

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1098 Session of
2018

INTRODUCED BY BROWNE, RAFFERTY, WHITE, RESCHENTHALER,
TARTAGLIONE, SCAVELLO, COSTA, YUDICHAK, BREWSTER, REGAN,
AUMENT, BAKER AND KILLION, APRIL 6, 2018

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 9, 2018

AN ACT

1 ~~Amending Title 75 (Vehicles) of the Pennsylvania Consolidated~~ <--
2 ~~Statutes, in rules of the road in general, providing for~~
3 ~~automated enforcement of failure to stop for school bus with~~
4 ~~flashing red lights and establishing the School Bus Safety~~
5 ~~Grant Program Fund.~~
6 AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED <--
7 STATUTES, IN RULES OF THE ROAD IN GENERAL, FURTHER PROVIDING
8 FOR MEETING OR OVERTAKING SCHOOL BUS AND PROVIDING FOR
9 ENFORCEMENT OF FAILURE TO STOP FOR SCHOOL BUS WITH FLASHING
10 RED LIGHTS.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Title 75 of the Pennsylvania Consolidated~~ <--
14 ~~Statutes is amended by adding a section to read:~~

15 ~~§ 3345.1. Automated enforcement of failure to stop for school~~
16 ~~bus with flashing red lights.~~

17 ~~(a) Meeting or overtaking school bus.~~

18 ~~(1) Except as provided in paragraph (5), the driver of a~~
19 ~~vehicle meeting or overtaking any school bus stopped on a~~
20 ~~highway or trafficway shall stop at least 10 feet before~~

1 ~~reaching the school bus when the red signal lights on the~~
2 ~~school bus are flashing and the side stop signal arms are~~
3 ~~activated under section 4552(b.1) (relating to general~~
4 ~~requirements for school buses). The driver shall not proceed~~
5 ~~until the flashing red signal lights are no longer actuated.~~
6 ~~In no event shall a driver of a vehicle resume motion of the~~
7 ~~vehicle until the school children who may have alighted from~~
8 ~~the school bus have reached a place of safety. The driver of~~
9 ~~a vehicle approaching an intersection at which a school bus~~
10 ~~is stopped shall stop his vehicle at that intersection until~~
11 ~~the flashing red signal lights are no longer actuated.~~

12 ~~(2) The operator of a school bus who observes a~~
13 ~~violation of paragraph (1) may prepare a report as provided~~
14 ~~under section 3345(a.1) (relating to meeting or overtaking~~
15 ~~school bus).~~

16 ~~(3) The driver of a vehicle meeting or overtaking any~~
17 ~~school bus shall proceed past the school bus with caution and~~
18 ~~shall be prepared to stop when the amber signal lights are~~
19 ~~flashing.~~

20 ~~(4) Whenever a school bus is being used upon a highway~~
21 ~~or trafficway for the transportation of disabled persons~~
22 ~~exclusively and the school bus is equipped with red signal~~
23 ~~lights, the driver of the school bus may actuate the signal~~
24 ~~lights in the same manner as set forth in this section~~
25 ~~regarding the transportation of school children. The driver~~
26 ~~of a vehicle approaching the school bus shall have the same~~
27 ~~duties regarding stopping, passing and overtaking as he does~~
28 ~~with respect to a school bus carrying school children.~~

29 ~~(5) The driver of a vehicle upon a highway or trafficway~~
30 ~~with separate roadways need not stop upon meeting or passing~~

~~1 a school bus with actuated red signal lights which is on a
2 different roadway.~~

~~3 (a.1) General rule. A school district may install and
4 operate an automated side stop signal arm enforcement system for
5 the purpose of enforcing subsection (a) (1).~~

~~6 (b) Applicability.~~

~~7 (1) Except as provided in paragraph (2), this section
8 shall apply to a driver of a motor vehicle meeting or
9 overtaking a school bus stopped on a highway or trafficway
10 when the red signal lights on the school bus are flashing and
11 the side stop signal arms are activated as described in
12 subsection (a) (1) and (5).~~

~~13 (2) Nothing in this section shall supersede the
14 provisions of:~~

~~15 (i) Section 3105(h) (relating to drivers of
16 emergency vehicles).~~

~~17 (ii) Section 3345 (c) or (d) (relating to meeting or
18 overtaking school bus).~~

~~19 (c) Owner liability. For each violation under subsection
20 (a) (1), the owner or owners of the motor vehicle shall be liable
21 as follows:~~

~~22 (1) The penalty for a violation under subsection (a)
23 shall be as provided in sections 1535(a) (relating to
24 schedule of convictions and points) and 3345.~~

~~25 (2) Fines collected under this section shall be subject
26 to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of
27 fines, etc.) or 3573 (relating to municipal corporation
28 portion of fines, etc.).~~

~~29 (d) Certificate as evidence. A certificate, or a facsimile
30 of a certificate, based upon inspection of recorded images~~

~~produced by an automated side stop signal arm enforcement system and sworn to or affirmed by a police officer shall be prima facie evidence of the facts contained in it. The school district or contracted company must include written documentation that the automated side stop signal arm enforcement system was operating correctly at the time of the alleged violation. A recorded image evidencing a violation of section 3345(a) shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation.~~

~~(e) Limitations.~~

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

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

~~(iii) Restrictions under 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.~~

~~(2) (i) To the extent practicable, an automated side stop signal arm enforcement system shall use necessary technologies to ensure that photographs or recorded video images produced by the system shall not identify the~~

1 ~~operator, the passengers or the contents of the vehicle.~~

2 ~~(ii) No citation issued under this section may be~~
3 ~~dismissed solely because a photograph or recorded video~~
4 ~~image allows for the identification of the operator,~~
5 ~~passengers or contents of a vehicle as long as a~~
6 ~~reasonable effort has been made to comply with this~~
7 ~~paragraph.~~

8 ~~(3) (i) Notwithstanding any other provision of law,~~
9 ~~information prepared under this section and information~~
10 ~~relating to violations under this section which is kept~~
11 ~~by the police department of the police officer having the~~
12 ~~authority to exercise police power in the area where the~~
13 ~~violation occurred, its authorized agents or employees,~~
14 ~~including recorded images, written records, reports or~~
15 ~~facsimiles, names, addresses and the number of violations~~
16 ~~under this section, shall be for the exclusive use of the~~
17 ~~department of the police officer having the authority to~~
18 ~~exercise police power in the area where the violation~~
19 ~~occurred, its authorized agents or employees and law~~
20 ~~enforcement officials for the purpose of discharging~~
21 ~~their duties under this section.~~

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

25 ~~(iii) The information may be discoverable by court~~
26 ~~order or otherwise and may be offered in evidence in any~~
27 ~~action or proceeding which is directly related to a~~
28 ~~violation of this section or any other violation in~~
29 ~~connection with a criminal law enforcement action.~~

30 ~~(4) Images obtained through the use of an automated side~~

~~stop signal arm enforcement system shall be destroyed within one year of final disposition of the recorded event. The vendor of an automated side stop signal arm enforcement system shall notify the school district by written notice in accordance with this section that the records have been destroyed.~~

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

~~(f) Approval.~~

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

~~(2) Except as otherwise provided, an agreement under this section shall take effect in a school district by vote of the board of school directors. The meeting to consider approval of an automated side stop signal arm enforcement system shall be properly noticed under 65 Pa.C.S. Ch. 7 (relating to open meetings).~~

~~(g) Duty of manufacturer or vendor. A manufacturer or vendor of automated side stop signal arm enforcement systems shall~~

~~submit the following information to the police department with primary jurisdiction over the area where a violation of this section occurred:~~

1 ~~(1) A copy of the recorded image showing the vehicle.~~

2 ~~(2) The license plate number and state of issuance of~~
3 ~~the motor vehicle.~~

4 ~~(3) The date, time and place of the alleged violation.~~

5 ~~(h) Compensation to manufacturer or vendor. The~~
6 ~~compensation paid to the manufacturer or vendor of the automated~~
7 ~~side stop signal arm enforcement system may not be based on the~~
8 ~~number of citations issued. The compensation paid to the~~
9 ~~manufacturer or vendor of the equipment shall be based upon the~~
10 ~~value of the equipment and services provided or rendered in~~
11 ~~support of the automated side stop signal arm enforcement~~
12 ~~system.~~

13 ~~(i) Enforcement. Upon receipt of notice of conviction of~~
14 ~~the violation, the department shall suspend the operating~~
15 ~~privileges of the person determined to have responsibility for~~
16 ~~the violation of this section and assess points to the driving~~
17 ~~record as provided under section 1535(a).~~

18 ~~(j) School Bus Safety Grant Program. The School Bus Safety~~
19 ~~Grant Program Fund is established as a restricted receipts~~
20 ~~account in the Motor License Fund. Fifty percent of the fines~~
21 ~~collected under subsection (c)(1) and deposited in accordance~~
22 ~~with 42 Pa.C.S. § 3571 shall be deposited into the fund and~~
23 ~~shall be used by the department to implement the School Bus~~
24 ~~Safety Grant Program, which is established to promote and~~
25 ~~increase school bus safety education and training throughout~~
26 ~~this Commonwealth. The department shall award school bus safety~~
27 ~~grants on a competitive basis. The department may pay any actual~~
28 ~~administrative costs arising from the administration of this~~
29 ~~section out of the fines deposited into the fund. Independent~~
30 ~~school bus contractors and school districts are eligible for the~~

~~grant. The department shall develop a uniform application process and regulations to administer the grant program.~~

~~(k) Contracted companies.~~

~~(1) No contracted company that provides school transportation shall be liable if an automated side stop signal arm enforcement system is vandalized or otherwise malfunctions.~~

~~(2) Nothing in this section shall be construed to require a contracted company that provides school transportation to take a bus out of service due to a nonfunctioning automated side stop signal arm enforcement system, except that a contracted company shall allow the manufacturer or vendor of the automated side stop signal arm enforcement system access to the bus when the bus is not in service at a time mutually agreeable to the contractor and vendor.~~

~~(3) Independent school bus contractors shall not be held responsible for costs associated with the automated side stop signal arm enforcement system, including, but not limited to, installation, maintenance, repair, replacement or removal of the system.~~

~~(l) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:~~

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

~~"Manufacturer" or "vendor." A company that creates, owns or~~

1 ~~has a license or permission to sell, lease or distribute an~~
2 ~~automated side stop signal arm enforcement system.~~

3 ~~"Pupil transportation." The transport of resident pupils of~~
4 ~~a school district to and from preprimary, primary or secondary~~
5 ~~schools and students to or from public, private or parochial~~
6 ~~schools. The term does not include transportation for field~~
7 ~~trips.~~

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

10 ~~Section 2. This act shall take effect in 60 days.~~

11 SECTION 1. SECTION 3345 (A.1) (1) AND (J) OF TITLE 75 OF THE <--
12 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

13 § 3345. MEETING OR OVERTAKING SCHOOL BUS.

14 * * *

15 (A.1) REPORTS BY SCHOOL BUS OPERATORS.--

16 (1) THE OPERATOR OF A SCHOOL BUS WHO OBSERVES A
17 VIOLATION OF SUBSECTION (A) MAY PREPARE A SIGNED, WRITTEN
18 REPORT WHICH INDICATES THAT A VIOLATION HAS OCCURRED. TO THE
19 EXTENT POSSIBLE, THE REPORT SHALL INCLUDE THE FOLLOWING
20 INFORMATION:

21 (I) INFORMATION, IF ANY, PERTAINING TO THE IDENTITY
22 OF THE ALLEGED VIOLATOR.

23 (II) THE LICENSE NUMBER AND COLOR OF THE VEHICLE
24 INVOLVED IN THE VIOLATION.

25 (III) THE TIME AND APPROXIMATE LOCATION AT WHICH THE
26 VIOLATION OCCURRED.

27 (IV) IDENTIFICATION OF THE VEHICLE AS AN AUTOMOBILE,
28 STATION WAGON, MOTOR TRUCK, MOTOR BUS, MOTORCYCLE OR
29 OTHER TYPE OF VEHICLE.

30 (V) WHETHER THE SCHOOL BUS IS EQUIPPED WITH A SIDE

1 STOP SIGNAL ARM ENFORCEMENT SYSTEM UNDER SECTION 3345.1
2 (RELATING TO ENFORCEMENT OF FAILURE TO STOP FOR SCHOOL
3 BUS WITH FLASHING RED LIGHTS).

4 * * *

5 (J) PENALTY.--A PERSON WHO VIOLATES SUBSECTION (A) OR (F.1)
6 COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
7 SENTENCED TO PAY A FINE OF \$250[.] AND A \$35 SURCHARGE. THE
8 SURCHARGE SHALL BE DEPOSITED INTO THE SCHOOL BUS SAFETY GRANT
9 PROGRAM FUND.

10 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
11 § 3345.1. ENFORCEMENT OF FAILURE TO STOP FOR SCHOOL BUS WITH
12 FLASHING RED LIGHTS.

13 (A) GENERAL RULE.--A SCHOOL DISTRICT MAY INSTALL AND OPERATE
14 A SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM FOR THE PURPOSE OF
15 ENFORCING THE PROVISIONS OF SECTION 3345 (RELATING TO MEETING OR
16 OVERTAKING SCHOOL BUS) AS REPORTED UNDER SECTION 3345(A.1).

17 (B) APPLICABILITY.--

18 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THIS SECTION
19 SHALL APPLY TO A DRIVER OF A MOTOR VEHICLE MEETING OR
20 OVERTAKING A SCHOOL BUS STOPPED ON A HIGHWAY OR TRAFFICWAY
21 WHEN THE RED SIGNAL LIGHTS ON THE SCHOOL BUS ARE FLASHING AND
22 THE SIDE STOP SIGNAL ARMS ARE ACTIVATED AS DESCRIBED IN
23 SECTION 3345.

24 (2) NOTHING IN THIS SECTION SHALL SUPERSEDE THE
25 PROVISIONS OF:

26 (I) SECTION 3105(H) (RELATING TO DRIVERS OF
27 EMERGENCY VEHICLES).

28 (II) SECTION 3345 (C) OR (D).

29 (C) LIABILITY.--FOR EACH VIOLATION OF SECTION 3345 ENFORCED
30 UNDER THIS SECTION, THE DRIVER OF THE MOTOR VEHICLE SHALL BE

1 LIABLE AS FOLLOWS:

2 (1) THE PENALTY FOR THE VIOLATION SHALL BE AS PROVIDED
3 IN SECTIONS 1535 (A) (RELATING TO SCHEDULE OF CONVICTIONS AND
4 POINTS) AND 3345.

5 (2) (RESERVED).

6 (D) CERTIFICATE AS EVIDENCE.--A CERTIFICATE, OR A FACSIMILE
7 OF A CERTIFICATE, BASED UPON INSPECTION OF RECORDED IMAGES
8 PRODUCED BY A SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM AND SWORN
9 TO OR AFFIRMED BY A POLICE OFFICER SHALL BE PRIMA FACIE EVIDENCE
10 OF THE FACTS CONTAINED IN IT. THE SCHOOL DISTRICT OR THE
11 CONTRACTED COMPANY THAT PROVIDES PUPIL TRANSPORTATION MUST
12 INCLUDE WRITTEN DOCUMENTATION THAT THE SIDE STOP SIGNAL ARM
13 ENFORCEMENT SYSTEM WAS OPERATING CORRECTLY AT THE TIME OF THE
14 ALLEGED VIOLATION. A RECORDED IMAGE EVIDENCING A VIOLATION OF
15 SECTION 3345 SHALL BE ADMISSIBLE IN ANY JUDICIAL OR
16 ADMINISTRATIVE PROCEEDING TO ADJUDICATE THE LIABILITY FOR THE
17 VIOLATION.

18 (E) LIMITATIONS.--

19 (1) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
20 EQUIPMENT DEPLOYED AS PART OF A SIDE STOP SIGNAL ARM
21 ENFORCEMENT SYSTEM AS PROVIDED UNDER THIS SECTION MUST BE
22 INCAPABLE OF AUTOMATED OR USER-CONTROLLED REMOTE
23 INTERSECTION SURVEILLANCE BY MEANS OF RECORDED VIDEO
24 IMAGES.

25 (II) RECORDED IMAGES COLLECTED AS PART OF THE SIDE
26 STOP SIGNAL ARM ENFORCEMENT SYSTEM MAY ONLY RECORD
27 VIOLATIONS OF SECTION 3345 AND MAY NOT BE USED FOR ANY
28 OTHER SURVEILLANCE PURPOSES.

29 (III) RESTRICTIONS UNDER THIS PARAGRAPH SHALL NOT BE
30 DEEMED TO PRECLUDE A COURT OF COMPETENT JURISDICTION FROM

1 ISSUING AN ORDER DIRECTING THAT THE INFORMATION BE
2 PROVIDED TO LAW ENFORCEMENT OFFICIALS IF THE INFORMATION
3 IS REASONABLY DESCRIBED AND IS REQUESTED SOLELY IN
4 CONNECTION WITH A CRIMINAL LAW ENFORCEMENT ACTION.

5 (2) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
6 INFORMATION PREPARED UNDER THIS SECTION AND INFORMATION
7 RELATING TO VIOLATIONS OF SECTION 3345 ENFORCED UNDER
8 THIS SECTION WHICH IS KEPT BY THE POLICE DEPARTMENT OF
9 THE POLICE OFFICER HAVING THE AUTHORITY TO EXERCISE
10 POLICE POWER IN THE AREA WHERE THE VIOLATION OCCURRED,
11 ITS AUTHORIZED AGENTS OR EMPLOYEES, INCLUDING RECORDED
12 IMAGES, WRITTEN RECORDS, REPORTS OR FACSIMILES, NAMES,
13 ADDRESSES AND THE NUMBER OF VIOLATIONS UNDER THIS
14 SECTION, SHALL BE FOR THE EXCLUSIVE USE OF THE DEPARTMENT
15 OF THE POLICE OFFICER HAVING THE AUTHORITY TO EXERCISE
16 POLICE POWER IN THE AREA WHERE THE VIOLATION OCCURRED,
17 ITS AUTHORIZED AGENTS OR EMPLOYEES AND LAW ENFORCEMENT
18 OFFICIALS FOR THE PURPOSE OF DISCHARGING THEIR DUTIES
19 UNDER THIS SECTION.

20 (II) THE INFORMATION SHALL NOT BE DEEMED A PUBLIC
21 RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
22 KNOWN AS THE RIGHT-TO-KNOW LAW.

23 (III) THE INFORMATION MAY BE DISCOVERABLE BY COURT
24 ORDER OR OTHERWISE AND MAY BE OFFERED IN EVIDENCE IN ANY
25 ACTION OR PROCEEDING WHICH IS DIRECTLY RELATED TO A
26 VIOLATION OF SECTION 3345 ENFORCED UNDER THIS SECTION OR
27 ANY OTHER VIOLATION IN CONNECTION WITH A CRIMINAL LAW
28 ENFORCEMENT ACTION.

29 (3) IMAGES OBTAINED THROUGH THE USE OF A SIDE STOP
30 SIGNAL ARM ENFORCEMENT SYSTEM SHALL BE DESTROYED WITHIN ONE

1 YEAR OF FINAL DISPOSITION OF THE RECORDED EVENT. THE VENDOR
2 OF A SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM SHALL NOTIFY THE
3 SCHOOL DISTRICT BY WRITTEN NOTICE IN ACCORDANCE WITH THIS
4 SECTION THAT THE RECORDS HAVE BEEN DESTROYED.

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

11 (F) DEFENSES.--

12 (1) IT SHALL BE A DEFENSE TO A PROSECUTION USING A SIDE
13 STOP SIGNAL ARM ENFORCEMENT SYSTEM FOR A VIOLATION UNDER
14 SECTION 3345 THAT THE PERSON NAMED IN THE CITATION WAS NOT
15 OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION. THE
16 PERSON SHALL BE REQUIRED TO SUBMIT EVIDENCE TO THE COURT THAT
17 THE PERSON WAS NOT THE DRIVER AT THE TIME OF THE ALLEGED
18 VIOLATION.

19 (2) THE PERSON NAMED IN THE CITATION SHALL NOT BE
20 REQUIRED TO IDENTIFY THE ACTUAL DRIVER OF THE VEHICLE AT THE
21 TIME THE VIOLATION OCCURRED.

22 (3) (I) THE OWNER OF A RENTED OR LEASED MOTOR VEHICLE
23 SHALL PROVIDE TO THE COURT A SWORN AFFIDAVIT SIGNED UNDER
24 PENALTY OF PERJURY CONTAINING THE NAME AND ADDRESS OF THE
25 PERSON WHO HAD CARE, CUSTODY OR CONTROL OF THE MOTOR
26 VEHICLE AT THE TIME OF THE ALLEGED VIOLATION.

27 (II) THE COURT MAY MAIL OR ELECTRONICALLY TRANSFER
28 THE INFORMATION CONTAINED IN THE SWORN AFFIDAVIT TO THE
29 POLICE DEPARTMENT WITH JURISDICTION FOR FURTHER
30 INVESTIGATION.

1 (4) IF THE PERSON RECEIVES A CITATION UNDER SECTION 3345
2 OF A TIME PERIOD DURING WHICH THE VEHICLE WAS REPORTED TO THE
3 POLICE DEPARTMENT OF ANY STATE OR MUNICIPALITY AS HAVING BEEN
4 STOLEN, IT SHALL BE A DEFENSE TO THE VIOLATION THAT THE
5 VEHICLE HAS BEEN REPORTED TO A POLICE DEPARTMENT AS STOLEN
6 PRIOR TO THE TIME THE VIOLATION OCCURRED AND HAS NOT BEEN
7 RECOVERED PRIOR TO THAT TIME.

8 (5) IT SHALL BE A DEFENSE TO A PROSECUTION USING A SIDE
9 STOP SIGNAL ARM ENFORCEMENT SYSTEM FOR A VIOLATION UNDER
10 SECTION 3345 THAT THE PERSON RECEIVING THE CITATION WAS NOT
11 THE OWNER OF THE VEHICLE AT THE TIME OF THE OFFENSE IF THE
12 PERSON CAN PROVIDE VALID DOCUMENTATION OF NONOWNERSHIP TO THE
13 COURT.

14 (G) APPROVAL.--

15 (1) A SCHOOL DISTRICT MAY ENTER INTO AN AGREEMENT WITH A
16 PRIVATE VENDOR OR MANUFACTURER TO PROVIDE A SIDE STOP SIGNAL
17 ARM ENFORCEMENT SYSTEM ON EACH BUS WITHIN ITS FLEET, WHETHER
18 OWNED, CONTRACTED OR LEASED, UP TO AND INCLUDING THE
19 INSTALLATION, OPERATION AND MAINTENANCE OF THE SYSTEMS.

20 (2) EXCEPT AS OTHERWISE PROVIDED, AN AGREEMENT UNDER
21 THIS SECTION SHALL TAKE EFFECT IN A SCHOOL DISTRICT BY VOTE
22 OF THE BOARD OF SCHOOL DIRECTORS. THE MEETING TO CONSIDER
23 APPROVAL OF A SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM SHALL
24 BE PROPERLY NOTICED UNDER 65 PA.C.S. CH. 7 (RELATING TO OPEN
25 MEETINGS).

26 (H) DUTY OF MANUFACTURER OR VENDOR.--A MANUFACTURER OR
27 VENDOR OF SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEMS SHALL SUBMIT
28 THE FOLLOWING INFORMATION TO THE SCHOOL DISTRICT:

29 (1) A COPY OF THE RECORDED IMAGE SHOWING THE VEHICLE.

30 (2) THE LICENSE PLATE NUMBER AND STATE OF ISSUANCE OF

1 THE MOTOR VEHICLE.

2 (3) THE DATE, TIME AND PLACE OF THE ALLEGED VIOLATION.

3 (I) COMPENSATION TO MANUFACTURER OR VENDOR.--THE

4 COMPENSATION PAID TO THE MANUFACTURER OR VENDOR OF THE SIDE STOP
5 SIGNAL ARM ENFORCEMENT SYSTEM MAY NOT BE BASED ON THE NUMBER OF
6 CITATIONS ISSUED. THE COMPENSATION PAID TO THE MANUFACTURER OR
7 VENDOR OF THE EQUIPMENT SHALL BE BASED UPON THE VALUE OF THE
8 EQUIPMENT AND SERVICES PROVIDED OR RENDERED IN SUPPORT OF THE
9 SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM.

10 (J) DEPARTMENT APPROVAL.--

11 (1) NO SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM MAY BE
12 USED WITHOUT THE APPROVAL OF THE DEPARTMENT, WHICH SHALL HAVE
13 THE AUTHORITY TO PROMULGATE REGULATIONS FOR THE CERTIFICATION
14 AND USE OF SUCH SYSTEMS.

15 (2) IN ORDER TO FACILITATE THE PROMPT IMPLEMENTATION OF
16 THIS SECTION, REGULATIONS PROMULGATED BY THE DEPARTMENT UNDER
17 THIS SECTION DURING THE TWO YEARS FOLLOWING THE EFFECTIVE
18 DATE OF THIS SECTION SHALL BE DEEMED TEMPORARY REGULATIONS,
19 WHICH SHALL EXPIRE NO LATER THAN THREE YEARS FOLLOWING THE
20 EFFECTIVE DATE OF THIS SECTION OR UPON PROMULGATION OF FINAL
21 REGULATIONS. THE TEMPORARY REGULATION SHALL NOT BE SUBJECT
22 TO:

23 (I) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT
24 OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
25 COMMONWEALTH DOCUMENTS LAW.

26 (II) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
27 KNOWN AS THE REGULATORY REVIEW ACT.

28 (III) SECTION 204 (B) OF THE ACT OF OCTOBER 15, 1980
29 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS
30 ACT.

1 (K) SCHOOL BUS SAFETY GRANT PROGRAM.--THE SCHOOL BUS SAFETY
2 GRANT PROGRAM FUND IS ESTABLISHED AS A RESTRICTED RECEIPTS
3 ACCOUNT IN THE MOTOR LICENSE FUND. THE SURCHARGE ESTABLISHED
4 UNDER SECTION 3345(J) SHALL BE DEPOSITED INTO THE FUND AND SHALL
5 BE USED BY THE DEPARTMENT TO IMPLEMENT THE SCHOOL BUS SAFETY
6 GRANT PROGRAM, WHICH IS ESTABLISHED TO PROMOTE AND INCREASE
7 SCHOOL BUS SAFETY EDUCATION AND TRAINING THROUGHOUT THIS
8 COMMONWEALTH. THE DEPARTMENT SHALL AWARD SCHOOL BUS SAFETY
9 GRANTS ON A COMPETITIVE BASIS. THE DEPARTMENT MAY PAY ANY ACTUAL
10 ADMINISTRATIVE COSTS ARISING FROM THE ADMINISTRATION OF THIS
11 SECTION OUT OF THE FINES DEPOSITED INTO THE FUND. INDEPENDENT
12 SCHOOL BUS CONTRACTORS AND SCHOOL DISTRICTS ARE ELIGIBLE FOR THE
13 GRANT. THE DEPARTMENT SHALL DEVELOP A UNIFORM APPLICATION
14 PROCESS AND REGULATIONS TO ADMINISTER THE GRANT PROGRAM.

15 (L) CONTRACTED COMPANIES.--

16 (1) NO CONTRACTED COMPANY THAT PROVIDES PUPIL
17 TRANSPORTATION SHALL BE LIABLE IF A SIDE STOP SIGNAL ARM
18 ENFORCEMENT SYSTEM IS VANDALIZED OR OTHERWISE MALFUNCTIONS.

19 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
20 REQUIRE A CONTRACTED COMPANY THAT PROVIDES PUPIL
21 TRANSPORTATION TO TAKE A BUS OUT OF SERVICE DUE TO A
22 NONFUNCTIONING SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM,
23 EXCEPT THAT A CONTRACTED COMPANY SHALL ALLOW THE MANUFACTURER
24 OR VENDOR OF THE SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM
25 ACCESS TO THE BUS WHEN THE BUS IS NOT IN SERVICE AT A TIME
26 MUTUALLY AGREEABLE TO THE CONTRACTOR AND VENDOR.

27 (3) INDEPENDENT SCHOOL BUS CONTRACTORS SHALL NOT BE HELD
28 RESPONSIBLE FOR COSTS ASSOCIATED WITH THE SIDE STOP SIGNAL
29 ARM ENFORCEMENT SYSTEM, INCLUDING, BUT NOT LIMITED TO,
30 INSTALLATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF

1 THE SYSTEM.

2 (M) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
3 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
4 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

5 "MANUFACTURER" OR "VENDOR." A COMPANY THAT CREATES, OWNS OR
6 HAS A LICENSE OR PERMISSION TO SELL, LEASE OR DISTRIBUTE A SIDE
7 STOP SIGNAL ARM ENFORCEMENT SYSTEM.

8 "PUPIL TRANSPORTATION." THE TRANSPORT OF RESIDENT PUPILS OF
9 A SCHOOL DISTRICT TO AND FROM PREPRIMARY, PRIMARY OR SECONDARY
10 SCHOOLS AND STUDENTS TO OR FROM PUBLIC, PRIVATE OR PAROCHIAL
11 SCHOOLS. THE TERM DOES NOT INCLUDE TRANSPORTATION FOR FIELD
12 TRIPS.

13 "SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM" OR "SYSTEM." A
14 CAMERA SYSTEM WITH TWO OR MORE CAMERA SENSORS AND COMPUTERS THAT
15 PRODUCE RECORDED VIDEO AND TWO OR MORE FILM OR DIGITAL
16 PHOTOGRAPHIC STILL IMAGES OF A MOTOR VEHICLE BEING USED OR
17 OPERATED IN A MANNER THAT VIOLATES SECTION 3345.

18 "SIDE STOP SIGNAL ARMS." AS DESCRIBED IN SECTION 4552(B.1)
19 (RELATING TO GENERAL REQUIREMENTS FOR SCHOOL BUSES).

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

21 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
22 IMMEDIATELY:

23 (I) THIS SECTION.

24 (II) THE ADDITION OF 75 PA.C.S. § 3345.1(J).

25 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN SIX
26 MONTHS.