTOMATED SPEED ENFORCEMENT SYSTEM ON THE DESIGNATED
8 HIGHWAY.

9 (1) A CITY OF THE FIRST CLASS, UPON PASSAGE OF AN
10 ORDINANCE, IS AUTHORIZED TO ENFORCE SECTION 3362 (RELATING TO
11 MAXIMUM SPEED LIMITS) BY RECORDING VIOLATIONS USING AN
12 AUTOMATED SPEED ENFORCEMENT SYSTEM APPROVED BY THE
13 DEPARTMENT.

14 (2) THIS SECTION SHALL ONLY BE APPLICABLE IN A CITY OF
15 THE FIRST CLASS IN AREAS AGREED UPON BY THE SYSTEM
16 ADMINISTRATOR AND THE SECRETARY OF TRANSPORTATION USING THE
17 AUTOMATED SPEED ENFORCEMENT SYSTEM ON U.S. ROUTE 1 (ROOSEVELT
18 BOULEVARD) BETWEEN NINTH STREET AND THE PHILADELPHIA COUNTY
19 LINE SHARED WITH BUCKS COUNTY.

20 (B) OWNER LIABILITY.--FOR EACH VIOLATION UNDER THIS SECTION,
21 THE OWNER OF THE VEHICLE SHALL BE LIABLE FOR THE PENALTY IMPOSED
22 UNLESS THE OWNER IS CONVICTED OF THE SAME VIOLATION UNDER
23 ANOTHER SECTION OF THIS TITLE OR HAS A DEFENSE UNDER SUBSECTION
24 (G).

25 (C) CERTIFICATE AS EVIDENCE.--A CERTIFICATE, OR A FACSIMILE
26 OF A CERTIFICATE, BASED UPON INSPECTION OF RECORDED IMAGES
27 PRODUCED BY AN AUTOMATED SPEED ENFORCEMENT SYSTEM AND SWORN TO
28 OR AFFIRMED BY A POLICE OFFICER EMPLOYED BY THE CITY OF THE
29 FIRST CLASS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED
30 IN IT. THE CITY MUST INCLUDE WRITTEN DOCUMENTATION THAT THE

1 AUTOMATED SPEED ENFORCEMENT SYSTEM WAS OPERATING CORRECTLY AT
2 THE TIME OF THE ALLEGED VIOLATION. A RECORDED IMAGE EVIDENCING A
3 VIOLATION OF SECTION 3362 SHALL BE ADMISSIBLE IN ANY JUDICIAL OR
4 ADMINISTRATIVE PROCEEDING TO ADJUDICATE THE LIABILITY FOR THE
5 VIOLATION.

6 (D) PENALTY.--THE FOLLOWING SHALL APPLY:

7 (1) THE PENALTY FOR A VIOLATION UNDER SUBSECTION (A)
8 SHALL BE A FINE OF \$150 UNLESS A LESSER AMOUNT IS SET BY
9 ORDINANCE. THE ORDINANCE MAY CREATE FINES FOR FIRST OFFENSE,
10 SECOND OFFENSE AND THIRD AND SUBSEQUENT OFFENSES, BUT NO
11 SINGLE FINE SHALL EXCEED \$150.

12 (2) A PENALTY IS AUTHORIZED ONLY FOR A VIOLATION OF THIS
13 SECTION IF EACH OF THE FOLLOWING APPLY:

14 (I) AT LEAST TWO APPROPRIATE WARNING SIGNS ARE
15 CONSPICUOUSLY PLACED AT THE BEGINNING AND END AND AT TWO-
16 MILE INTERVALS OF THE DESIGNATED HIGHWAY NOTIFYING THE
17 PUBLIC THAT AN AUTOMATED SPEED ENFORCEMENT DEVICE IS IN
18 USE.

19 (II) A NOTICE IDENTIFYING THE LOCATION OF THE
20 AUTOMATED SPEED ENFORCEMENT SYSTEM IS POSTED ON THE
21 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE
22 THROUGHOUT THE PERIOD OF USE.

23 (3) A FINE IS NOT AUTHORIZED DURING THE FIRST 30 DAYS OF
24 OPERATION OF AN AUTOMATED SPEED ENFORCEMENT SYSTEM.

25 (4) THE SYSTEM ADMINISTRATOR MAY PROVIDE A WRITTEN
26 WARNING TO THE REGISTERED OWNER OF A VEHICLE DETERMINED TO
27 HAVE VIOLATED THIS SECTION DURING THE FIRST 30 DAYS OF
28 OPERATION OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM.

29 (5) A PENALTY IMPOSED UNDER THIS SECTION SHALL NOT BE
30 DEEMED A CRIMINAL CONVICTION AND SHALL NOT BE MADE PART OF

1 THE OPERATING RECORD UNDER SECTION 1535 (RELATING TO SCHEDULE
2 OF CONVICTIONS AND POINTS) OF THE INDIVIDUAL UPON WHOM THE
3 PENALTY IS IMPOSED, NOR MAY THE IMPOSITION OF THE PENALTY BE
4 SUBJECT TO MERIT RATING FOR INSURANCE PURPOSES.

5 (6) NO SURCHARGE POINTS MAY BE IMPOSED IN THE PROVISION
6 OF MOTOR VEHICLE INSURANCE COVERAGE. PENALTIES COLLECTED
7 UNDER THIS SECTION SHALL NOT BE SUBJECT TO 42 PA.C.S. § 3571
8 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) OR 3573
9 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.).

10 (E) LIABILITY.--DRIVING IN EXCESS OF THE POSTED SPEED LIMIT
11 ALONG THE DESIGNATED HIGHWAY BY 11 MILES PER HOUR OR MORE IS A
12 VIOLATION OF THIS SECTION.

13 (F) LIMITATIONS.--THE FOLLOWING SHALL APPLY:

14 (1) NO AUTOMATED SPEED ENFORCEMENT SYSTEM SHALL BE
15 UTILIZED IN SUCH A MANNER AS TO TAKE A FRONTAL VIEW RECORDED
16 IMAGE OF THE VEHICLE AS EVIDENCE OF HAVING COMMITTED A
17 VIOLATION.

18 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, CAMERA
19 EQUIPMENT DEPLOYED AS PART OF AN AUTOMATED SPEED ENFORCEMENT
20 SYSTEM AS PROVIDED IN THIS SECTION MUST BE INCAPABLE OF
21 AUTOMATED OR USER-CONTROLLED REMOTE SURVEILLANCE BY MEANS OF
22 RECORDED VIDEO IMAGES. RECORDED IMAGES COLLECTED AS PART OF
23 THE AUTOMATED SPEED ENFORCEMENT SYSTEM MUST ONLY RECORD
24 TRAFFIC VIOLATIONS AND MAY NOT BE USED FOR ANY OTHER
25 SURVEILLANCE PURPOSES, BUT MAY INCLUDE VIDEO OF THE AREA
26 ENFORCED WHEN TRIGGERED BY A VIOLATION. THE RESTRICTIONS SET
27 FORTH IN THIS PARAGRAPH SHALL NOT BE DEEMED TO PRECLUDE A
28 COURT OF COMPETENT JURISDICTION FROM ISSUING AN ORDER
29 DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT
30 OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND IS

1 REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW
2 ENFORCEMENT ACTION.

3 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
4 INFORMATION PREPARED UNDER THIS SECTION AND INFORMATION
5 RELATING TO VIOLATIONS UNDER THIS SECTION WHICH IS KEPT BY
6 THE CITY OF THE FIRST CLASS, ITS AUTHORIZED AGENTS OR ITS
7 EMPLOYEES, INCLUDING RECORDED IMAGES, WRITTEN RECORDS,
8 REPORTS OR FACSIMILES, NAMES, ADDRESSES AND THE NUMBER OF
9 VIOLATIONS UNDER THIS SECTION, SHALL BE FOR THE EXCLUSIVE USE
10 OF THE CITY, ITS AUTHORIZED AGENTS, ITS EMPLOYEES AND LAW
11 ENFORCEMENT OFFICIALS FOR THE PURPOSE OF DISCHARGING THEIR
12 DUTIES UNDER THIS SECTION AND UNDER ANY ORDINANCES AND
13 RESOLUTIONS OF THE CITY. THE INFORMATION SHALL NOT BE DEEMED
14 A PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6,
15 NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW. THE INFORMATION SHALL
16 NOT BE DISCOVERABLE BY COURT ORDER OR OTHERWISE, NOR SHALL IT
17 BE OFFERED IN EVIDENCE IN ANY ACTION OR PROCEEDING WHICH IS
18 NOT DIRECTLY RELATED TO A VIOLATION OF THIS SECTION OR ANY
19 ORDINANCE OR RESOLUTION OF THE CITY. THE RESTRICTIONS SET
20 FORTH IN THIS PARAGRAPH SHALL NOT BE DEEMED TO PRECLUDE A
21 COURT OF COMPETENT JURISDICTION FROM ISSUING AN ORDER
22 DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT
23 OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND IS
24 REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW
25 ENFORCEMENT ACTION.

26 (4) RECORDED IMAGES OBTAINED THROUGH THE USE OF
27 AUTOMATED SPEED ENFORCEMENT SYSTEMS DEPLOYED AS A MEANS OF
28 PROMOTING TRAFFIC SAFETY IN A CITY OF THE FIRST CLASS SHALL
29 BE DESTROYED WITHIN ONE YEAR OF FINAL DISPOSITION OF ANY
30 RECORDED EVENT EXCEPT THAT IMAGES SUBJECT TO A COURT ORDER

1 UNDER PARAGRAPH (2) OR (3) SHALL BE DESTROYED WITHIN TWO
2 YEARS AFTER THE DATE OF THE ORDER, UNLESS FURTHER EXTENDED BY
3 COURT ORDER. THE CITY SHALL FILE NOTICE WITH THE DEPARTMENT
4 OF STATE THAT THE RECORDS HAVE BEEN DESTROYED IN ACCORDANCE
5 WITH THIS SECTION.

6 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
7 REGISTERED VEHICLE OWNER INFORMATION OBTAINED AS A RESULT OF
8 THE OPERATION OF AN AUTOMATED SPEED ENFORCEMENT SYSTEM UNDER
9 THIS SECTION SHALL NOT BE THE PROPERTY OF THE MANUFACTURER OR
10 VENDOR OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM AND MAY NOT
11 BE USED FOR ANY PURPOSE OTHER THAN PRESCRIBED IN THIS
12 SECTION.

13 (6) A VIOLATION OF THIS SUBSECTION SHALL CONSTITUTE A
14 MISDEMEANOR OF THE THIRD-DEGREE PUNISHABLE BY A \$500 FINE.
15 EACH VIOLATION SHALL CONSTITUTE A SEPARATE AND DISTINCT
16 OFFENSE.

17 (G) DEFENSES.--THE FOLLOWING SHALL APPLY:

18 (1) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
19 SECTION THAT THE PERSON NAMED IN THE NOTICE OF THE VIOLATION
20 WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.
21 THE OWNER MAY BE REQUIRED TO SUBMIT EVIDENCE THAT THE OWNER
22 WAS NOT THE DRIVER AT THE TIME OF THE ALLEGED VIOLATION. THE
23 CITY OF THE FIRST CLASS MAY NOT REQUIRE THE OWNER OF THE
24 VEHICLE TO DISCLOSE THE IDENTITY OF THE OPERATOR OF THE
25 VEHICLE AT THE TIME OF THE VIOLATION.

26 (2) IF AN OWNER RECEIVES A NOTICE OF VIOLATION PURSUANT
27 TO THIS SECTION OF A TIME PERIOD DURING WHICH THE VEHICLE WAS
28 REPORTED TO A POLICE DEPARTMENT OF ANY STATE OR MUNICIPALITY
29 AS HAVING BEEN STOLEN, IT SHALL BE A DEFENSE TO A VIOLATION
30 UNDER THIS SECTION THAT THE VEHICLE HAS BEEN REPORTED TO A

1 POLICE DEPARTMENT AS STOLEN PRIOR TO THE TIME THE VIOLATION
2 OCCURRED AND HAD NOT BEEN RECOVERED PRIOR TO THAT TIME.

3 (3) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
4 SECTION THAT THE PERSON RECEIVING THE NOTICE OF VIOLATION WAS
5 NOT THE OWNER OF THE VEHICLE AT THE TIME OF THE OFFENSE.

6 (4) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
7 SECTION THAT THE DEVICE BEING USED TO DETERMINE SPEED WAS NOT
8 IN COMPLIANCE WITH SECTION 3368 (RELATING TO SPEED TIMING
9 DEVICES) WITH RESPECT TO TESTING FOR ACCURACY, CERTIFICATION
10 OR CALIBRATION.

11 (H) DEPARTMENT APPROVAL.--

12 (1) NO AUTOMATED SPEED ENFORCEMENT SYSTEM MAY BE USED
13 WITHOUT THE APPROVAL OF THE DEPARTMENT, WHICH SHALL HAVE THE
14 AUTHORITY TO PROMULGATE REGULATIONS FOR THE CERTIFICATION AND
15 USE OF THE SYSTEMS WHICH REGULATIONS MAY INCLUDE THE USE OF
16 RADIO-MICROWAVE DEVICES, COMMONLY REFERRED TO AS ELECTRONIC
17 SPEED METERS OR RADAR, OR LIGHT DETECTION AND RANGING
18 DEVICES, COMMONLY REFERRED TO AS LIDAR, IN THEIR OPERATIONS.

19 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
20 DEVICES IDENTIFIED IN PARAGRAPH (1) SHALL BE TESTED FOR
21 ACCURACY AT REGULAR INTERVALS AS DESIGNATED BY REGULATION OF
22 THE DEPARTMENT.

23 (I) DUTY OF CITY.--IF A CITY OF THE FIRST CLASS ELECTS TO
24 IMPLEMENT THIS SECTION, THE FOLLOWING PROVISIONS SHALL APPLY:

25 (1) THE CITY MAY NOT USE AN AUTOMATED SPEED ENFORCEMENT
26 SYSTEM UNLESS THERE IS POSTED AN APPROPRIATE SIGN IN A
27 CONSPICUOUS PLACE BEFORE THE AREA IN WHICH THE AUTOMATED
28 SPEED ENFORCEMENT DEVICE IS TO BE USED NOTIFYING THE PUBLIC
29 THAT AN AUTOMATED SPEED ENFORCEMENT DEVICE IS IN USE
30 IMMEDIATELY AHEAD.

1 (2) THE CITY SHALL DESIGNATE OR APPOINT THE PHILADELPHIA
2 PARKING AUTHORITY AS THE SYSTEM ADMINISTRATOR TO SUPERVISE
3 AND COORDINATE THE ADMINISTRATION OF NOTICES OF VIOLATION
4 ISSUED UNDER THIS SECTION.

5 (3) THE SYSTEM ADMINISTRATOR SHALL PREPARE A NOTICE OF
6 VIOLATION TO THE REGISTERED OWNER OF A VEHICLE IDENTIFIED IN
7 A RECORDED IMAGE PRODUCED BY AN AUTOMATED SPEED ENFORCEMENT
8 SYSTEM AS EVIDENCE OF A VIOLATION OF SECTION 3362. THE NOTICE
9 OF VIOLATION MUST BE ISSUED BY A POLICE OFFICER EMPLOYED BY
10 THE POLICE DEPARTMENT WITH PRIMARY JURISDICTION OVER THE AREA
11 WHERE THE VIOLATION OCCURRED. THE NOTICE OF VIOLATION SHALL
12 HAVE THE FOLLOWING ATTACHED TO IT:

13 (I) A COPY OF THE RECORDED IMAGE SHOWING THE
14 VEHICLE;

15 (II) THE REGISTRATION NUMBER AND STATE OF ISSUANCE
16 OF THE VEHICLE REGISTRATION;

17 (III) THE DATE, TIME AND PLACE OF THE ALLEGED
18 VIOLATION;

19 (IV) NOTICE THAT THE VIOLATION CHARGED IS UNDER
20 SECTION 3362; AND

21 (V) INSTRUCTIONS FOR RETURN OF THE NOTICE OF
22 VIOLATION, WHICH SHALL READ:

23 THIS NOTICE SHALL BE RETURNED PERSONALLY, BY MAIL OR
24 BY AN AGENT DULY AUTHORIZED IN WRITING, WITHIN 30
25 DAYS OF ISSUANCE. A HEARING MAY BE OBTAINED UPON THE
26 WRITTEN REQUEST OF THE REGISTERED OWNER.

27 (J) SYSTEM ADMINISTRATOR.--THE FOLLOWING SHALL APPLY:

28 (1) THE SYSTEM ADMINISTRATOR MAY HIRE AND DESIGNATE
29 PERSONNEL AS NECESSARY OR CONTRACT FOR SERVICES TO IMPLEMENT
30 THIS SECTION.

1 (2) THE SYSTEM ADMINISTRATOR SHALL PROCESS NOTICES OF
2 VIOLATION AND PENALTIES ISSUED UNDER THIS SECTION.

3 (3) NOT LATER THAN APRIL 1 ANNUALLY, THE SYSTEM
4 ADMINISTRATOR SHALL SUBMIT AN ANNUAL REPORT TO THE
5 CHAIRPERSON AND THE MINORITY CHAIRPERSON OF THE
6 TRANSPORTATION COMMITTEE OF THE SENATE AND THE CHAIRPERSON
7 AND MINORITY CHAIRPERSON OF THE TRANSPORTATION COMMITTEE OF
8 THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL BE CONSIDERED
9 A PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW AND INCLUDE FOR
10 THE PRIOR YEAR:

11 (I) THE NUMBER OF VIOLATIONS AND FINES ISSUED AND
12 DATA REGARDING THE SPEEDS OF VEHICLES IN THE ENFORCEMENT
13 AREA.

14 (II) A COMPILATION OF PENALTIES PAID AND
15 OUTSTANDING.

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

18 (IV) THE NUMBER OF VEHICULAR ACCIDENTS AND RELATED
19 SERIOUS INJURIES AND DEATHS ALONG THE DESIGNATED HIGHWAY.

20 (K) NOTICE TO OWNER.--IN THE CASE OF A VIOLATION INVOLVING A
21 MOTOR VEHICLE REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH,
22 THE NOTICE OF VIOLATION MUST BE MAILED WITHIN 30 DAYS AFTER THE
23 COMMISSION OF THE VIOLATION OR WITHIN 30 DAYS AFTER THE
24 DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER, WHICHEVER IS
25 LATER, AND NOT THEREAFTER TO THE ADDRESS OF THE REGISTERED OWNER
26 AS LISTED IN THE RECORDS OF THE DEPARTMENT. IN THE CASE OF MOTOR
27 VEHICLES REGISTERED IN JURISDICTIONS OTHER THAN THIS
28 COMMONWEALTH, THE NOTICE OF VIOLATION MUST BE MAILED WITHIN 30
29 DAYS AFTER THE DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER
30 TO THE ADDRESS OF THE REGISTERED OWNER AS LISTED IN THE RECORDS

1 OF THE OFFICIAL IN THE JURISDICTION HAVING CHARGE OF THE
2 REGISTRATION OF THE VEHICLE. A NOTICE OF VIOLATION UNDER THIS
3 SECTION MUST BE PROVIDED TO AN OWNER WITHIN 90 DAYS OF THE
4 COMMISSION OF THE OFFENSE.

5 (L) MAILING OF NOTICE AND RECORDS.--NOTICE OF VIOLATION MUST
6 BE SENT BY FIRST CLASS MAIL. A MANUAL OR AUTOMATIC RECORD OF
7 MAILING PREPARED BY THE SYSTEM ADMINISTRATOR IN THE ORDINARY
8 COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF MAILING AND
9 SHALL BE ADMISSIBLE IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING
10 AS TO THE FACTS CONTAINED IN IT.

11 (M) PAYMENT OF FINE.--THE FOLLOWING SHALL APPLY:

12 (1) AN OWNER TO WHOM A NOTICE OF VIOLATION HAS BEEN
13 ISSUED MAY ADMIT RESPONSIBILITY FOR THE VIOLATION AND PAY THE
14 FINE PROVIDED IN THE NOTICE.

15 (2) PAYMENT MUST BE MADE PERSONALLY, THROUGH AN
16 AUTHORIZED AGENT, ELECTRONICALLY OR BY MAILING BOTH PAYMENT
17 AND THE NOTICE OF VIOLATION TO THE SYSTEM ADMINISTRATOR.
18 PAYMENT BY MAIL MUST BE MADE ONLY BY MONEY ORDER, CREDIT CARD
19 OR CHECK MADE PAYABLE TO THE SYSTEM ADMINISTRATOR. THE SYSTEM
20 ADMINISTRATOR SHALL REMIT THE FINE, LESS THE SYSTEM
21 ADMINISTRATOR'S OPERATION AND MAINTENANCE COSTS NECESSITATED
22 BY THIS SECTION, TO THE DEPARTMENT FOR DEPOSIT INTO A
23 RESTRICTED RECEIPTS ACCOUNT IN THE MOTOR LICENSE FUND. FINES
24 DEPOSITED IN THE FUND UNDER THIS PARAGRAPH SHALL BE USED BY
25 THE DEPARTMENT FOR A TRANSPORTATION ENHANCEMENT GRANTS
26 PROGRAM AS ESTABLISHED BY SECTION 3116 (RELATING TO AUTOMATED
27 RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS CITIES). THE
28 DEPARTMENT SHALL AWARD TRANSPORTATION ENHANCEMENT GRANTS ON A
29 COMPETITIVE BASIS. THE DEPARTMENT MAY PAY ACTUAL
30 ADMINISTRATIVE COSTS ARISING FROM THE DEPARTMENT'S

1 ADMINISTRATION OF THIS SECTION. THE DEPARTMENT MAY NOT
2 RESERVE, DESIGNATE OR SET ASIDE A SPECIFIC LEVEL OF FUNDS OR
3 PERCENTAGE OF FUNDS TO AN APPLICANT PRIOR TO THE COMPLETION
4 OF THE APPLICATION PROCESS, NOR MAY THE DEPARTMENT DESIGNATE
5 A SET PERCENTAGE OF FUNDS TO AN APPLICANT. GRANTS SHALL BE
6 AWARDED BY THE DEPARTMENT BASED ON THE MAJORITY VOTE OF A
7 SELECTION COMMITTEE CONSISTING OF FOUR REPRESENTATIVES OF THE
8 DEPARTMENT APPOINTED BY THE SECRETARY AND FOUR MEMBERS
9 APPOINTED BY THE MAYOR OF THE CITY OF THE FIRST CLASS, WITH
10 THE SECRETARY OR A DESIGNEE OF THE SECRETARY SERVING AS
11 CHAIRPERSON. PRIORITY SHALL BE GIVEN TO APPLICATIONS SEEKING
12 GRANT FUNDS FOR TRANSPORTATION ENHANCEMENTS IN THE
13 MUNICIPALITY WHERE THE AUTOMATED SPEED CAMERA SYSTEM IS
14 OPERATED.

15 (3) PAYMENT OF THE ESTABLISHED FINE AND APPLICABLE
16 PENALTIES SHALL OPERATE AS A FINAL DISPOSITION OF THE CASE.

17 (N) HEARING.--THE FOLLOWING SHALL APPLY:

18 (1) AN OWNER TO WHOM A NOTICE OF VIOLATION HAS BEEN
19 ISSUED MAY, WITHIN 30 DAYS OF THE MAILING OF THE NOTICE,
20 REQUEST A HEARING TO CONTEST THE LIABILITY ALLEGED IN THE
21 NOTICE. A HEARING REQUEST MUST BE MADE BY APPEARING BEFORE
22 THE SYSTEM ADMINISTRATOR DURING REGULAR OFFICE HOURS EITHER
23 PERSONALLY OR BY AN AUTHORIZED AGENT OR BY MAILING A REQUEST
24 IN WRITING.

25 (2) UPON RECEIPT OF A HEARING REQUEST, THE SYSTEM
26 ADMINISTRATOR SHALL IN A TIMELY MANNER SCHEDULE THE MATTER
27 BEFORE A HEARING OFFICER. THE HEARING OFFICER SHALL BE
28 DESIGNATED BY THE CITY OF THE FIRST CLASS. WRITTEN NOTICE OF
29 THE DATE, TIME AND PLACE OF HEARING MUST BE SENT BY FIRST
30 CLASS MAIL TO THE OWNER.

1 (3) THE HEARING SHALL BE CONDUCTED PURSUANT TO 2 PA.C.S.
2 CH. 5 (RELATING TO PRACTICE AND PROCEDURE) AND WILL BE
3 SUBJECT TO APPEAL PURSUANT TO 2 PA.C.S. CH. 7 (RELATING TO
4 JUDICIAL REVIEW).

5 (O) COMPENSATION TO MANUFACTURER OR VENDOR.--IF A CITY OF
6 THE FIRST CLASS HAS ESTABLISHED AN AUTOMATED SPEED ENFORCEMENT
7 SYSTEM DEPLOYED AS A MEANS OF PROMOTING TRAFFIC SAFETY AND THE
8 ENFORCEMENT OF THE TRAFFIC LAWS OF THIS COMMONWEALTH OR THE
9 CITY, THE COMPENSATION PAID TO THE MANUFACTURER OR VENDOR OF THE
10 AUTOMATED SPEED ENFORCEMENT SYSTEM MAY NOT BE BASED UPON THE
11 NUMBER OF TRAFFIC CITATIONS ISSUED OR A PORTION OR PERCENTAGE OF
12 THE FINE GENERATED BY THE CITATIONS. THE COMPENSATION PAID TO
13 THE MANUFACTURER OR VENDOR OF THE EQUIPMENT SHALL BE BASED UPON
14 THE VALUE OF THE EQUIPMENT AND THE SERVICES PROVIDED OR RENDERED
15 IN SUPPORT OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM.

16 (P) REVENUE LIMITATION.--A CITY OF THE FIRST CLASS MAY NOT
17 COLLECT AN AMOUNT EQUAL TO OR GREATER THAN 2% OF ITS ANNUAL
18 BUDGET FROM THE COLLECTION OF REVENUE FROM THE ISSUANCE AND
19 PAYMENT OF VIOLATIONS UNDER THIS SECTION.

20 (Q) EXPIRATION.--THIS SECTION SHALL EXPIRE FIVE YEARS FROM
21 ITS EFFECTIVE DATE.

22 SECTION 4. THE SECRETARY OF TRANSPORTATION AND THE CHIEF
23 EXECUTIVE OFFICER OF THE PENNSYLVANIA TURNPIKE COMMISSION SHALL
24 TRANSMIT A NOTICE TO THE LEGISLATIVE REFERENCE BUREAU FOR
25 PUBLICATION IN THE PENNSYLVANIA BULLETIN WHEN THE AUTOMATED
26 SPEED ENFORCEMENT SYSTEM IS OPERATIONAL ALONG THE DESIGNATED
27 HIGHWAY WORK ZONES UNDER 75 PA.C.S. § 3369.

28 SECTION 5. THE SECRETARY OF TRANSPORTATION SHALL TRANSMIT A
29 NOTICE TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN
30 THE PENNSYLVANIA BULLETIN WHEN THE AUTOMATED SPEED ENFORCEMENT

1 SYSTEM IS OPERATIONAL ALONG THE DESIGNATED HIGHWAY UNDER 75
2 PA.C.S. § 3370.

3 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

4 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), THE ADDITION
5 OF 75 PA.C.S. § 3369 SHALL TAKE EFFECT IN 120 DAYS.

6 (2) THE ADDITION OF 75 PA.C.S. § 3369(C) SHALL TAKE
7 EFFECT 60 DAYS AFTER PUBLICATION IN THE PENNSYLVANIA BULLETIN
8 OF THE NOTICE UNDER SECTION 4.

9 (3) EXCEPT AS SET FORTH IN PARAGRAPH (4), THE ADDITION
10 OF 75 PA.C.S. § 3370 SHALL TAKE EFFECT IN 60 DAYS.

11 (4) THE ADDITION OF 75 PA.C.S. § 3370(E) SHALL TAKE
12 EFFECT 60 DAYS AFTER PUBLICATION IN THE PENNSYLVANIA BULLETIN
13 OF THE NOTICE UNDER SECTION 5.

14 (5) THE FOLLOWING PROVISIONS SHALL TAKE SHALL TAKE
15 EFFECT IMMEDIATELY:

16 (I) THIS SECTION.

17 (II) THE REMAINDER OF THIS ACT.