
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2776 Session of
2022

INTRODUCED BY NEILSON, GILLESPIE, SANCHEZ AND KINSEY,
AUGUST 22, 2022

REFERRED TO COMMITTEE ON TRANSPORTATION, AUGUST 22, 2022

AN ACT

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

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

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

10 § 102. Definitions.

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

16 * * *

17 "Automated speed enforcement school zone." A school zone, as
18 defined and established under regulations of the department,
19 where an automated speed enforcement system is active.

1 * * *

2 Section 2. Title 75 is amended by adding a section to read:
3 § 3371. Pilot program for automated speed enforcement systems
4 in school zones.

5 (a) Establishment.--A pilot program is established to
6 provide for automated speed enforcement systems in school zones
7 located on State-maintained roads within a city of the first
8 class.

9 (b) Applicability.--This section shall apply to a school
10 zone that is located on a State-maintained road within a city of
11 the first class during the hours of operation of the school
12 zone.

13 (c) Signage and notice.--An automated speed enforcement
14 system in a school zone may not be used unless all of the
15 following conditions are satisfied:

16 (1) At least two appropriate warning signs are
17 conspicuously placed before the automated speed enforcement
18 school zone notifying the public that an automated speed
19 enforcement system is in use.

20 (2) At least one of the warning signs under paragraph
21 (1) indicates if the automated speed enforcement system is
22 active or not active.

23 (3) An appropriate sign is conspicuously placed at the
24 end of the automated speed enforcement school zone.

25 (4) A notice identifying the location of the automated
26 speed enforcement system is posted at the automated speed
27 enforcement school zone and on the department's publicly
28 accessible Internet website. The notice on the department's
29 website shall remain throughout the period of use.

30 (d) Liability.--Driving in excess of the posted speed limit

1 in an automated speed enforcement school zone by at least 11
2 miles per hour is a violation of this section.

3 (e) Owner liability.--For each violation under this section,
4 the owner of a vehicle identified by an automated speed
5 enforcement system as violating this section shall be liable for
6 the penalty imposed unless the owner is convicted of the same
7 violation under another provision of this title or has a defense
8 under subsection (i).

9 (f) Notice of violation.--

10 (1) The following shall apply:

11 (i) An action to enforce this section shall be
12 initiated by an administrative notice of violation to the
13 registered owner of a vehicle identified by an automated
14 speed enforcement system as violating this section. A
15 notice of violation based upon inspection of recorded
16 images produced by an automated speed enforcement system
17 and sworn or affirmed by an authorized member of the
18 Pennsylvania State Police shall be prima facie evidence
19 of the facts contained in the notice. The Pennsylvania
20 State Police shall receive certification from the
21 department or the system administrator when an automated
22 speed enforcement system is active in accordance with
23 subsection (b).

24 (ii) The notice of violation must include written
25 verification that the automated speed enforcement system
26 was operating correctly at the time of the alleged
27 violation and the date of the most recent inspection that
28 confirms the automated speed enforcement system was
29 operating properly.

30 (iii) An automated speed enforcement system operator

1 shall complete training offered by the manufacturer of
2 the automated speed enforcement system, including
3 training on any devices critical to the operation of the
4 automated speed enforcement system, or training from the
5 manufacturer's representative in the procedures for
6 setting up, testing and operating an automated speed
7 enforcement system. Upon completion of the training, the
8 manufacturer or manufacturer's representative shall issue
9 a signed certificate to the automated speed enforcement
10 system device operator, which shall be admitted as
11 evidence in any court proceeding for a violation
12 involving an automated speed enforcement system device.
13 An automated speed enforcement system device operator
14 shall fill out and sign a daily log for an automated
15 speed enforcement system, which:

16 (A) states the date, time and location of the
17 device setup;

18 (B) states that the automated speed enforcement
19 system device operator successfully performed and the
20 automated speed enforcement system device passed the
21 self-tests specified by the manufacturer of the
22 automated speed enforcement system device;

23 (C) shall be kept on file; and

24 (D) shall be admitted in any proceeding for a
25 violation involving an automated speed enforcement
26 system device.

27 (iv) An automated speed enforcement system device
28 must undergo an annual calibration check performed by a
29 calibration laboratory. The calibration laboratory shall
30 issue a signed certificate of calibration after the

1 annual calibration check, which shall be kept on file and
2 shall be admitted as evidence in any proceeding for a
3 violation involving an automated speed enforcement system
4 device.

5 (v) The following shall be attached to the notice of
6 violation:

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

9 (B) The registration number and state of
10 issuance of the vehicle registration.

11 (C) Verification that the automated speed
12 enforcement system was operating correctly at the
13 time of the alleged violation and the date of the
14 most recent inspection that confirms the automated
15 speed enforcement system to be operating properly.

16 (D) The date, time and place of the alleged
17 violation.

18 (E) Notice that the violation charged is under
19 this section.

20 (F) Instructions for return of the notice of
21 violation.

22 (2) In the case of a violation involving a motor vehicle
23 registered under the laws of this Commonwealth, the notice of
24 violation shall be mailed within 30 days after the commission
25 of the violation or within 30 days after the discovery of the
26 identity of the registered owner, whichever is later, to the
27 address of the registered owner as listed in the records of
28 the department.

29 (3) In the case of a violation involving a motor vehicle
30 registered in a jurisdiction other than this Commonwealth,

1 the notice of violation shall be mailed within 30 days after
2 the discovery of the identity of the registered owner to the
3 address of the registered owner as listed in the records of
4 the official in the jurisdiction having charge of the
5 registration of the vehicle.

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

8 (5) The notice shall include the following text:

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

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

19 (g) Penalty.--

20 (1) If a person violates this section as a first
21 offense, the person shall receive a written warning.

22 (2) The penalty for a violation under this section shall
23 be a fine of \$75 for the second offense and \$150 for the
24 third and subsequent offenses, and the fine shall not be
25 subject to 42 Pa.C.S. § 3571 (relating to Commonwealth
26 portion of fines, etc.) or 3573 (relating to municipal
27 corporation portion of fines, etc.).

28 (3) The fine or warning is not authorized during times
29 when the automated speed enforcement school zone is not
30 active.

1 (4) A penalty imposed under this section shall not:
2 (i) be deemed a criminal conviction;
3 (ii) be made part of the operating record of the
4 individual upon whom the penalty is imposed under section
5 1535 (relating to schedule of convictions and points);
6 (iii) be the subject of merit rating for insurance
7 purposes; or
8 (iv) authorize imposition of surcharge points in the
9 provision of motor vehicle insurance coverage.

10 (h) Limitations.--

11 (1) Recorded images collected as part of the automated
12 speed enforcement system may record only violations of this
13 section and may not be used for any other surveillance
14 purposes. The restrictions provided in this paragraph shall
15 not preclude a court of competent jurisdiction from issuing
16 an order directing that the information be provided to law
17 enforcement officials if the information is requested solely
18 in connection with a criminal law enforcement action and is
19 reasonably described.

20 (2) Notwithstanding any other provision of law,
21 information gathered and maintained under this section that
22 is kept by the Commonwealth, its authorized agents or its
23 employees, including recorded images, written records,
24 reports or facsimiles, names and addresses, shall be for the
25 exclusive purpose of discharging the duties under this
26 section. The information shall not be deemed a public record
27 under the act of February 14, 2008 (P.L.6, No.3), known as
28 the Right-to-Know Law. The information shall not be
29 discoverable by court order or otherwise or be admissible as
30 evidence in a proceeding except to determine liability under

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

7 (3) Recorded images obtained through the use of
8 automated speed enforcement systems deployed as a means of
9 promoting traffic safety in an automated speed enforcement
10 school zone shall be destroyed within one year of final
11 disposition of a notice of violation, except that images
12 subject to a court order under paragraph (1) or (2) shall be
13 destroyed within two years after the date of the order,
14 unless further extended by court order. The department or the
15 system administrator shall retain evidence that the records
16 have been destroyed in accordance with this paragraph.

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

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

28 (i) Defenses.--

29 (1) It shall be a defense to a violation under this
30 section that the vehicle was reported to a police department

1 as stolen prior to the time the violation occurred and was
2 not recovered prior to that time.

3 (2) 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 (3) 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 (j) Authority and duties of department.--

12 (1) The department shall establish a five-year pilot
13 program for automated speed enforcement systems in school
14 zones not later than 18 months following the effective date
15 of this section.

16 (2) The following shall apply regarding regulations:

17 (i) The department may promulgate regulations for
18 the certification and the use of automated speed
19 enforcement systems.

20 (ii) Notwithstanding any other provision of law, in
21 order to facilitate the prompt implementation of this
22 section, regulations promulgated by the department under
23 this section shall be deemed temporary regulations and
24 not subject to:

25 (A) Section 612 of the act of April 9, 1929
26 (P.L.177, No.175), known as The Administrative Code
27 of 1929.

28 (B) Sections 201, 202, 203, 204 and 205 of the
29 act of July 31, 1968 (P.L.769, No.240), referred to
30 as the Commonwealth Documents Law.

1 (C) Sections 204(b) and 301(10) of the act of
2 October 15, 1980 (P.L.950, No.164), known as the
3 Commonwealth Attorneys Act.

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

6 (3) The following shall apply regarding the system
7 administrator, restricted accounts and fines:

8 (i) The department shall serve directly or through a
9 contracted private service as the system administrator of
10 the program. Compensation under a contract authorized by
11 this paragraph shall be based only upon the value of
12 equipment and services provided or rendered in support of
13 the automated speed enforcement school zone system pilot
14 program and may not be based on the quantity of notices
15 of violation issued or amount of fines imposed or
16 generated.

17 (ii) The system administrator shall prepare and
18 issue notices of violation.

19 (iii) Two restricted accounts are established in the
20 State Treasury for fines remitted under this section to
21 the department. The system administrator of the
22 department, if any, shall send an invoice to the
23 department based on the services under subparagraph (i)
24 and the services of the Pennsylvania State Police under
25 subsection (f)(1)(i). The department and the Pennsylvania
26 State Police shall use the appropriate restricted account
27 to pay for the administration of the automated speed
28 enforcement system pilot program and the system
29 administrator's invoice costs, if applicable. Remaining
30 fines shall be allocated by the department for the first

1 three years as follows:

2 (A) Forty-five percent of the fines from
3 violations occurring in an automated speed
4 enforcement school zone shall be deposited into a
5 restricted account in the State Treasury on a
6 quarterly basis. The Department of Revenue shall,
7 within 90 days of the date of deposit, transfer to
8 the Pennsylvania State Police an amount equivalent to
9 the previous quarterly deposit to be used by the
10 Pennsylvania State Police as follows:

11 (I) Fifty-five percent of the money shall be
12 dedicated and used for the purpose of recruiting,
13 training or equipping Pennsylvania State Police
14 Cadets.

15 (II) Forty-five percent of the money shall
16 be dedicated and used to pay for an increased
17 Pennsylvania State Police presence in school
18 zones. Money under this subclause shall be in
19 addition to any contractual agreement between the
20 department and the Pennsylvania State Police for
21 enforcement in school zones.

22 (B) Fifteen percent of the fines from violations
23 occurring in an automated speed enforcement school
24 zone shall be transferred to the department for the
25 purpose of school zone safety, traffic safety and
26 educating the motoring public on school zone safety,
27 at the discretion of the department.

28 (C) Forty percent of the fines from violations
29 occurring in an automated speed enforcement school
30 zone shall be deposited into the Motor License Fund

1 and shall be appropriated by the General Assembly.

2 (iv) Remaining fines shall be allocated by the
3 department for the last two years of the five-year pilot
4 program to develop a school zone safety program. At a
5 minimum, money from the school zone safety program shall
6 be used for improvement projects and countermeasures to
7 improve the safety in school zones located within a city
8 of the first class. Funds may also be used to increase
9 awareness of distracted driving and transportation
10 enhancements established under section 3116 (relating to
11 automated red light enforcement systems in first class
12 cities).

13 (v) If the amount of money under subparagraph (iii)
14 (A) is lower than the amount of money under subparagraph
15 (iii)(A) for the previous fiscal year, money from the
16 Motor License Fund may not be used to supplement the
17 money for the current fiscal year. Money provided for
18 under subparagraph (iii)(A) shall be supplemental and
19 shall not prohibit the Pennsylvania State Police from
20 obtaining additional funding from any other means.

21 (vi) If the five-year automated speed enforcement
22 system pilot program is not extended by the General
23 Assembly, any remaining fines remitted to the department
24 shall be used as provided under subparagraph (iv).

25 (vii) The system administrator shall provide an
26 appropriate printed form by which an owner may challenge
27 a notice of violation. The form shall include a list of
28 convenient hearing hours and times in a city of the first
29 class. The form may be included with or as part of the
30 notice of violation.

1 (4) Not later than April 1 annually, the department and
2 the Pennsylvania State Police shall submit a report on the
3 program for the preceding calendar year to the chairperson
4 and minority chairperson of the Transportation Committee of
5 the Senate and the chairperson and minority chairperson of
6 the Transportation Committee of the House of Representatives.
7 The report shall be a public record under the Right-to-Know
8 Law and shall include all of the following:

9 (i) The number of vehicular accidents and related
10 serious injuries and deaths in all school zones and in
11 automated speed enforcement school zones where the
12 program 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 school zones that were provided as a
20 result of the money under paragraph (3) (iii) (A) (II).

21 (vii) Use of money under paragraph (3) (iv).

22 (k) 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 or the
30 system administrator, as applicable.

1 (3) Payment of the fine shall operate as a final
2 disposition of the case.

3 (4) If payment is not received within 90 days of
4 original notice, the department may turn the matter over to
5 applicable credit collection agencies.

6 (1) Contest.--

7 (1) An owner may, within 30 days of the mailing of the
8 notice, request a hearing to contest liability by appearing
9 before the system administrator either personally or by an
10 authorized agent or by mailing a request in writing on the
11 prescribed form under subsection (j) (3) (vii). Appearances in
12 person shall be only at the locations and times set by the
13 system administrator.

14 (2) Upon receipt of a hearing request under paragraph
15 (1), the system administrator shall in a timely manner
16 schedule the matter before a hearing officer designated by
17 the department. Written notice of the date, time and place of
18 hearing must be presented or sent by first class mail to the
19 owner.

20 (3) The hearing shall be informal and the rules of
21 evidence shall not apply. The decision of the hearing officer
22 shall be final, subject to the right of the owner to appeal
23 the decision.

24 (4) If the owner requests in writing that the decision
25 of the hearing officer be appealed, the system administrator
26 shall file the notice of violation and supporting documents
27 with the office of the magisterial district judge for the
28 magisterial district where the violation occurred, and the
29 magisterial district judge shall hear and decide the matter
30 de novo.

1 (m) Expiration.--This section shall expire five years from
2 the effective date of this section.

3 Section 3. The Secretary of Transportation shall transmit a
4 notice to the Legislative Reference Bureau for publication in
5 the Pennsylvania Bulletin when the automated speed enforcement
6 school zone system is operational under 75 Pa.C.S. § 3371.

7 Section 4. This act shall take effect as follows:

8 (1) Except as provided in paragraph (2), the addition of
9 75 Pa.C.S. § 3371 shall take effect in 120 days.

10 (2) The addition of 75 Pa.C.S. § 3371(d) shall take
11 effect 60 days after publication of the notice in the
12 Pennsylvania Bulletin under section 3 of this act.

13 (3) The remainder of this act shall take effect
14 immediately.