

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1284 Session of 2023

INTRODUCED BY NEILSON, BULLOCK, MADDEN, HOHENSTEIN, McNEILL,
SANCHEZ, SOLOMON, FIEDLER, PARKER AND WAXMAN, MAY 31, 2023

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 12, 2023

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, further providing
3 for meeting or overtaking school bus, for enforcement of <--
4 failure to stop for school bus with flashing red lights, for <--
5 automated speed enforcement systems in active work zones and
6 for pilot program for automated speed enforcement system on
7 designated highway and providing for pilot program for
8 automated speed enforcement systems in designated school
9 zones.

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

12 Section 1. Sections 3345(a.1)(1), 3345.1, 3369(c.1), (g), <--
13 (h)(3) and (4)(vi), (j)(1) and (k) and 3370 heading, (a), (b),
14 (d)(2), (n)(2) and (q) of Title 75 of the Pennsylvania
15 Consolidated Statutes are amended to read:

16 § 3345. Meeting or overtaking school bus.

17 * * *

18 (a.1) Reports by school bus operators.

19 (1) The operator of a school bus who observes a
20 violation of subsection (a) may prepare a signed, written
21 report which indicates that a violation has occurred.

1 ~~Information and records captured by a side stop signal arm~~
2 ~~enforcement system supporting a violation of subsection (a)~~
3 ~~may be included in the report. To the extent possible, the~~
4 ~~report shall include the following information:~~

5 ~~(i) Information, if any, pertaining to the identity~~
6 ~~of the alleged violator.~~

7 ~~(ii) The license number and color of the vehicle~~
8 ~~involved in the violation.~~

9 ~~(iii) The time and approximate location at which the~~
10 ~~violation occurred.~~

11 ~~(iv) Identification of the vehicle as an automobile,~~
12 ~~station wagon, motor truck, motor bus, motorcycle or~~
13 ~~other type of vehicle.~~

14 ~~(v) Whether the school bus is equipped with a side~~
15 ~~stop signal arm enforcement system under section 3345.1~~
16 ~~(relating to enforcement of failure to stop for school~~
17 ~~bus with flashing red lights).~~

18 * * *

19 SECTION 1. SECTIONS 3345.1 AND 3370 HEADING, (A), (B), (D) <--
20 (2), (J) (3) INTRODUCTORY PARAGRAPH, (N) (2) AND (Q) OF TITLE 75
21 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

22 § 3345.1. Enforcement of failure to stop for school bus with
23 flashing red lights.

24 (a) General rule.--A school entity may install and operate a
25 side stop signal arm enforcement system for the purpose of
26 enforcing [the provisions of section 3345 (relating to meeting
27 or overtaking school bus) as reported under section 3345(a.1).]
28 this section.

29 (a.1) Violation and liability.--

30 (1) A motor vehicle meeting or overtaking a school bus

1 stopped on a highway or trafficway when the red signal lights
2 on the school bus are flashing and the side stop signal arms
3 are activated as described in section 3345 (relating to
4 meeting or overtaking school bus) is a violation of this
5 section.

6 (2) The owner of a motor vehicle that violates paragraph
7 (1) shall be liable for the penalty imposed under subsection
8 (c), unless the owner is convicted of a violation of section
9 3345 or has a defense under subsection (f). FOR THE PURPOSES <--
10 OF THIS SECTION, THE LESSEE OF A MOTOR VEHICLE SHALL BE
11 CONSIDERED THE OWNER OF A LEASED VEHICLE.

12 (b) Applicability.--

13 [(1) Except as provided in paragraph (2), this section
14 shall apply to an owner of a motor vehicle meeting or
15 overtaking a school bus stopped on a highway or trafficway
16 when the red signal lights on the school bus are flashing and
17 the side stop signal arms are activated as described in
18 section 3345.]

19 (2) Nothing in this section shall supersede the
20 provisions of:

21 (i) Section 3105(h) (relating to drivers of
22 emergency vehicles).

23 (ii) Section 3345 (c) or (d).

24 (c) [Liability] Penalty.--For each violation of [section
25 3345 enforced under] this section, the owner of the motor
26 vehicle shall be [liable] subject to a penalty as follows:

27 (1) The penalty for the violation shall be a [civil
28 penalty with a] fine of \$300. The fine shall be distributed
29 as follows:

30 (i) \$250 to the school district where the violation

1 occurred, which shall be utilized for the installation,
2 administration or maintenance of side stop signal arm
3 enforcement systems, including through a system
4 administrator contracted with the school district, on
5 school buses;

6 (ii) \$25 to the primary police department that
7 reviewed the evidence package [~~to determine the violation~~
8 ~~occurred~~] as required under subsection (h.2); and

9 (iii) \$25 to the School Bus Safety Grant Program
10 Account.

11 (1.1) The fine under paragraph (1) shall not be subject
12 to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of
13 fines, etc.) or 3573 (relating to municipal corporation
14 portion of fines, etc.).

15 [(2) A rebuttable presumption shall exist that the owner
16 of the vehicle was the driver at the time of the alleged
17 violation.]

18 (3) For each violation under this section, the owner of
19 the vehicle shall be liable for the fine imposed unless the
20 owner is convicted of the same violation under section 3345
21 or has a defense under subsection (f).]

22 (4) A violation under this section shall not:

23 (i) be deemed a criminal conviction;

24 (ii) be made part of the operating record of the
25 individual upon whom the penalty is imposed under section
26 1535 (relating to schedule of convictions and points);

27 (iii) be the subject of merit rating for insurance
28 purposes; or

29 (iv) authorize imposition of surcharge points in the
30 provision of motor vehicle insurance coverage.

1 (d) Certificate as evidence.--A certificate, or a facsimile
2 of a certificate, based upon inspection of recorded images
3 produced by a side stop signal arm enforcement system and sworn
4 to or affirmed by a [police officer] primary police department
5 shall be prima facie evidence of the facts contained in it. The
6 school entity, the system administrator or the contracted
7 company that provides pupil transportation must include written
8 documentation that the side stop signal arm enforcement system
9 was operating correctly at the time of the alleged violation. A
10 recorded image evidencing a violation of this section [3345]
11 shall be admissible in any judicial or administrative proceeding
12 to adjudicate the liability for the violation.

13 (e) Limitations.--

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

19 (ii) Recorded images collected as part of the side
20 stop signal arm enforcement system may only record
21 violations of this section [3345] and may not be used for
22 any other surveillance purposes, except as permitted
23 under subsection (1.1) and section 3345(a.1).

24 (iii) Restrictions under this paragraph shall not be
25 deemed to preclude a court of competent jurisdiction from
26 issuing an order directing that the information be
27 provided to law enforcement officials if the information
28 is reasonably described and is requested solely in
29 connection with a criminal law enforcement action.

30 (1.1) (i) To the extent practical, an automated side

1 stop signal arm enforcement system shall use necessary
2 technologies to ensure that photographs or recorded video
3 images produced by the system shall not identify the
4 driver, the passengers or the contents of the motor
5 vehicle.

6 (ii) No [notice of liability issued under] violation
7 of this section may be dismissed solely because a
8 photograph or recorded video image allows for the
9 identification of the driver, passengers or contents of
10 the motor vehicle as long as a reasonable effort has been
11 made to comply with this paragraph.

12 (2) (i) Notwithstanding any other provision of law,
13 information prepared under this section and information
14 relating to violations of [section 3345 enforced under]
15 this section which [is] are kept by the system
16 administrator, school entity, contracted company that
17 provides pupil transportation or primary police
18 department [of the police officer having the authority to
19 exercise police power in the area where the violation
20 occurred], its authorized agents or employees, including
21 recorded images, written records, reports or facsimiles,
22 names, addresses and the number of violations under this
23 section, shall be [for the exclusive use of the
24 department of the police officer having the authority to
25 exercise police power in the area where the violation
26 occurred, its authorized agents or employees and law
27 enforcement officials] exclusively used for the purpose
28 of [discharging their duties under] enforcing this
29 section through side stop signal arm enforcement systems.

30 (ii) The information shall not be deemed a public

1 record under the act of February 14, 2008 (P.L.6, No.3),
2 known as the Right-to-Know Law.

3 (iii) The information may be discoverable by court
4 order or otherwise and may be offered in evidence in any
5 action or proceeding which is directly related to a
6 violation of [section 3345 enforced under] this section
7 or any other violation in connection with a criminal law
8 enforcement action.

9 (3) Images obtained through the use of a side stop
10 signal arm enforcement system shall be destroyed within one
11 year of final disposition of the recorded event. [The vendor
12 of a side stop signal arm enforcement system] A system
13 administrator contracted with a school entity shall notify
14 the school entity by written notice in accordance with this
15 section that the records have been destroyed.

16 (4) Notwithstanding any other provision of law,
17 registered motor vehicle owner information obtained as a
18 result of the operation of a side stop signal arm enforcement
19 system shall not be the property of the [manufacturer or
20 vendor of the] system administrator and may not be used for
21 any purpose other than prescribed in this section.

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

26 (f) Defenses.--

27 [(1) It shall be a defense to a prosecution using a side
28 stop signal arm enforcement system for a violation under
29 section 3345 that the person named in the citation was not
30 operating the vehicle at the time of the violation. The

1 person shall be required to submit evidence to the court that
2 the person was not the driver at the time of the alleged
3 violation.

4 (2) The person named in the citation shall not be
5 required to identify the actual driver of the vehicle at the
6 time the violation occurred.]

7 (3) It shall be a defense to a violation under this
8 section that the [person] owner named in the notice of the
9 violation was not operating the motor vehicle at the time of
10 the violation. The owner may be required to submit evidence
11 that the owner was not the driver at the time of the alleged
12 violation. ~~The school entity may not require the owner of the~~ <--
13 ~~motor vehicle to disclose the identity of the operator of the~~
14 ~~motor vehicle at the time of the violation. THE OWNER OF THE~~ <--
15 ~~MOTOR VEHICLE MAY NOT BE REQUIRED TO DISCLOSE THE IDENTITY OF~~
16 ~~THE OPERATOR OF THE MOTOR VEHICLE AT THE TIME OF THE~~
17 ~~VIOLATION.~~

18 (4) If an owner receives a notice of violation under
19 this section of a time period during which the motor vehicle
20 was reported to a police department of any state or
21 municipality as having been stolen, it shall be a defense to
22 a violation under this section that the motor vehicle has
23 been reported to a police department as stolen prior to the
24 time the violation occurred and had not been recovered prior
25 to that time.

26 (5) It shall be a defense to a violation under this
27 section that the person receiving the notice of violation was
28 not the owner of the motor vehicle at the time of the
29 offense.

30 (6) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS <--

1 SECTION THAT THE DEVICE BEING USED UNDER THIS SECTION WAS NOT
2 IN COMPLIANCE WITH THE DEPARTMENT'S REGULATIONS WITH RESPECT
3 TO TESTING FOR ACCURACY, CERTIFICATION OR CALIBRATION.

4 (g) [Approval] Agreements.--

5 (1) A school entity may enter into an agreement with a
6 [private vendor or manufacturer to provide a side stop signal
7 arm enforcement system on each bus within its fleet, whether
8 owned, contracted or leased, up to and including the
9 installation, operation and maintenance of the systems.]
10 system administrator to enforce this section through a side
11 stop signal arm enforcement system.

12 (2) Except as otherwise provided, an agreement under
13 [this section] paragraph (1) shall take effect in a school
14 entity by vote of the local board of school directors. The
15 meeting to consider approval of a side stop signal arm
16 enforcement system shall be properly noticed under 65 Pa.C.S.
17 Ch. 7 (relating to open meetings).

18 (3) A school entity shall, prior to the enforcement of
19 this section through a side stop signal arm enforcement
20 system, enter into an intergovernmental agreement with a
21 primary police department to fulfill the requirements of
22 subsection (h.2). Nothing in this paragraph shall be
23 construed to require a primary police department to enter
24 into an intergovernmental agreement with a school entity.

25 (4) COMPENSATION UNDER AN AGREEMENT AUTHORIZED BY THIS <--
26 SECTION SHALL NOT REQUIRE A MINIMUM OR MAXIMUM NUMBER OF
27 VIOLATIONS TO BE ISSUED THAT WOULD IMPACT THE COMPENSATION TO
28 THE SYSTEM ADMINISTRATOR.

29 (5) THE SCHOOL ENTITY, OR THE SYSTEM ADMINISTRATOR ON
30 THE SCHOOL ENTITY'S BEHALF, SHALL PROVIDE NOTICE THROUGH A

1 PUBLICLY ACCESSIBLE INTERNET WEBSITE THAT PROVIDES PROGRAM
2 INFORMATION, NUMBER OF EQUIPPED SYSTEMS, PROGRAM QUESTIONS
3 AND SYSTEM ADMINISTRATOR PROCESSING INFORMATION. THE NOTICE
4 ON THE WEBSITE SHALL REMAIN PUBLICLY ACCESSIBLE THROUGHOUT
5 THE PERIOD OF USE. IF THE SYSTEM ADMINISTRATOR IS PROVIDING
6 THE NOTICE ON THE SCHOOL ENTITY'S BEHALF, THE NOTICE MUST
7 IDENTIFY THE SCHOOL ENTITY.

8 (6) THE SCHOOL ENTITY, OR THE SYSTEM ADMINISTRATOR ON
9 THE SCHOOL ENTITY'S BEHALF, SHALL ESTABLISH AN ELECTRONIC
10 SYSTEM WHERE ALL VIOLATIONS CAN BE VIEWED BY THE PRIMARY
11 POLICE DEPARTMENT AND THE HEARING OFFICER AS SPECIFIED IN
12 SUBSECTION (E).

13 (7) THE DEPARTMENT MAY AUDIT A SCHOOL ENTITY OR SYSTEM
14 ADMINISTRATOR TO ENSURE COMPLIANCE WITH THIS SECTION AS
15 DETERMINED BY THE DEPARTMENT.

16 (h) [Duty of manufacturer or vendor] Submission of violation
17 information.--A [manufacturer or vendor of side stop signal arm
18 enforcement systems] school entity, or a system administrator on
19 the school entity's behalf, shall submit the following
20 information regarding a violation of this section to the [police
21 or] primary police department:

22 (1) A copy of the recorded image showing the motor
23 vehicle.

24 (2) The license plate number and state of issuance of
25 the motor vehicle.

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

27 [(h.1) Duty of school district.--A school district may enter
28 into an intergovernmental agreement with the primary police
29 department with authority to issue violations using an automated
30 side stop signal arm enforcement system. The primary police

1 department is the police department in any municipality in which
2 the school district is located. If a municipality in which the
3 school district where the violation occurred is located does not
4 have its own police department, the school district may petition
5 the Pennsylvania State Police for review of the evidence package
6 from the automated side stop signal arm enforcement system.]

7 (4) NOT LATER THAN JULY 1 ANNUALLY, THE SCHOOL ENTITY, <--
8 OR THE SYSTEM ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF,
9 SHALL SUBMIT A REPORT TO THE DEPARTMENT AND THE PENNSYLVANIA
10 STATE POLICE FOR THE PRECEDING CALENDAR YEAR. THE INFORMATION
11 SHALL BE COMPILED BY THE DEPARTMENT AND THE PENNSYLVANIA
12 STATE POLICE INTO A REPORT TO BE JOINTLY SUBMITTED TO THE
13 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE TRANSPORTATION
14 COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND MINORITY
15 CHAIRPERSON OF THE TRANSPORTATION COMMITTEE OF THE HOUSE OF
16 REPRESENTATIVES BY NO LATER THAN DECEMBER 31 ANNUALLY. THE
17 REPORT SHALL BE A PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW
18 AND INCLUDE:

19 (I) THE NAME OF THE SYSTEM ADMINISTRATOR.

20 (II) THE NUMBER OF SCHOOL BUSES EQUIPPED WITH A SIDE
21 STOP SIGNAL ARM ENFORCEMENT SYSTEM.

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

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

24 (V) THE AMOUNTS PAID UNDER AGREEMENTS AUTHORIZED BY
25 THIS SECTION FOR PROGRAM OPERATIONS AND MAINTENANCE.

26 (VI) IDENTIFICATION AND RESULTS OF CONTESTED
27 VIOLATIONS.

28 (VII) USE OF ADDITIONAL REVENUE FUNDS FROM THE
29 PROGRAM.

30 (h.2) [Duty of police and police department.--Police

1 officers and police departments enforcing violations of section
2 3345 and using automated side stop signal arm enforcement
3 systems shall:] Police review required.--Upon receipt of
4 violation information under subsection (h), a primary police
5 department shall:

6 (1) Review submitted evidence [from the manufacturer or
7 vendor of a system] to determine if there is sufficient
8 evidence that a violation under this section [3345] occurred
9 and electronically certify the notice of violation.

10 (2) Provide information to [a] the school [district]
11 entity or a system administrator on the school entity's
12 behalf related to the [police or] primary police department's
13 capacity to view and authorize the notice of violation.

14 [(i) (Reserved).]

15 (i.1) Notice of violation, fines and contest.--The following
16 shall apply:

17 (1) The following shall apply to notice of violation:

18 (i) In the case of a violation involving a vehicle
19 registered under the laws of this Commonwealth, the
20 notice of violation must be mailed within 30 days after
21 the commission of the violation or within 30 days after
22 the discovery of the identity of the registered owner,
23 whichever is later, and not thereafter to the address of
24 the registered owner as listed in the records of the
25 department.

26 (ii) In the case of vehicles registered in
27 jurisdictions other than this Commonwealth, the notice of
28 violation must be mailed within 30 days after the
29 discovery of the identity of the registered owner and not
30 thereafter to the address of the registered owner as

1 listed in the records of the official in the jurisdiction
2 having charge of the registration of the vehicle.

3 (iii) A notice of violation under this section must
4 be provided to an owner within 90 days of the commission
5 of the offense.

6 (iv) The notice of violation shall have attached to
7 it a copy of the recorded image showing the vehicle; the
8 registration number and state of issuance of the vehicle
9 registration; the date, time and place of the alleged
10 violation; that the violation charged is under section
11 3345 and instructions for return of the notice of
12 violation; and instructions for how to request a hearing
13 with the magisterial district judge for the purpose of
14 contesting liability or notice.

15 (2) The following shall apply to payment of a fine:

16 (i) An owner may admit responsibility for the
17 violation and pay the fine as indicated on the notice of
18 violation.

19 (ii) Payment of the fine shall operate as a final
20 disposition of the civil penalty.

21 (iii) If payment is not received or the owner has
22 not contested liability within 30 days of original
23 notice, the police department may turn the matter over to
24 the Magisterial District Judge where the violation
25 occurred. The Magisterial District Judge may assess
26 liability upon the owner for failure to pay the fine or
27 contest liability.

28 (3) The following shall apply to contesting liability or
29 notice:

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

1 issued may, within 30 days of the mailing of the notice,
2 contest the liability alleged in the notice of violation
3 by requesting a hearing with the magisterial district
4 judge where the violation occurred and completing the
5 payment of applicable civil filing fees.

6 (ii) The primary police department shall file the
7 notice of violation and supporting documents with the
8 magisterial district judge where the violation occurred
9 and the court shall hear and decide the matter.]

10 (i.2) Notice of violation.--

11 (1) Upon certification from a primary police department
12 that a violation of this section has occurred as required by
13 subsection (h.2), a school entity or a system administrator
14 on the school entity's behalf shall initiate an action to
15 enforce this section by sending an administrative notice of
16 violation to the registered owner of the motor vehicle
17 identified by a side stop signal arm enforcement system as
18 violating this section.

19 (2) The notice of violation shall include all of the
20 following:

21 (i) A copy of the recorded image showing the motor
22 vehicle.

23 (ii) The registration number and state of issuance
24 of the motor vehicle registration.

25 (iii) The date, time and place of the alleged
26 violation.

27 (iv) Certification of the alleged violation from the
28 primary police department and written documentation that
29 the side stop signal arm enforcement system was operating
30 correctly at the time of the alleged violation as

1 required under subsection (d).

2 (v) Notice that the owner is charged with a
3 violation of this section.

4 (vi) Instructions for return of the notice of
5 violation and payment of the fine under subsection (i.3).

6 (vii) Instructions for contesting the violation
7 under subsection (i.4).

8 (viii) A statement that a violation under this
9 section:

10 (A) is not deemed a criminal conviction;

11 (B) will not be made part of the operating
12 record of the individual upon whom the violation of
13 this section is being imposed;

14 (C) will not be used to determine a merit rating
15 for insurance purposes; and

16 (D) does not authorize the imposition of
17 surcharge points in the provision of motor vehicle
18 insurance coverage.

19 (3) A notice of violation shall be sent by first class
20 mail as follows:

21 (i) In the case of a violation involving a motor
22 vehicle registered under the laws of this Commonwealth,
23 the notice of violation must be mailed within 30 days
24 after the commission of the violation or within 30 days
25 after the discovery of the identity of the registered
26 owner, whichever is later, and not thereafter to the
27 address of the registered owner listed in the records of
28 the department.

29 (ii) In the case of motor vehicles registered in
30 jurisdictions other than this Commonwealth, the notice of

1 violation must be mailed within 30 days after the
2 discovery of the identity of the registered owner and not
3 thereafter to the address of the registered owner as
4 listed in the records of the official in the jurisdiction
5 having charge of the registration of the motor vehicle.

6 (iii) A notice of violation under this section shall
7 be invalid unless provided to the registered owner within
8 90 days of the commission of the violation.

9 (iv) A manual or automatic record of mailing
10 prepared by a school entity or a system administrator in
11 the ordinary course of business shall be prima facie
12 evidence of mailing and shall be admissible in a judicial
13 or administrative proceeding as to the facts contained in
14 the notice of violation.

15 (i.3) Payment of fine.--Payment of the fine shall be as
16 follows:

17 (1) An owner may admit responsibility for the violation
18 and pay the fine provided in the notice of violation
19 personally, through an authorized agent, electronically or by
20 mailing both the payment and notice of violation to the
21 school entity, or to a system administrator on the school
22 entity's behalf.

23 (2) Payment of the fine shall operate as a final
24 disposition of the violation of this section.

25 (3) If payment is not received within 90 days of mailing
26 of the notice of violation, the school entity or a system
27 administrator on the school entity's behalf may turn the
28 matter over to applicable credit collection agencies.

29 (i.4) Contest of violation.--The procedure for contesting a
30 violation of this section shall be as follows:

1 (1) An owner may, within 30 days of the mailing of the
2 notice of violation, request a hearing to contest liability
3 by appearing before the school entity or the system <--
4 administrator on the school entity's behalf, either
5 personally or by an authorized agent or by mailing a request
6 in writing on the prescribed form OR ELECTRONICALLY. A <--
7 hearing to contest liability may be in person or be conducted
8 through live-stream synchronous video conferencing or similar
9 virtual presence technology and shall be only at the
10 locations and times set by school entity or the system
11 administrator on the school entity's behalf.

12 (2) Upon receipt of a hearing request, the school entity
13 or the system administrator on the school entity's behalf
14 shall in a timely manner schedule the matter before a hearing
15 officer designated by the department. Written notice of the
16 date, time and place of hearing shall be presented or sent by
17 first class mail to the owner.

18 (3) The hearing shall be informal and the rules of
19 evidence shall not apply. The decision of the hearing officer
20 shall be final, subject to the right of the owner to appeal
21 the decision under paragraph (4).

22 (4) If the owner requests in writing an appeal of the
23 decision of the hearing officer, the school entity or the
24 system administrator on the school entity's behalf shall file
25 the notice of violation and supporting documents with the
26 office of the magisterial district judge for the magisterial
27 district where the violation occurred, and the magisterial
28 district judge shall hear and decide the matter de novo. A <--
29 MAGISTERIAL DISTRICT JUDGE SHALL BE RESTRICTED TO FINDING AN
30 OWNER LIABLE OR NOT LIABLE FOR VIOLATING THIS SECTION, AND

1 SHALL NOT ASSIGN DAMAGES TO AN OWNER OR OTHERWISE IMPOSE
2 PENALTIES ON PRIMARY POLICE DEPARTMENTS, POLICE OFFICERS,
3 SCHOOL ENTITIES OR SYSTEM ADMINISTRATORS.

4 (5) The school entity or system administrator on the
5 school entity's behalf shall reimburse the department for the
6 actual cost of the hearing officer designated under paragraph
7 (2).

8 (j) Department approval.--

9 (1) No side stop signal arm enforcement system may be
10 used without the approval of the department, which shall have
11 the authority to promulgate regulations for the certification
12 and use of such systems.

13 (2) Any system installed prior to the effective date of
14 this paragraph shall obtain department approval within six
15 months of the effective date of the temporary regulations
16 promulgated under paragraph (3).

17 (3) In order to facilitate the prompt implementation of
18 this section, regulations promulgated by the department under
19 this section during the two years following the effective
20 date of this section shall be deemed temporary regulations,
21 which shall expire no later than [five] seven years following
22 the effective date of this section or upon promulgation of
23 final regulations. The temporary regulations shall not be
24 subject to:

25 (i) Sections 201, 202, 203, 204 and 205 of the act
26 of July 31, 1968 (P.L.769, No.240), referred to as the
27 Commonwealth Documents Law.

28 (ii) The act of June 25, 1982 (P.L.633, No.181),
29 known as the Regulatory Review Act.

30 (iii) Section 204(b) of the act of October 15, 1980

1 (P.L.950, No.164), known as the Commonwealth Attorneys
2 Act.

3 (k) School Bus Safety Grant Program.--

4 (1) The School Bus Safety Grant Program Account is
5 established as a restricted account in the General Fund.
6 Money in the account is appropriated on a continuing basis to
7 the department for grants under this subsection.

8 (2) The surcharge established under section 3345(j) and
9 the portion of the fine established under subsection (c)(1)
10 (iii) shall be deposited into the account and shall be used
11 by the department to implement the School Bus Safety Grant
12 Program[, which is established to promote and increase school
13 bus safety, education and training throughout this
14 Commonwealth]. The department shall award school bus safety
15 grants on a competitive basis[.] for the following purposes:

16 (i) To promote and increase school bus safety,
17 education and training throughout this Commonwealth.

18 (ii) To reimburse or pay for, in whole or in part,
19 education, training and other associated costs related to
20 the issuance of a commercial learner's permit, commercial
21 driver's license or school bus endorsement by the
22 department to an individual for the purpose of driving a
23 school bus in this Commonwealth.

24 (3) The department may pay any actual administrative
25 costs arising from the administration of this section out of
26 the fines deposited into the account. [Independent school bus
27 contractors and school entities are eligible for the grant.]
28 The department shall develop a uniform application process
29 and regulations to administer the grant program.

30 (4) Independent school bus contractors and school

1 entities are eligible for grants under this subsection.

2 (1) Contracted companies.--

3 (1) No contracted company that provides pupil
4 transportation shall be liable if a side stop signal arm
5 enforcement system is vandalized or otherwise malfunctions.

6 (2) Nothing in this section shall be construed to
7 require a contracted company that provides pupil
8 transportation to take a school bus out of service due to a
9 nonfunctioning side stop signal arm enforcement system,
10 except that a contracted company shall allow the
11 [manufacturer or vendor of the side stop signal arm
12 enforcement system] school entity or a system administrator
13 on the school entity's behalf access to the school bus for
14 the purpose of repairing and maintaining a side stop signal
15 arm enforcement system when the school bus is not in service
16 at a time mutually agreeable to the contractor and [vendor]
17 school entity or a system administrator on the school
18 entity's behalf.

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

24 (1.1) Construction.--Nothing in this section shall be
25 construed to prohibit:

26 (1) A school entity from supplying information captured
27 by a side stop signal arm enforcement system, including
28 photographs or recorded video images, with a written report
29 submitted by an operator of a school bus to a police officer
30 under section 3345(a.1).

1 (2) Information captured by a side stop signal arm
2 enforcement system from being admissible in a judicial
3 proceeding adjudicating a violation of section 3345.

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

7 "Local board of school directors." A board of directors or
8 other governing authority of a school entity.

9 ["Manufacturer" or "vendor." A company that creates, owns or
10 has a license or permission to sell, lease or distribute a side
11 stop signal arm enforcement system.]

12 "Primary police department." Either of the following:

13 (1) The local police department of the municipality in
14 which a school entity is located if the municipality has a
15 police department with authority to issue citations for
16 violations of this title.

17 (2) The Pennsylvania State Police if the municipality in
18 which a school entity is located does not have a police
19 department with authority to issue citations for violations
20 of this title.

21 "Pupil transportation." The transport of resident pupils of
22 a school district to and from preprimary, primary or secondary
23 schools and students to or from public, private or parochial
24 schools. The term does not include transportation for field
25 trips.

26 "School entity." A school district, area career and
27 technical school, intermediate unit, charter school, regional
28 charter school or cyber charter school.

29 "Side stop signal arm enforcement system" or "system." A
30 camera system installed on a school bus with two or more camera

1 sensors and computers that produce recorded video and two or
2 more film or digital photographic still images of a motor
3 vehicle being used or operated in a manner that violates this
4 section [3345].

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

7 "System administrator." A person that creates, owns or has a
8 license or permission to sell, lease, distribute or administer a
9 side stop signal arm enforcement system that, consistent with
10 the requirements of this section, is contracted by a school
11 entity to:

12 (1) Provide for the installation, operation and
13 maintenance of a side stop signal arm enforcement system on
14 one or more school buses within a school entity's fleet,
15 regardless of whether a school bus is owned, contracted or
16 leased by the school entity.

17 (2) Administer the enforcement of a violation of this
18 section through a side stop signal arm enforcement system on
19 a school entity's behalf as permitted by this section,
20 including maintaining and transmitting records, mailing
21 violation notices, processing violations and collecting fines
22 and administering contests of violations.

23 ~~§ 3369. Automated speed enforcement systems in active work~~ <--
24 ~~zones.~~

25 ~~* * *~~

26 ~~(c.1) Owner liability. For each violation under this~~
27 ~~section, the owner of the vehicle shall be liable for the~~
28 ~~penalty imposed unless the owner is convicted of the same~~
29 ~~violation under another provision of this title or has a defense~~
30 ~~under subsection (g). For the purposes of this section, the~~

1 ~~lessee of a vehicle shall be considered the owner of a leased~~
2 ~~vehicle.~~

3 * * *

4 ~~(g) Defenses.—~~

5 ~~(1) It shall be a defense to a violation under this~~
6 ~~section that the vehicle was reported to a police department~~
7 ~~as stolen prior to the time the violation occurred and was~~
8 ~~not recovered prior to that time.~~

9 ~~(2) It shall be a defense to a violation under this~~
10 ~~section that the person receiving the notice of violation was~~
11 ~~not the owner of the vehicle at the time of the offense.~~

12 ~~(3) It shall be a defense to a violation under this~~
13 ~~section that the device being used to determine speed was not~~
14 ~~in compliance with section 3368 (relating to speed timing~~
15 ~~devices) with respect to testing for accuracy, certification~~
16 ~~or calibration.~~

17 ~~(4) It shall be a defense to a violation under this~~
18 ~~section that the person named in the notice of the violation~~
19 ~~was not operating the vehicle at the time of the violation.~~
20 ~~The owner may be required to submit evidence that the owner~~
21 ~~was not the driver at the time of the alleged violation. The~~
22 ~~system administrator may not require the owner of the vehicle~~
23 ~~to disclose the identity of the operator of the vehicle at~~
24 ~~the time of the violation.~~

25 ~~(h) Authority and duties of department and Pennsylvania~~
26 ~~Turnpike Commission.—~~

27 * * *

28 ~~(3) (i) The department and Pennsylvania Turnpike~~
29 ~~Commission shall serve directly or through a contracted~~
30 ~~private service as the system administrator of the~~

1 ~~program. Compensation under a contract authorized by this~~
2 ~~paragraph shall be based only upon the value of equipment~~
3 ~~and services provided or rendered in support of the~~
4 ~~automated speed enforcement system program and may not be~~
5 ~~based on the quantity of notices of violation issued or~~
6 ~~amount of fines imposed or generated.~~

7 ~~(ii) The system administrator shall prepare and~~
8 ~~issue notices of violation.~~

9 ~~(iii) Two restricted accounts are established in the~~
10 ~~State Treasury for fines remitted under this section to~~
11 ~~the department and Pennsylvania Turnpike Commission,~~
12 ~~respectively. The system administrator of the department~~
13 ~~or Pennsylvania Turnpike Commission, if any, shall send~~
14 ~~an invoice to the department or Pennsylvania Turnpike~~
15 ~~Commission based, respectively, on the services under~~
16 ~~subparagraph (i) and the Pennsylvania State Police under~~
17 ~~subsection (d) (1) (i). The department, Pennsylvania~~
18 ~~Turnpike Commission and the Pennsylvania State Police~~
19 ~~shall use the appropriate restricted account to pay for~~
20 ~~the administration of the [pilot] program and the system~~
21 ~~administrator's invoice costs, if applicable. Remaining~~
22 ~~fines shall be allocated by the department or~~
23 ~~Pennsylvania Turnpike Commission [for the first three~~
24 ~~years as follows:~~

25 ~~(A) Forty five percent of the fines from~~
26 ~~violations occurring in an automated speed~~
27 ~~enforcement work area shall be deposited into a~~
28 ~~restricted account in the State Treasury on a~~
29 ~~quarterly basis. The Department of Revenue shall,~~
30 ~~within 90 days of the date of deposit, transfer to~~

1 ~~the Pennsylvania State Police an amount equivalent to~~
2 ~~the previous quarterly deposit to be used by the~~
3 ~~Pennsylvania State Police as follows:~~

4 ~~(I) Fifty five percent of the funds shall be~~
5 ~~dedicated and used for the purpose of recruiting,~~
6 ~~training or equipping Pennsylvania State Police~~
7 ~~Gadets.~~

8 ~~(II) Forty five percent of the funds shall~~
9 ~~be dedicated and used to pay for an increased~~
10 ~~Pennsylvania State Trooper presence in work zones~~
11 ~~on the State road system managed by the~~
12 ~~department or the Pennsylvania Turnpike~~
13 ~~Commission. Funds under this subclause shall be~~
14 ~~in addition to any contractual agreement between~~
15 ~~the department or the Pennsylvania Turnpike~~
16 ~~Commission and the Pennsylvania State Police for~~
17 ~~enforcement in work zones on the State road~~
18 ~~system managed by the department or the~~
19 ~~Pennsylvania Turnpike Commission.~~

20 ~~(B) Fifteen percent of the fines from violations~~
21 ~~occurring in an automated speed enforcement work area~~
22 ~~shall be transferred to the department or the~~
23 ~~Pennsylvania Turnpike Commission, whichever State~~
24 ~~road system utilized the automated speed enforcement~~
25 ~~system, for the purpose of work zone safety, traffic~~
26 ~~safety and educating the motoring public on work zone~~
27 ~~safety, at the discretion of the department or~~
28 ~~Pennsylvania Turnpike Commission.~~

29 ~~(C) Forty percent of the fines from violations~~
30 ~~occurring in an automated speed enforcement work area~~

1 ~~shall be deposited in the Motor License Fund and~~
2 ~~shall be appropriated by the General Assembly.~~

3 ~~(iv) Remaining fines shall be allocated by the~~
4 ~~department or Pennsylvania Turnpike Commission for the~~
5 ~~last two years to develop a Work Zone and Highway Safety~~
6 ~~Program. At a minimum, funds from the Work Zone and~~
7 ~~Highway Safety Program shall be used for improvement~~
8 ~~projects and countermeasures to improve the safety in~~
9 ~~work zones and on highways. Funds may also be used to~~
10 ~~increase awareness of distracted driving and~~
11 ~~transportation enhancements established under section~~
12 ~~3116 (relating to automated red light enforcement systems~~
13 ~~in first class cities).~~

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

22 ~~(vi) If the five year program is not extended by the~~
23 ~~General Assembly, any remaining fines remitted to the~~
24 ~~department or Pennsylvania Turnpike Commission shall be~~
25 ~~used as provided under subparagraph (iv).] to develop a~~
26 ~~Work Zone and Highway Safety Program. At a minimum, money~~
27 ~~from the Work Zone and Highway Safety Program shall be~~
28 ~~used for improvement projects and countermeasures to~~
29 ~~improve the safety in work zones and on highways. Money~~
30 ~~may also be used to increase awareness of distracted~~

~~driving and transportation enhancements established under section 3116 (relating to automated red light enforcement systems in first class cities).~~

~~(vii) The system administrator shall provide an appropriate printed form by which owners may challenge a notice of violation and convenient hearing hours and times for hearings to be conducted through live stream synchronous video conferencing or similar virtual presence technology or in person in each of the following metropolitan areas for challenges to be heard as provided in this section: Erie, Harrisburg, Philadelphia, Pittsburgh and Scranton. The form may be included with or as part of the notice of violation.~~

~~(4) Not later than April 1 annually, the department, the Pennsylvania Turnpike Commission and the Pennsylvania State Police shall submit a report on the program for the preceding calendar year to the chairperson and minority chairperson of the Transportation Committee of the Senate and the chairperson and minority chairperson of the Transportation Committee of the House of Representatives. The report shall be a public record under the Right to Know Law and include:~~

~~* * *~~

~~[(vi) The number of hours of Pennsylvania State Police presence in work zones that were provided as a result of the funds under paragraph (3) (iii) (A) (II).]~~

~~* * *~~

~~(j) Contest.~~

~~(1) An owner may, within 30 days of the mailing of the notice, request a hearing to contest liability by appearing before the system administrator either personally or by an~~

1 ~~authorized agent or by mailing a request in writing on the~~
2 ~~prescribed form. [Appearances in person shall be only at the~~
3 ~~locations and times set by the system administrator.] A~~
4 ~~hearing to contest liability may be in person or be conducted~~
5 ~~through live stream synchronous video conferencing or similar~~
6 ~~virtual presence technology and shall be only at the~~
7 ~~locations and times set by the system administrator.~~

8 * * *

9 ~~[(k) Expiration. This section shall expire five years from~~
10 ~~the effective date of this section.]~~

11 § 3370. [~~Pilot program for automated speed enforcement system~~
12 ~~on designated highway] Automated speed enforcement
13 systems on designated highways.~~

14 (a) General rule.--[~~A pilot program is established to~~
15 ~~provide for an automated speed enforcement system on the~~
16 ~~designated 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 U.S. Route 1 (Roosevelt~~
26 ~~Boulevard) between Ninth Street and the Philadelphia County~~
27 ~~line shared with Bucks County.]~~

28 (b) Owner liability.--For each violation under this section,
29 the owner of the vehicle shall be liable for the penalty imposed
30 unless the owner is convicted of the same violation under

1 another section of this title or has a defense under subsection
2 (g). For the purposes of this section, the lessee of a vehicle
3 shall be considered the owner of a leased vehicle.

4 * * *

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

6 * * *

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

9 (i) At least two appropriate warning signs are
10 conspicuously placed at the beginning and end and at two-
11 mile intervals of the designated highway notifying the
12 public that an automated speed enforcement device is in
13 use.

14 (ii) A notice identifying the location of the
15 automated speed enforcement system is posted on the
16 department's publicly accessible Internet website
17 throughout the period of use.

18 ~~(iii) Prior to passage of the ordinance under~~ <--
19 ~~subsection (a), the governing body of the city of the~~
20 ~~first class gave public notice of the governing body's~~
21 ~~intent to adopt the ordinance, conducted at least one~~
22 ~~public hearing regarding the proposed adoption of the~~
23 ~~ordinance and made a reasonable effort to send written~~
24 ~~notice by first class mail of the governing body's intent~~
25 ~~to adopt the ordinance and of any public hearings~~
26 ~~regarding the proposed adoption of the ordinance to each~~
27 ~~resident along the designated highway affected by the~~
28 ~~ordinance according to the city's records. The~~
29 ~~requirement under this subparagraph shall not apply to an~~
30 ~~automated speed enforcement system in a city of the first~~

~~class authorized prior to the effective date of this
subparagraph.~~

* * *

(III) PRIOR TO PASSAGE OF THE ORDINANCE UNDER <--
SUBSECTION (A), THE GOVERNING BODY OF A CITY OF THE FIRST
CLASS GAVE PUBLIC NOTICE OF THE GOVERNING BODY'S INTENT
TO ADOPT THE ORDINANCE AND CONDUCTED AT LEAST ONE
OPPORTUNITY FOR PUBLIC COMMENT REGARDING THE PROPOSED
ADOPTION OF THE ORDINANCE. THE REQUIREMENT UNDER THIS
SUBPARAGRAPH SHALL NOT APPLY TO AN AUTOMATED SPEED
ENFORCEMENT SYSTEM IN A CITY OF THE FIRST CLASS
AUTHORIZED PRIOR TO THE EFFECTIVE DATE OF THIS
SUBPARAGRAPH.

* * *

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

* * *

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

* * *

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

* * *

(2) Upon receipt of a hearing request, the system
administrator shall in a timely manner schedule the matter
before a hearing officer. The hearing officer shall be

1 designated by the city of the first class. Written notice of
2 the date, time and place of hearing must be sent by first
3 class mail to the owner. A hearing to contest liability may
4 be in person or be conducted through live-stream synchronous
5 video conferencing or similar virtual presence technology and
6 shall be only at the locations and times set by the system
7 administrator.

8 * * *

9 [(q) Expiration.--This section shall expire five years from
10 its effective date.]

11 Section 2. Title 75 is amended by adding a section to read:
12 § 3371. Pilot program for automated speed enforcement systems
13 in designated school zones.

14 (a) General rule.--A pilot program is established to provide
15 for an automated speed enforcement system in designated school
16 zones. The following shall apply:

17 (1) A city of the first class, upon passage of an
18 ordinance, is authorized to enforce section 3365(b) (relating
19 to special speed limitations) by recording violations using
20 an 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.

25 (b) Owner liability.--For each violation under this section,
26 the owner of the vehicle shall be liable for the penalty imposed
27 unless the owner is convicted of the same violation under
28 another section of this title or has a defense under subsection
29 (g). For the purposes of this section, the lessee of a vehicle
30 shall be considered the owner of a leased vehicle.

1 (c) Certificate as evidence.--A certificate, or a facsimile
2 of a certificate, based upon inspection of recorded images
3 produced by an automated speed enforcement system and sworn to
4 or affirmed by a police officer employed by the city of the
5 first class shall be prima facie evidence of the facts contained
6 in it. The city must include written documentation that the
7 automated speed enforcement system was operating correctly at
8 the time of the alleged violation. A recorded image evidencing a
9 violation of section 3365(b) shall be admissible in any judicial
10 or administrative proceeding to adjudicate the liability for the
11 violation.

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

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

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

20 (i) At least two appropriate warning signs are
21 conspicuously placed at the beginning and end of the
22 designated school zone notifying the public that an
23 automated speed enforcement device is in use.

24 (ii) A notice identifying the location of the
25 automated speed enforcement system is posted on the
26 department's publicly accessible Internet website
27 throughout the period of use.

28 (iii) The designated school zone is active as
29 indicated by an official traffic-control device with a
30 posted speed limit of no greater than 15 miles per hour.

1 (IV) PRIOR TO PASSAGE OF THE ORDINANCE UNDER
 2 SUBSECTION (A), THE GOVERNING BODY OF A CITY OF THE FIRST
 3 CLASS GAVE PUBLIC NOTICE OF THE GOVERNING BODY'S INTENT
 4 TO ADOPT THE ORDINANCE AND CONDUCTED AT LEAST ONE
 5 OPPORTUNITY FOR PUBLIC COMMENT REGARDING THE PROPOSED
 6 ADOPTION OF THE ORDINANCE.

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

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

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

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

24 (e) Liability.--Driving in excess of the posted speed limit
 25 in a designated school zone by 11 miles per hour or more is a
 26 violation of this section.

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

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

1 violation.

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

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

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

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

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

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

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

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

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

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

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

25 (h) Department approval.--The following shall apply:

26 (1) No automated speed enforcement system may be used
27 without the approval of the department, which shall have the
28 authority to promulgate regulations for the certification and
29 use of the systems which regulations may include the use of
30 radio-microwave devices, commonly referred to as electronic

1 speed meters or radar, or light detection and ranging
2 devices, commonly referred to as LIDAR, in their operations.

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

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

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

15 (2) The city shall designate or appoint the Philadelphia
16 Parking Authority as the system administrator to supervise
17 and coordinate the administration of notices of violation
18 issued under this section. Compensation under a contract
19 authorized by this paragraph shall be based only upon the
20 value of equipment and services provided or rendered in
21 support of the automated speed enforcement system program and
22 may not be based on the quantity of notices of violation
23 issued or amount of fines imposed or generated.

24 (3) The system administrator shall prepare a notice of
25 violation to the registered owner of a vehicle identified in
26 a recorded image produced by an automated speed enforcement
27 system as evidence of a violation of section 3362 (relating
28 to maximum speed limits). The notice of violation must be
29 issued by a police officer employed by the police department
30 with primary jurisdiction over the area where the violation

1 occurred. The notice of violation shall have the following
2 attached to it:

3 (i) a copy of the recorded image showing the
4 vehicle;

5 (ii) the registration number and state of issuance
6 of the vehicle registration;

7 (iii) the date, time and place of the alleged
8 violation;

9 (iv) notice that the violation charged is under
10 section 3365(b); and

11 (v) instructions for return of the notice of
12 violation, which shall read:

13 This notice shall be returned personally, by mail
14 or by an agent duly authorized in writing, within
15 30 days of issuance. A hearing may be obtained
16 upon the written request of the registered owner.

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

18 (1) The system administrator may hire and designate
19 personnel as necessary or contract for services to implement
20 this section.

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

23 (3) Not later than ~~April~~ SEPTEMBER 1 annually, the <--
24 system administrator shall submit an annual report to the
25 chairperson and minority chairperson of the Transportation
26 Committee of the Senate and the chairperson and minority
27 chairperson of the Transportation Committee of the House of
28 Representatives. The report shall be considered a public
29 record under the Right-to-Know Law and include for the prior
30 year:

1 (i) The number of violations and fines issued and
2 data regarding the speeds of vehicles in the enforcement
3 area.

4 (ii) A compilation of penalties paid and
5 outstanding.

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

8 (iv) The number of vehicular accidents and related
9 serious injuries and deaths in the designated school
10 zones.

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

26 (l) Mailing of notice and records.--Notice of violation must
27 be sent by first class mail. A manual or automatic record of
28 mailing prepared by the system administrator in the ordinary
29 course of business shall be prima facie evidence of mailing and
30 shall be admissible in any judicial or administrative proceeding

1 as to the facts contained in it.

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

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

6 (2) Payment must be made personally, through an
7 authorized agent, electronically or by mailing both payment
8 and the notice of violation to the system administrator.
9 Payment by mail must be made only by money order, credit card
10 or check made payable to the system administrator. The system
11 administrator shall remit the fine, less the system
12 administrator's operation and maintenance costs necessitated
13 by this section, to the department for deposit into a
14 restricted receipts account in the Motor License Fund. Fines
15 deposited into the fund under this paragraph shall be used by
16 the department for a Transportation Enhancement Grants
17 Program as established by section 3116 (relating to automated
18 red light enforcement systems in first class cities). The
19 department shall award transportation enhancement grants on a
20 competitive basis. The department may pay actual
21 administrative costs arising from the department's
22 administration of this section. The department may not
23 reserve, designate or set aside a specific level of funds or
24 percentage of funds to an applicant prior to the completion
25 of the application process, nor may the department designate
26 a set percentage of funds to an applicant. Grants shall be
27 awarded by the department based on the majority vote of a
28 selection committee consisting of four representatives of the
29 department appointed by the secretary and four members
30 appointed by the mayor of the city of the first class, with

1 the secretary or a designee of the secretary serving as
2 chairperson. Priority shall be given to applications seeking
3 grant funds for transportation enhancements in the
4 municipality where the automated speed camera system is
5 operated.

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

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

9 (1) An owner to whom a notice of violation has been
10 issued may, within 30 days of the mailing of the notice,
11 request a hearing to contest the liability alleged in the
12 notice. A hearing request must be made by appearing before
13 the system administrator during regular office hours either
14 personally or by an authorized agent or by mailing a request
15 in writing.

16 (2) Upon receipt of a hearing request, the system
17 administrator shall in a timely manner schedule the matter
18 before a hearing officer. The hearing officer shall be
19 designated by the city of the first class. Written notice of
20 the date, time and place of hearing must be sent by first
21 class mail to the owner. A hearing to contest liability may
22 be in-person or be conducted through live-stream synchronous
23 video conferencing or similar virtual presence technology and
24 shall be only at the locations and times set by the system
25 administrator.

26 (3) The hearing shall be conducted pursuant to 2 Pa.C.S.
27 Ch. 5 (relating to practice and procedure) and shall be
28 subject to appeal pursuant to 2 Pa.C.S. Ch. 7 (relating to
29 judicial review).

30 (o) Compensation to manufacturer or vendor.--If a city of

1 the first class has established an automated speed enforcement
2 system deployed as a means of promoting traffic safety and the
3 enforcement of the traffic laws of this Commonwealth or the
4 city, the compensation paid to the manufacturer or vendor of the
5 automated speed enforcement system may not be based upon the
6 number of traffic citations issued or a portion or percentage of
7 the fine generated by the citations. The compensation paid to
8 the manufacturer or vendor of the equipment shall be based upon
9 the value of the equipment and the services provided or rendered
10 in support of the automated speed enforcement system.

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

15 (q) Expiration.--This section shall expire five years from
16 the effective date of this section.

17 Section 3. The Secretary of Transportation shall transmit a
18 notice to the Legislative Reference Bureau for publication in
19 the next available issue of the Pennsylvania Bulletin when the
20 automated speed enforcement system is operational in the
21 designated school zones under 75 Pa.C.S. § 3371.

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

23 (1) The following provisions shall take effect
24 immediately:

25 (i) ~~The amendment of 75 Pa.C.S. § 3369(k).~~ <--

26 ~~(ii)~~ The amendment of 75 Pa.C.S. § 3370(q).

27 ~~(iii)~~ (II) Section 3 of this act. <--

28 ~~(iv)~~ (III) This section. <--

29 (2) The addition of 75 Pa.C.S. § 3371(e) shall take
30 effect 60 days after the publication in the Pennsylvania

1 Bulletin under section 3 of this act.

2 (3) The remainder of this act shall take effect in 60
3 days.