

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1284 Session of
2023

INTRODUCED BY NEILSON, BULLOCK, MADDEN, HOHENSTEIN, McNEILL,
SANCHEZ, SOLOMON, FIEDLER, PARKER, WAXMAN, KHAN, KENYATTA,
WEBSTER, TAKAC, T. DAVIS, GREEN, BURGOS AND BRENNAN,
MAY 31, 2023

SENATOR LANGERHOLC, TRANSPORTATION, IN SENATE, RE-REPORTED AS
AMENDED, DECEMBER 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 enforcement of failure to stop for school bus with~~
4 ~~flashing red lights, for automated speed enforcement systems~~
5 ~~in active work zones and for pilot program for automated~~
6 ~~speed enforcement system on designated highway and providing~~
7 ~~for pilot program for automated speed enforcement systems in~~
8 ~~designated school zones.~~

9 ~~AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED~~ <--
10 ~~STATUTES, IN RULES OF THE ROAD IN GENERAL, FURTHER PROVIDING~~
11 ~~FOR AUTOMATED SPEED ENFORCEMENT SYSTEMS IN ACTIVE WORK ZONES~~
12 ~~AND FOR PILOT PROGRAM FOR AUTOMATED SPEED ENFORCEMENT SYSTEM~~
13 ~~ON DESIGNATED HIGHWAY.~~

14 ~~AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED~~ <--
15 ~~STATUTES, IN RULES OF THE ROAD IN GENERAL, FURTHER PROVIDING~~
16 ~~FOR AUTOMATED ENFORCEMENT OF FAILURE TO STOP FOR SCHOOL BUS~~
17 ~~WITH FLASHING RED LIGHTS, FOR AUTOMATED SPEED ENFORCEMENT~~
18 ~~SYSTEMS IN ACTIVE WORK ZONES AND FOR PILOT PROGRAM FOR~~
19 ~~AUTOMATED SPEED ENFORCEMENT SYSTEM ON DESIGNATED HIGHWAY AND~~
20 ~~PROVIDING FOR AUTOMATED SPEED ENFORCEMENT STUDY AND FOR PILOT~~
21 ~~PROGRAM FOR AUTOMATED SPEED ENFORCEMENT SYSTEMS IN DESIGNATED~~
22 ~~SCHOOL ZONES; AND IMPOSING A PENALTY.~~

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 ~~Section 1. Sections 3345.1, 3369(b) (1) and (2) and 3370~~ <--

1 heading, (a), (b), (d) (2), (j) (3) introductory paragraph, (n) (2)
2 and (q) of Title 75 of the Pennsylvania Consolidated Statutes
3 are amended to read:

4 § 3345.1. Enforcement of failure to stop for school bus with
5 flashing red lights.

6 (a) General rule. A school entity may install and operate a
7 side stop signal arm enforcement system for the purpose of
8 enforcing [the provisions of section 3345 (relating to meeting
9 or overtaking school bus) as reported under section 3345(a.1).]
10 this section.

11 (a.1) Violation and liability.—

12 (1) A motor vehicle meeting or overtaking a school bus
13 stopped on a highway or trafficway when the red signal lights
14 on the school bus are flashing and the side stop signal arms
15 are activated as described in section 3345 (relating to
16 meeting or overtaking school bus) is a violation of this
17 section.

18 (2) The owner of a motor vehicle that violates paragraph
19 (1) shall be liable for the penalty imposed under subsection
20 (c), unless the owner is convicted of a violation of section
21 3345 or has a defense under subsection (f). For the purposes
22 of this section, the lessee of a motor vehicle shall be
23 considered the owner of a leased vehicle.

24 (b) Applicability.—

25 [(1) Except as provided in paragraph (2), this section
26 shall apply to an owner of a motor vehicle meeting or
27 overtaking a school bus stopped on a highway or trafficway
28 when the red signal lights on the school bus are flashing and
29 the side stop signal arms are activated as described in
30 section 3345.]

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

3 ~~(i) Section 3105(h) (relating to drivers of~~
4 ~~emergency vehicles).~~

5 ~~(ii) Section 3345 (c) or (d).~~

6 ~~(c) [Liability] Penalty. For each violation of [section~~
7 ~~3345 enforced under] this section, the owner of the motor~~
8 ~~vehicle shall be [liable] subject to a penalty as follows:~~

9 ~~(1) The penalty for the violation shall be a [civil~~
10 ~~penalty with a] fine of \$300. The fine shall be distributed~~
11 ~~as follows:~~

12 ~~(i) \$250 to the school district where the violation~~
13 ~~occurred, which shall be utilized for the installation,~~
14 ~~administration or maintenance of side stop signal arm~~
15 ~~enforcement systems, including through a system~~
16 ~~administrator contracted with the school district, on~~
17 ~~school buses;~~

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

21 ~~(iii) \$25 to the School Bus Safety Grant Program~~
22 ~~Account.~~

23 ~~(1.1) The fine under paragraph (1) shall not be subject~~
24 ~~to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of~~
25 ~~finest, etc.) or 3573 (relating to municipal corporation~~
26 ~~portion of fines, etc.).~~

27 ~~[(2) A rebuttable presumption shall exist that the owner~~
28 ~~of the vehicle was the driver at the time of the alleged~~
29 ~~violation.~~

30 ~~(3) For each violation under this section, the owner of~~

~~the vehicle shall be liable for the fine imposed unless the owner is convicted of the same violation under section 3345 or has a defense under subsection (f).]~~

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

~~(i) be deemed a criminal conviction;~~

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

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

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

~~(d) Certificate as evidence. A certificate, or a facsimile of a certificate, based upon inspection of recorded images produced by a side stop signal arm enforcement system and sworn to or affirmed by a [police officer] primary police department shall be prima facie evidence of the facts contained in it. The school entity, the system administrator or the contracted company that provides pupil transportation must include written documentation that the side stop signal arm enforcement system was operating correctly at the time of the alleged violation. A recorded image evidencing a violation of this section [3345] 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 a side stop signal arm enforcement system as provided under this section must be incapable of automated or user controlled remote surveillance by means of recorded video images.~~

1 ~~(ii) Recorded images collected as part of the side-~~
2 ~~stop signal arm enforcement system may only record-~~
3 ~~violations of this section [3345] and may not be used for-~~
4 ~~any other surveillance purposes, except as permitted~~
5 ~~under subsection (1.1) and section 3345(a.1).~~

6 ~~(iii) Restrictions under this paragraph shall not be~~
7 ~~deemed to preclude a court of competent jurisdiction from~~
8 ~~issuing an order directing that the information be~~
9 ~~provided to law enforcement officials if the information~~
10 ~~is reasonably described and is requested solely in~~
11 ~~connection with a criminal law enforcement action.~~

12 ~~(1.1) (i) To the extent practical, an automated side-~~
13 ~~stop signal arm enforcement system shall use necessary~~
14 ~~technologies to ensure that photographs or recorded video~~
15 ~~images produced by the system shall not identify the~~
16 ~~driver, the passengers or the contents of the motor~~
17 ~~vehicle.~~

18 ~~(ii) No [notice of liability issued under] violation~~
19 ~~of this section may be dismissed solely because a~~
20 ~~photograph or recorded video image allows for the~~
21 ~~identification of the driver, passengers or contents of~~
22 ~~the motor vehicle as long as a reasonable effort has been~~
23 ~~made to comply with this paragraph.~~

24 ~~(2) (i) Notwithstanding any other provision of law,~~
25 ~~information prepared under this section and information~~
26 ~~relating to violations of [section 3345 enforced under]~~
27 ~~this section which [is] are kept by the system~~
28 ~~administrator, school entity, contracted company that~~
29 ~~provides pupil transportation or primary police~~
30 ~~department [of the police officer having the authority to~~

1 ~~exercise police power in the area where the violation~~
2 ~~occurred], its authorized agents or employees, including~~
3 ~~recorded images, written records, reports or facsimiles,~~
4 ~~names, addresses and the number of violations under this~~
5 ~~section, shall be [for the exclusive use of the~~
6 ~~department of the police officer having the authority to~~
7 ~~exercise police power in the area where the violation~~
8 ~~occurred, its authorized agents or employees and law~~
9 ~~enforcement officials] exclusively used for the purpose~~
10 ~~of [discharging their duties under] enforcing this~~
11 ~~section through side stop signal arm enforcement systems.~~

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

15 ~~(iii) The information may be discoverable by court~~
16 ~~order or otherwise and may be offered in evidence in any~~
17 ~~action or proceeding which is directly related to a~~
18 ~~violation of [section 3345 enforced under] this section~~
19 ~~or any other violation in connection with a criminal law~~
20 ~~enforcement action.~~

21 ~~(3) Images obtained through the use of a side stop~~
22 ~~signal arm enforcement system shall be destroyed within one~~
23 ~~year of final disposition of the recorded event. [The vendor~~
24 ~~of a side stop signal arm enforcement system] A system~~
25 ~~administrator contracted with a school entity shall notify~~
26 ~~the school entity by written notice in accordance with this~~
27 ~~section that the records have been destroyed.~~

28 ~~(4) Notwithstanding any other provision of law,~~
29 ~~registered motor vehicle owner information obtained as a~~
30 ~~result of the operation of a side stop signal arm enforcement~~

1 ~~system shall not be the property of the [manufacturer or~~
2 ~~vendor of the] system administrator and may not be used for~~
3 ~~any purpose other than prescribed in this section.~~

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

8 ~~(f) Defenses.—~~

9 ~~[(1) It shall be a defense to a prosecution using a side~~
10 ~~stop signal arm enforcement system for a violation under~~
11 ~~section 3345 that the person named in the citation was not~~
12 ~~operating the vehicle at the time of the violation. The~~
13 ~~person shall be required to submit evidence to the court that~~
14 ~~the person was not the driver at the time of the alleged~~
15 ~~violation.~~

16 ~~(2) The person named in the citation shall not be~~
17 ~~required to identify the actual driver of the vehicle at the~~
18 ~~time the violation occurred.]~~

19 ~~(3) It shall be a defense to a violation under this~~
20 ~~section that the [person] owner named in the notice of the~~
21 ~~violation was not operating the motor vehicle at the time of~~
22 ~~the violation. The owner may be required to submit evidence~~
23 ~~that the owner was not the driver at the time of the alleged~~
24 ~~violation. The owner of the motor vehicle may not be required~~
25 ~~to disclose the identity of the operator of the motor vehicle~~
26 ~~at the time of the violation.~~

27 ~~(4) If an owner receives a notice of violation under~~
28 ~~this section of a time period during which the motor vehicle~~
29 ~~was reported to a police department of any state or~~
30 ~~municipality as having been stolen, it shall be a defense to~~

1 a violation under this section that the motor vehicle has
2 been reported to a police department as stolen prior to the
3 time the violation occurred and had not been recovered prior
4 to that time.

5 ~~(5) It shall be a defense to a violation under this~~
6 ~~section that the person receiving the notice of violation was~~
7 ~~not the owner of the motor vehicle at the time of the~~
8 ~~offense.~~

9 ~~(6) It shall be a defense to a violation under this~~
10 ~~section that the device being used under this section was not~~
11 ~~in compliance with the department's regulations with respect~~
12 ~~to testing for accuracy, certification or calibration.~~

13 ~~(g) [Approval] Agreements.~~

14 ~~(1) A school entity may enter into an agreement with a~~
15 ~~{private vendor or manufacturer to provide a side stop signal~~
16 ~~arm enforcement system on each bus within its fleet, whether~~
17 ~~owned, contracted or leased, up to and including the~~
18 ~~installation, operation and maintenance of the systems.}~~
19 ~~system administrator to enforce this section through a side~~
20 ~~stop signal arm enforcement system.~~

21 ~~(2) Except as otherwise provided, an agreement under~~
22 ~~{this section} paragraph (1) shall take effect in a school~~
23 ~~entity by vote of the local board of school directors. The~~
24 ~~meeting to consider approval of a side stop signal arm~~
25 ~~enforcement system shall be properly noticed under 65 Pa.C.S.~~
26 ~~Ch. 7 (relating to open meetings).~~

27 ~~(3) A school entity shall, prior to the enforcement of~~
28 ~~this section through a side stop signal arm enforcement~~
29 ~~system, enter into an intergovernmental agreement with a~~
30 ~~primary police department to fulfill the requirements of~~

1 ~~subsection (h.2). Nothing in this paragraph shall be~~
2 ~~construed to require a primary police department to enter~~
3 ~~into an intergovernmental agreement with a school entity.~~

4 ~~(4) Compensation under an agreement authorized by this~~
5 ~~section shall not require a minimum or maximum number of~~
6 ~~violations to be issued that would impact the compensation to~~
7 ~~the system administrator.~~

8 ~~(5) The school entity, or the system administrator on~~
9 ~~the school entity's behalf, shall provide notice through a~~
10 ~~publicly accessible Internet website that provides program~~
11 ~~information, number of equipped systems, program questions~~
12 ~~and system administrator processing information. The notice~~
13 ~~on the website shall remain publicly accessible throughout~~
14 ~~the period of use. If the system administrator is providing~~
15 ~~the notice on the school entity's behalf, the notice must~~
16 ~~identify the school entity.~~

17 ~~(6) The school entity, or the system administrator on~~
18 ~~the school entity's behalf, shall establish an electronic~~
19 ~~system where all violations can be viewed by the primary~~
20 ~~police department and the hearing officer as specified in~~
21 ~~subsection (e).~~

22 ~~(7) The department may audit a school entity or system~~
23 ~~administrator to ensure compliance with this section as~~
24 ~~determined by the department.~~

25 ~~(h) [Duty of manufacturer or vendor] Submission of violation~~
26 ~~information. A [manufacturer or vendor of side stop signal arm~~
27 ~~enforcement systems] school entity, or a system administrator on~~
28 ~~the school entity's behalf, shall submit the following~~
29 ~~information regarding a violation of this section to the [police~~
30 ~~or] primary police department:~~

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

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

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

6 ~~{(h.1) Duty of school district. A school district may enter~~
7 ~~into an intergovernmental agreement with the primary police~~
8 ~~department with authority to issue violations using an automated~~
9 ~~side stop signal arm enforcement system. The primary police~~
10 ~~department is the police department in any municipality in which~~
11 ~~the school district is located. If a municipality in which the~~
12 ~~school district where the violation occurred is located does not~~
13 ~~have its own police department, the school district may petition~~
14 ~~the Pennsylvania State Police for review of the evidence package~~
15 ~~from the automated side stop signal arm enforcement system.}~~

16 ~~(4) Not later than July 1 annually, the school entity,~~
17 ~~or the system administrator on the school entity's behalf,~~
18 ~~shall submit a report to the department and the Pennsylvania~~
19 ~~State Police for the preceding calendar year. The information~~
20 ~~shall be compiled by the department and the Pennsylvania~~
21 ~~State Police into a report to be jointly submitted to the~~
22 ~~chairperson and minority chairperson of the Transportation~~
23 ~~Committee of the Senate and the chairperson and minority~~
24 ~~chairperson of the Transportation Committee of the House of~~
25 ~~Representatives by no later than December 31 annually. The~~
26 ~~report shall be a public record under the Right to Know Law~~
27 ~~and include:~~

28 ~~(i) The name of the system administrator.~~

29 ~~(ii) The number of school buses equipped with a side~~
30 ~~stop signal arm enforcement system.~~

~~(iii) The number of notices of violation issued.~~

~~(iv) The amount of fines imposed and collected.~~

~~(v) The amounts paid under agreements authorized by this section for program operations and maintenance.~~

~~(vi) Identification and results of contested violations.~~

~~(vii) Use of additional revenue funds from the program.~~

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

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

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

~~{(i) (Reserved).}~~

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

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

~~(i) In the case of a violation involving a vehicle registered under the laws of this Commonwealth, the notice of violation must be mailed within 30 days after the commission of the violation or within 30 days after~~

1 ~~the discovery of the identity of the registered owner,~~
2 ~~whichever is later, and not thereafter to the address of~~
3 ~~the registered owner as listed in the records of the~~
4 ~~department.~~

5 ~~(ii) In the case of vehicles registered in~~
6 ~~jurisdictions other than this Commonwealth, the notice of~~
7 ~~violation must be mailed within 30 days after the~~
8 ~~discovery of the identity of the registered owner and not~~
9 ~~thereafter to the address of the registered owner as~~
10 ~~listed in the records of the official in the jurisdiction~~
11 ~~having charge of the registration of the vehicle.~~

12 ~~(iii) A notice of violation under this section must~~
13 ~~be provided to an owner within 90 days of the commission~~
14 ~~of the offense.~~

15 ~~(iv) The notice of violation shall have attached to~~
16 ~~it a copy of the recorded image showing the vehicle; the~~
17 ~~registration number and state of issuance of the vehicle~~
18 ~~registration; the date, time and place of the alleged~~
19 ~~violation; that the violation charged is under section~~
20 ~~3345 and instructions for return of the notice of~~
21 ~~violation; and instructions for how to request a hearing~~
22 ~~with the magisterial district judge for the purpose of~~
23 ~~contesting liability or notice.~~

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

25 ~~(i) An owner may admit responsibility for the~~
26 ~~violation and pay the fine as indicated on the notice of~~
27 ~~violation.~~

28 ~~(ii) Payment of the fine shall operate as a final~~
29 ~~disposition of the civil penalty.~~

30 ~~(iii) If payment is not received or the owner has~~

1 ~~not contested liability within 30 days of original~~
2 ~~notice, the police department may turn the matter over to~~
3 ~~the Magisterial District Judge where the violation~~
4 ~~occurred. The Magisterial District Judge may assess~~
5 ~~liability upon the owner for failure to pay the fine or~~
6 ~~contest liability.~~

7 ~~(3) The following shall apply to contesting liability or~~
8 ~~notice:~~

9 ~~(i) An owner to whom a notice of violation has been~~
10 ~~issued may, within 30 days of the mailing of the notice,~~
11 ~~contest the liability alleged in the notice of violation~~
12 ~~by requesting a hearing with the magisterial district~~
13 ~~judge where the violation occurred and completing the~~
14 ~~payment of applicable civil filing fees.~~

15 ~~(ii) The primary police department shall file the~~
16 ~~notice of violation and supporting documents with the~~
17 ~~magisterial district judge where the violation occurred~~
18 ~~and the court shall hear and decide the matter.]~~

19 ~~(i.2) Notice of violation.~~

20 ~~(1) Upon certification from a primary police department~~
21 ~~that a violation of this section has occurred as required by~~
22 ~~subsection (h.2), a school entity or a system administrator~~
23 ~~on the school entity's behalf shall initiate an action to~~
24 ~~enforce this section by sending an administrative notice of~~
25 ~~violation to the registered owner of the motor vehicle~~
26 ~~identified by a side stop signal arm enforcement system as~~
27 ~~violating this section.~~

28 ~~(2) The notice of violation shall include all of the~~
29 ~~following:~~

30 ~~(i) A copy of the recorded image showing the motor~~

1 ~~vehicle.~~

2 ~~(ii) The registration number and state of issuance~~
3 ~~of the motor vehicle registration.~~

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

6 ~~(iv) Certification of the alleged violation from the~~
7 ~~primary police department and written documentation that~~
8 ~~the side stop signal arm enforcement system was operating~~
9 ~~correctly at the time of the alleged violation as~~
10 ~~required under subsection (d).~~

11 ~~(v) Notice that the owner is charged with a~~
12 ~~violation of this section.~~

13 ~~(vi) Instructions for return of the notice of~~
14 ~~violation and payment of the fine under subsection (i.3).~~

15 ~~(vii) Instructions for contesting the violation~~
16 ~~under subsection (i.4).~~

17 ~~(viii) A statement that a violation under this~~
18 ~~section:~~

19 ~~(A) is not deemed a criminal conviction;~~

20 ~~(B) will not be made part of the operating~~
21 ~~record of the individual upon whom the violation of~~
22 ~~this section is being imposed;~~

23 ~~(C) will not be used to determine a merit rating~~
24 ~~for insurance purposes; and~~

25 ~~(D) does not authorize the imposition of~~
26 ~~surcharge points in the provision of motor vehicle~~
27 ~~insurance coverage.~~

28 ~~(3) A notice of violation shall be sent by first class~~
29 ~~mail as follows:~~

30 ~~(i) In the case of a violation involving a motor~~

1 ~~vehicle registered under the laws of this Commonwealth,~~
2 ~~the notice of violation must be mailed within 30 days~~
3 ~~after the commission of the violation or within 30 days~~
4 ~~after the discovery of the identity of the registered~~
5 ~~owner, whichever is later, and not thereafter to the~~
6 ~~address of the registered owner listed in the records of~~
7 ~~the department.~~

8 ~~(ii) In the case of motor vehicles registered in~~
9 ~~jurisdictions other than this Commonwealth, the notice of~~
10 ~~violation must be mailed within 30 days after the~~
11 ~~discovery of the identity of the registered owner and not~~
12 ~~thereafter to the address of the registered owner as~~
13 ~~listed in the records of the official in the jurisdiction~~
14 ~~having charge of the registration of the motor vehicle.~~

15 ~~(iii) A notice of violation under this section shall~~
16 ~~be invalid unless provided to the registered owner within~~
17 ~~90 days of the commission of the violation.~~

18 ~~(iv) A manual or automatic record of mailing~~
19 ~~prepared by a school entity or a system administrator in~~
20 ~~the ordinary course of business shall be prima facie~~
21 ~~evidence of mailing and shall be admissible in a judicial~~
22 ~~or administrative proceeding as to the facts contained in~~
23 ~~the notice of violation.~~

24 ~~(i.3) Payment of fine. Payment of the fine shall be as~~
25 ~~follows:~~

26 ~~(1) An owner may admit responsibility for the violation~~
27 ~~and pay the fine provided in the notice of violation~~
28 ~~personally, through an authorized agent, electronically or by~~
29 ~~mailing both the payment and notice of violation to the~~
30 ~~school entity, or to a system administrator on the school~~

1 ~~entity's behalf.~~

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

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

8 ~~(i.4) Contest of violation. The procedure for contesting a~~
9 ~~violation of this section shall be as follows:~~

10 ~~(1) An owner may, within 30 days of the mailing of the~~
11 ~~notice of violation, request a hearing to contest liability~~
12 ~~either personally or by an authorized agent or by mailing a~~
13 ~~request in writing on the prescribed form or electronically.~~
14 ~~A hearing to contest liability may be in person or be~~
15 ~~conducted through live stream synchronous video conferencing~~
16 ~~or similar virtual presence technology and shall be only at~~
17 ~~the locations and times set by school entity or the system~~
18 ~~administrator on the school entity's behalf.~~

19 ~~(2) Upon receipt of a hearing request, the school entity~~
20 ~~or the system administrator on the school entity's behalf~~
21 ~~shall in a timely manner schedule the matter before a hearing~~
22 ~~officer designated by the department. Written notice of the~~
23 ~~date, time and place of hearing shall be presented or sent by~~
24 ~~first class mail to the owner.~~

25 ~~(3) The hearing shall be informal and the rules of~~
26 ~~evidence shall not apply. The decision of the hearing officer~~
27 ~~shall be final, subject to the right of the owner to appeal~~
28 ~~the decision under paragraph (4).~~

29 ~~(4) If the owner requests in writing an appeal of the~~
30 ~~decision of the hearing officer, the school entity or the~~

~~1 system administrator on the school entity's behalf shall file
2 the notice of violation and supporting documents with the
3 office of the magisterial district judge for the magisterial
4 district where the violation occurred, and the magisterial
5 district judge shall hear and decide the matter de novo. A
6 magisterial district judge shall be restricted to finding an
7 owner liable or not liable for violating this section, and
8 shall not assign damages to an owner or otherwise impose
9 penalties on primary police departments, police officers,
10 school entities or system administrators.~~

~~11 (5) The school entity or system administrator on the
12 school entity's behalf shall reimburse the department for the
13 actual cost of the hearing officer designated under paragraph
14 (2).~~

~~15 (j) Department approval.~~

~~16 (1) No side stop signal arm enforcement system may be
17 used without the approval of the department, which shall have
18 the authority to promulgate regulations for the certification
19 and use of such systems.~~

~~20 (2) Any system installed prior to the effective date of
21 this paragraph shall obtain department approval within six
22 months of the effective date of the temporary regulations
23 promulgated under paragraph (3).~~

~~24 (3) In order to facilitate the prompt implementation of
25 this section, regulations promulgated by the department under
26 this section during the two years following the effective
27 date of this section shall be deemed temporary regulations,
28 which shall expire no later than [five] seven years following
29 the effective date of this section or upon promulgation of
30 final regulations. The temporary regulations shall not be~~

1 subject to:

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

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

7 ~~(iii) Section 204(b) of the act of October 15, 1980~~
8 ~~(P.L.950, No.164), known as the Commonwealth Attorneys~~
9 ~~Act.~~

10 ~~(k) School Bus Safety Grant Program.~~

11 ~~(1) The School Bus Safety Grant Program Account is~~
12 ~~established as a restricted account in the General Fund.~~
13 ~~Money in the account is appropriated on a continuing basis to~~
14 ~~the department for grants under this subsection.~~

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

23 ~~(i) To promote and increase school bus safety,~~
24 ~~education and training throughout this Commonwealth.~~

25 ~~(ii) To reimburse or pay for, in whole or in part,~~
26 ~~education, training and other associated costs related to~~
27 ~~the issuance of a commercial learner's permit, commercial~~
28 ~~driver's license or school bus endorsement by the~~
29 ~~department to an individual for the purpose of driving a~~
30 ~~school bus in this Commonwealth.~~

1 ~~(3) The department may pay any actual administrative~~
2 ~~costs arising from the administration of this section out of~~
3 ~~the fines deposited into the account. [Independent school bus~~
4 ~~contractors and school entities are eligible for the grant.]~~
5 ~~The department shall develop a uniform application process~~
6 ~~and regulations to administer the grant program.~~

7 ~~(4) Independent school bus contractors and school~~
8 ~~entities are eligible for grants under this subsection.~~

9 ~~(1) Contracted companies.~~

10 ~~(1) No contracted company that provides pupil~~
11 ~~transportation shall be liable if a side stop signal arm~~
12 ~~enforcement system is vandalized or otherwise malfunctions.~~

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

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

~~(1.1) Construction. Nothing in this section shall be construed to prohibit:~~

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

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

~~(m) 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:~~

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

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

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

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

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

~~"Pupil transportation." The transport of resident pupils of a school district to and from preprimary, primary or secondary schools and students to or from public, private or parochial~~

1 ~~schools. The term does not include transportation for field~~
2 ~~trips.~~

3 ~~"School entity." A school district, area career and~~
4 ~~technical school, intermediate unit, charter school, regional~~
5 ~~charter school or cyber charter school.~~

6 ~~"Side stop signal arm enforcement system" or "system." A~~
7 ~~camera system installed on a school bus with two or more camera~~
8 ~~sensors and computers that produce recorded video and two or~~
9 ~~more film or digital photographic still images of a motor~~
10 ~~vehicle being used or operated in a manner that violates this~~
11 ~~section [3345].~~

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

14 ~~"System administrator." A person that creates, owns or has a~~
15 ~~license or permission to sell, lease, distribute or administer a~~
16 ~~side stop signal arm enforcement system that, consistent with~~
17 ~~the requirements of this section, is contracted by a school~~
18 ~~entity to:~~

19 ~~(1) Provide for the installation, operation and~~
20 ~~maintenance of a side stop signal arm enforcement system on~~
21 ~~one or more school buses within a school entity's fleet,~~
22 ~~regardless of whether a school bus is owned, contracted or~~
23 ~~leased by the school entity.~~

24 ~~(2) Administer the enforcement of a violation of this~~
25 ~~section through a side stop signal arm enforcement system on~~
26 ~~a school entity's behalf as permitted by this section,~~
27 ~~including maintaining and transmitting records, mailing~~
28 ~~violation notices, processing violations and collecting fines~~
29 ~~and administering contests of violations.~~

30 ~~§ 3369. Automated speed enforcement systems in active work~~

1 zones.

2 * * *

3 ~~(b) Applicability. This section shall apply to Federal aid~~
4 ~~highways only under the jurisdiction of the department and the~~
5 ~~Pennsylvania Turnpike Commission. An automated speed enforcement~~
6 ~~system may not be used unless:~~

7 ~~(1) At least two appropriate warning signs are~~
8 ~~conspicuously placed before the active work zone notifying~~
9 ~~the public that an automated speed enforcement device is in~~
10 ~~use[.] and at least one of the warning signs is affixed with~~
11 ~~flashing lights that are lit at all times when the automated~~
12 ~~speed enforcement system is active.~~

13 ~~(2) At least one of the signs under paragraph (1):~~

14 ~~(i) indicates if the automated speed enforcement~~
15 ~~system is active or not active[.]; and~~

16 ~~(ii) is placed at least 1,000 feet before the active~~
17 ~~work zone, unless the department determines that a lesser~~
18 ~~distance is necessary to ensure the safety of the work~~
19 ~~zone, comply with Federal regulations or provide adequate~~
20 ~~traffic control in the work zone. If the department~~
21 ~~determines that a lesser distance is necessary under this~~
22 ~~subparagraph, the department shall place the sign prior~~
23 ~~to the active work zone at a distance that provides~~
24 ~~motorists with the maximum feasible advanced notification~~
25 ~~of the automated speed enforcement system prior to~~
26 ~~entering the active work zone.~~

27 * * *

28 ~~§ 3370. [Pilot program for automated speed enforcement system~~
29 ~~on designated highway] Automated speed enforcement~~
30 ~~systems on designated highways.~~

1 ~~(a) General rule. [A pilot program is established to~~
2 ~~provide for an automated speed enforcement system on the~~
3 ~~designated highway.]~~

4 ~~(1) A city of the first class, upon passage of an~~
5 ~~ordinance, is authorized to enforce section 3362 (relating to~~
6 ~~maximum speed limits) by recording violations using an~~
7 ~~automated speed enforcement system approved by the~~
8 ~~department.~~

9 ~~(2) This section shall only be applicable in a city of~~
10 ~~the first class in areas agreed upon by the system~~
11 ~~administrator and the Secretary of Transportation. [using the~~
12 ~~automated speed enforcement system on U.S. Route 1 (Roosevelt~~
13 ~~Boulevard) between Ninth Street and the Philadelphia County~~
14 ~~line shared with Bucks County.]~~

15 ~~(b) Owner liability. For each violation under this section,~~
16 ~~the owner of the vehicle shall be liable for the penalty imposed~~
17 ~~unless the owner is convicted of the same violation under~~
18 ~~another section of this title or has a defense under subsection~~
19 ~~(g). For the purposes of this section, the lessee of a vehicle~~
20 ~~shall be considered the owner of a leased vehicle.~~

21 ~~* * *~~

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

23 ~~* * *~~

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

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

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

5 ~~(iii) Prior to passage of the ordinance under~~
6 ~~subsection (a), the governing body of a city of the first~~
7 ~~class gave public notice of the governing body's intent~~
8 ~~to adopt the ordinance and conducted at least one~~
9 ~~opportunity for public comment regarding the proposed~~
10 ~~adoption of the ordinance. The requirement under this~~
11 ~~subparagraph shall not apply to an automated speed~~
12 ~~enforcement system in a city of the first class~~
13 ~~authorized prior to the effective date of this~~
14 ~~subparagraph.~~

15 ~~* * *~~

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

17 ~~* * *~~

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

26 ~~* * *~~

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

28 ~~* * *~~

29 ~~(2) Upon receipt of a hearing request, the system~~
30 ~~administrator shall in a timely manner schedule the matter~~

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

9 * * *

10 ~~{(q) Expiration. This section shall expire five years from~~
11 ~~its effective date.}~~

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

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

18 ~~(1) A city of the first class, upon passage of an~~
19 ~~ordinance, is authorized to enforce section 3365(b) (relating~~
20 ~~to special speed limitations) by recording violations using~~
21 ~~an automated speed enforcement system approved by the~~
22 ~~department.~~

23 ~~(2) This section shall only be applicable in a city of~~
24 ~~the first class in areas agreed upon by the system~~
25 ~~administrator and the secretary.~~

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

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

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

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

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

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

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

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

29 ~~(iii) The designated school zone is active as~~
30 ~~indicated by an official traffic control device with a~~

1 ~~posted speed limit of no greater than 15 miles per hour.~~

2 ~~(iv) Prior to passage of the ordinance under~~
3 ~~subsection (a), the governing body of a city of the first~~
4 ~~class gave public notice of the governing body's intent~~
5 ~~to adopt the ordinance and conducted at least one~~
6 ~~opportunity for public comment regarding the proposed~~
7 ~~adoption of the ordinance.~~

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

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

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

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

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

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

29 ~~(1) No automated speed enforcement system shall be~~
30 ~~utilized in such a manner as to take a frontal view recorded~~

1 ~~image of the vehicle as evidence of having committed a~~
2 ~~violation.~~

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

18 ~~(3) Notwithstanding any other provision of law,~~
19 ~~information prepared under this section and information~~
20 ~~relating to violations under this section which is kept by~~
21 ~~the city of the first class, its authorized agents or its~~
22 ~~employees, including recorded images, written records,~~
23 ~~reports or facsimiles, names, addresses and the number of~~
24 ~~violations under this section, shall be for the exclusive use~~
25 ~~of the city, its authorized agents, its employees and law~~
26 ~~enforcement officials for the purpose of discharging their~~
27 ~~duties under this section and under any ordinances and~~
28 ~~resolutions of the city. The information shall not be deemed~~
29 ~~a public record under the act of February 14, 2008 (P.L.6,~~
30 ~~No.3), known as the Right to Know Law. The information shall~~

1 ~~not be discoverable by court order or otherwise, nor shall it~~
2 ~~be offered in evidence in any action or proceeding which is~~
3 ~~not directly related to a violation of this section or any~~
4 ~~ordinance or resolution of the city. The restrictions set~~
5 ~~forth in this paragraph shall not be deemed to preclude a~~
6 ~~court of competent jurisdiction from issuing an order~~
7 ~~directing that the information be provided to law enforcement~~
8 ~~officials if the information is reasonably described and is~~
9 ~~requested solely in connection with a criminal law~~
10 ~~enforcement action.~~

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

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

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

1 ~~offense.~~

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

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

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

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

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

26 ~~(h) Department approval. The following shall apply:~~

27 ~~(1) No automated speed enforcement system may be used~~
28 ~~without the approval of the department, which shall have the~~
29 ~~authority to promulgate regulations for the certification and~~
30 ~~use of the systems which regulations may include the use of~~

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

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

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

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

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

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

1 ~~with primary jurisdiction over the area where the violation~~
2 ~~occurred. The notice of violation shall have the following~~
3 ~~attached to it:~~

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

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

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

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

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

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

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

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

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

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

1 year:

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

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

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

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

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

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

1 ~~shall be admissible in any judicial or administrative proceeding~~
2 ~~as to the facts contained in it.~~

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

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

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

1 ~~appointed by the mayor of the city of the first class, with~~
2 ~~the secretary or a designee of the secretary serving as~~
3 ~~chairperson. Priority shall be given to applications seeking~~
4 ~~grant funds for transportation enhancements in the~~
5 ~~municipality where the automated speed camera system is~~
6 ~~operated.~~

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

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

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

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

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

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

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

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

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

23 ~~Section 4. This act shall take effect as follows:~~

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

26 ~~(i)~~

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

28 ~~(ii) Section 3 of this act.~~

29 ~~(iii) This section.~~

30 ~~(2) The addition of 75 Pa.C.S. § 3371(e) shall take~~

1 ~~effect 60 days after the publication in the Pennsylvania~~
2 ~~Bulletin under section 3 of this act.~~

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

5 ~~SECTION 1. SECTIONS 3369(K) AND 3370(Q) OF TITLE 75 OF THE~~ <--
6 ~~PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:~~

7 ~~§ 3369. AUTOMATED SPEED ENFORCEMENT SYSTEMS IN ACTIVE WORK~~
8 ~~ZONES.~~

9 * * *

10 ~~{(K) EXPIRATION. THIS SECTION SHALL EXPIRE FIVE YEARS FROM~~
11 ~~THE EFFECTIVE DATE OF THIS SECTION.}~~

12 ~~§ 3370. PILOT PROGRAM FOR AUTOMATED SPEED ENFORCEMENT SYSTEM ON~~
13 ~~DESIGNATED HIGHWAY.~~

14 * * *

15 ~~{(Q) EXPIRATION. THIS SECTION SHALL EXPIRE FIVE YEARS FROM~~
16 ~~ITS EFFECTIVE DATE.}~~

17 ~~SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.~~

18 SECTION 1. SECTION 3345.1(E) (4), (F) (3), (I.2) (1), (2) (V) <--
19 AND (3) (I), (II) AND (III), (I.3) (3) AND (I.4) (4) OF TITLE 75 OF
20 THE PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED OCTOBER 23, 2023
21 (P.L.134, NO.19), ARE AMENDED TO READ:

22 § 3345.1. AUTOMATED ENFORCEMENT OF FAILURE TO STOP FOR SCHOOL
23 BUS WITH FLASHING RED LIGHTS.

24 * * *

25 (E) LIMITATIONS.--

26 * * *

27 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
28 [REGISTERED] MOTOR VEHICLE OWNER INFORMATION OBTAINED AS A
29 RESULT OF THE OPERATION OF A SIDE STOP SIGNAL ARM ENFORCEMENT
30 SYSTEM SHALL NOT BE THE PROPERTY OF THE SCHOOL ENTITY, SYSTEM

1 ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF OR CONTRACTED
2 COMPANY THAT PROVIDES PUPIL TRANSPORTATION AND MAY NOT BE
3 USED FOR ANY PURPOSE OTHER THAN PRESCRIBED IN THIS SECTION.

4 * * *

5 (F) DEFENSES.--

6 (3) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
7 SECTION THAT THE OWNER OF THE MOTOR VEHICLE NAMED IN THE
8 NOTICE OF THE VIOLATION WAS NOT [OPERATING] DRIVING THE MOTOR
9 VEHICLE AT THE TIME OF THE VIOLATION. THE OWNER MAY BE
10 REQUIRED TO SUBMIT EVIDENCE THAT THE OWNER WAS NOT THE DRIVER
11 AT THE TIME OF THE ALLEGED VIOLATION. THE OWNER [OF THE MOTOR
12 VEHICLE] MAY NOT BE REQUIRED TO DISCLOSE THE IDENTITY OF THE
13 [OPERATOR] DRIVER OF THE MOTOR VEHICLE AT THE TIME OF THE
14 VIOLATION.

15 * * *

16 (I.2) NOTICE OF VIOLATION.--

17 (1) UPON CERTIFICATION FROM A PRIMARY POLICE DEPARTMENT
18 THAT A VIOLATION OF THIS SECTION HAS OCCURRED AS REQUIRED BY
19 SUBSECTION (H.2), A SCHOOL ENTITY, OR A SYSTEM ADMINISTRATOR
20 ON THE SCHOOL ENTITY'S BEHALF, SHALL INITIATE AN ACTION TO
21 ENFORCE THIS SECTION BY SENDING AN ADMINISTRATIVE NOTICE OF
22 VIOLATION TO THE [REGISTERED] OWNER OF THE MOTOR VEHICLE
23 IDENTIFIED BY A SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM AS
24 VIOLATING THIS SECTION.

25 (2) THE NOTICE OF VIOLATION SHALL INCLUDE ALL OF THE
26 FOLLOWING:

27 * * *

28 (V) NOTICE THAT THE OWNER OF THE MOTOR VEHICLE IS
29 CHARGED WITH A VIOLATION OF THIS SECTION.

30 * * *

1 (3) A NOTICE OF VIOLATION SHALL BE SENT BY FIRST CLASS
2 MAIL AS FOLLOWS:

3 (I) IN THE CASE OF A VIOLATION INVOLVING A MOTOR
4 VEHICLE [REGISTERED UNDER] SUBJECT TO THE LAWS OF THIS
5 COMMONWEALTH, THE NOTICE OF VIOLATION MUST BE MAILED
6 WITHIN 30 DAYS AFTER THE COMMISSION OF THE VIOLATION OR
7 WITHIN 30 DAYS AFTER THE DISCOVERY OF THE IDENTITY OF THE
8 [REGISTERED] OWNER, WHICHEVER IS LATER, AND NOT
9 THEREAFTER TO THE ADDRESS OF THE [REGISTERED] OWNER
10 LISTED IN THE RECORDS OF THE DEPARTMENT.

11 (II) IN THE CASE OF MOTOR VEHICLES [REGISTERED IN]
12 FROM JURISDICTIONS OTHER THAN THIS COMMONWEALTH, THE
13 NOTICE OF VIOLATION MUST BE MAILED WITHIN 30 DAYS AFTER
14 THE DISCOVERY OF THE IDENTITY OF THE [REGISTERED] OWNER
15 AND NOT THEREAFTER TO THE ADDRESS OF THE [REGISTERED]
16 OWNER AS LISTED IN THE RECORDS OF THE OFFICIAL IN THE
17 JURISDICTION HAVING CHARGE OF THE REGISTRATION OF THE
18 MOTOR VEHICLE.

19 (III) A NOTICE OF VIOLATION UNDER THIS SECTION SHALL
20 BE INVALID UNLESS PROVIDED TO THE [REGISTERED] OWNER
21 WITHIN 90 DAYS OF THE COMMISSION OF THE VIOLATION.

22 * * *

23 (I.3) PAYMENT OF FINE.--PAYMENT OF THE FINE SHALL BE AS
24 FOLLOWS:

25 * * *

26 (3) IF PAYMENT IS NOT RECEIVED WITHIN 90 DAYS OF THE
27 MAILING DATE OF THE NOTICE OF VIOLATION, THE SCHOOL ENTITY,
28 OR A SYSTEM ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF, MAY
29 REQUEST AN APPLICABLE CREDIT COLLECTION AGENCY TO RESOLVE THE
30 PAYMENT AMOUNT OWED.

1 (I.4) CONTEST OF VIOLATION.--THE PROCEDURE FOR CONTESTING A
2 VIOLATION OF THIS SECTION SHALL BE AS FOLLOWS:

3 * * *

4 (4) IF, WITHIN 45 DAYS OF ISSUANCE OF THE DECISION OF
5 THE DEPARTMENT'S HEARING OFFICER, THE OWNER OF THE MOTOR
6 VEHICLE REQUESTS IN WRITING AN APPEAL OF THE DECISION OF THE
7 DEPARTMENT'S HEARING OFFICER, [THE SCHOOL ENTITY, OR THE
8 SYSTEM ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF,] THE
9 OWNER SHALL FILE THE NOTICE OF VIOLATION AND SUPPORTING
10 DOCUMENTS WITH THE OFFICE OF THE MAGISTERIAL DISTRICT JUDGE
11 FOR THE MAGISTERIAL DISTRICT WHERE THE VIOLATION OCCURRED. A
12 MAGISTERIAL DISTRICT JUDGE SHALL HEAR AND DECIDE THE MATTER
13 DE NOVO AND SHALL BE RESTRICTED TO FINDING AN OWNER LIABLE OR
14 NOT LIABLE FOR VIOLATING THIS SECTION AND SHALL NOT ASSIGN
15 DAMAGES TO AN OWNER OR OTHERWISE IMPOSE PENALTIES ON PRIMARY
16 POLICE DEPARTMENTS, POLICE OFFICERS, SCHOOL ENTITIES, SYSTEM
17 ADMINISTRATORS OR OTHER PERSONS INVOLVED IN THE APPEAL
18 PROCESS[.], EXCEPT AS OTHERWISE PROVIDED UNDER 42 PA.C.S. §
19 1726 (RELATING TO ESTABLISHMENT OF TAXABLE COSTS), WHICH MAY
20 ONLY BE ASSESSED TO THE SCHOOL ENTITY OR SYSTEM ADMINISTRATOR
21 ON THE SCHOOL ENTITY'S BEHALF.

22 * * *

23 SECTION 2. SECTION 3369(B), (C.1), (D)(1), (2), (3), (4) AND
24 (5), (E), (F), (G), (H)(1), (3) AND (4), (I), (J) AND (K) OF
25 TITLE 75 ARE AMENDED TO READ:

26 § 3369. AUTOMATED SPEED ENFORCEMENT SYSTEMS IN ACTIVE WORK
27 ZONES.

28 * * *

29 (B) APPLICABILITY.--THIS SECTION SHALL APPLY TO FEDERAL AID
30 HIGHWAYS ONLY UNDER THE JURISDICTION OF THE DEPARTMENT AND THE

1 PENNSYLVANIA TURNPIKE COMMISSION. AN AUTOMATED SPEED ENFORCEMENT
2 SYSTEM MAY NOT BE USED UNLESS:

3 (1) AT LEAST TWO APPROPRIATE WARNING SIGNS ARE
4 CONSPICUOUSLY PLACED BEFORE THE ACTIVE WORK ZONE NOTIFYING
5 THE PUBLIC THAT AN AUTOMATED SPEED ENFORCEMENT [DEVICE]
6 SYSTEM IS IN USE.

7 (2) [AT LEAST ONE OF THE SIGNS INDICATES IF THE
8 AUTOMATED SPEED ENFORCEMENT SYSTEM IS ACTIVE OR NOT ACTIVE.]
9 THE FIRST WARNING SIGN UNDER PARAGRAPH (1) SHALL:

10 (I) BE THE LARGEST SIZE AVAILABLE IN CONFORMANCE
11 WITH FEDERAL REGULATIONS, UNLESS THE DEPARTMENT OR THE
12 PENNSYLVANIA TURNPIKE COMMISSION DETERMINES THAT A
13 SMALLER SIZE IS NECESSARY TO ENSURE THE SAFETY OF THE
14 WORK ZONE.

15 (II) CLEARLY AND ACCURATELY INDICATE IF THE
16 AUTOMATED SPEED ENFORCEMENT SYSTEM IS ACTIVE AND IN USE.

17 (III) BE PLACED AT LEAST 1,000 FEET BEFORE THE
18 ACTIVE WORK ZONE, UNLESS THE DEPARTMENT OR THE
19 PENNSYLVANIA TURNPIKE COMMISSION DETERMINES THAT A LESSER
20 DISTANCE IS NECESSARY TO ENSURE THE SAFETY OF THE WORK
21 ZONE, COMPLY WITH FEDERAL REGULATIONS OR PROVIDE ADEQUATE
22 TRAFFIC CONTROL IN THE WORK ZONE AND IS CAPABLE OF
23 PROVIDING THE MOST ADVANCED NOTIFICATION AS PRACTICAL.

24 (IV) BE FOLLOWED IMMEDIATELY BY THE POSTED SPEED
25 LIMIT OF THE ACTIVE WORK ZONE AND PRIOR TO THE PLACEMENT
26 OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM.

27 (3) AN APPROPRIATE SIGN IS CONSPICUOUSLY PLACED IN THE
28 MIDDLE, IF APPROPRIATE, AND AT THE END OF THE ACTIVE WORK
29 ZONE.

30 (3.1) THE POSTED SPEED LIMIT OF THE ACTIVE WORK ZONE IS

1 PLACED AT AN APPROPRIATE LOCATION WITHIN THE ACTIVE WORK ZONE
2 TO PROVIDE ADEQUATE NOTICE TO DRIVERS.

3 (4) A NOTICE IDENTIFYING THE LOCATION OF THE SPECIFIC
4 HIGHWAY SEGMENT WHERE THE AUTOMATED SPEED ENFORCEMENT SYSTEM
5 IS IN USE AND POSTED AT THE ACTIVE WORK ZONE AND ON THE
6 DEPARTMENT'S OR PENNSYLVANIA TURNPIKE COMMISSION'S PUBLICLY
7 ACCESSIBLE INTERNET WEBSITE. THE NOTICE ON THE WEBSITES SHALL
8 REMAIN THROUGHOUT THE PERIOD OF USE.

9 * * *

10 (C.1) OWNER LIABILITY.--FOR EACH VIOLATION UNDER THIS
11 SECTION, THE OWNER OF THE MOTOR VEHICLE SHALL BE LIABLE FOR THE
12 PENALTY IMPOSED UNLESS THE OWNER IS CONVICTED OF THE SAME
13 VIOLATION UNDER ANOTHER PROVISION OF THIS TITLE OR HAS A DEFENSE
14 UNDER SUBSECTION (G). FOR THE PURPOSES OF THIS SECTION, THE
15 LESSEE OF A LEASED VEHICLE SHALL BE CONSIDERED THE OWNER OF A
16 MOTOR VEHICLE.

17 (D) NOTICE OF VIOLATION.--

18 (1) (I) AN ACTION TO ENFORCE THIS SECTION SHALL BE
19 INITIATED BY AN ADMINISTRATIVE NOTICE OF VIOLATION TO THE
20 [REGISTERED] OWNER OF A MOTOR VEHICLE IDENTIFIED BY AN
21 AUTOMATED SPEED ENFORCEMENT SYSTEM AS VIOLATING THIS
22 SECTION. A NOTICE OF VIOLATION BASED UPON INSPECTION OF
23 RECORDED IMAGES PRODUCED BY AN AUTOMATED SPEED
24 ENFORCEMENT SYSTEM AND SWORN OR AFFIRMED BY AN AUTHORIZED
25 MEMBER OF THE PENNSYLVANIA STATE POLICE SHALL BE PRIMA
26 FACIE EVIDENCE OF THE FACTS CONTAINED IN THE NOTICE. THE
27 PENNSYLVANIA STATE POLICE SHALL RECEIVE CERTIFICATION
28 FROM THE DEPARTMENT, THE PENNSYLVANIA TURNPIKE COMMISSION
29 OR THE SYSTEM ADMINISTRATOR WHEN AN AUTOMATED SPEED
30 ENFORCEMENT SYSTEM IS ACTIVE IN ACCORDANCE WITH

1 SUBSECTION (B) .

2 (II) THE NOTICE OF VIOLATION MUST INCLUDE WRITTEN
3 VERIFICATION THAT THE AUTOMATED SPEED ENFORCEMENT SYSTEM
4 WAS OPERATING CORRECTLY AT THE TIME OF THE ALLEGED
5 VIOLATION AND THE DATE OF THE MOST RECENT INSPECTION THAT
6 CONFIRMS THE AUTOMATED SPEED ENFORCEMENT SYSTEM TO BE
7 OPERATING PROPERLY.

8 (III) AN AUTOMATED SPEED ENFORCEMENT SYSTEM OPERATOR
9 SHALL COMPLETE TRAINING OFFERED BY THE MANUFACTURER OR
10 VENDOR OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM,
11 INCLUDING TRAINING ON ANY DEVICES CRITICAL TO THE
12 OPERATION OF THE SYSTEM, OR THE MANUFACTURER'S OR
13 VENDOR'S REPRESENTATIVE IN THE PROCEDURES FOR SETTING UP,
14 TESTING AND OPERATING AN AUTOMATED SPEED ENFORCEMENT
15 SYSTEM. UPON COMPLETION OF THE TRAINING, THE MANUFACTURER
16 OR VENDOR OR MANUFACTURER'S OR VENDOR'S REPRESENTATIVE
17 SHALL ISSUE A SIGNED CERTIFICATE TO THE AUTOMATED SPEED
18 ENFORCEMENT SYSTEM [DEVICE] OPERATOR, WHICH SHALL BE
19 ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A
20 VIOLATION INVOLVING AN AUTOMATED SPEED ENFORCEMENT SYSTEM
21 [DEVICE]. AN AUTOMATED SPEED ENFORCEMENT SYSTEM [DEVICE]
22 OPERATOR SHALL FILL OUT AND SIGN A DAILY LOG FOR AN
23 AUTOMATED SPEED ENFORCEMENT SYSTEM, WHICH:

24 (A) STATES THE DATE, TIME AND LOCATION OF THE
25 [DEVICE] SYSTEM SETUP;

26 (B) STATES THAT THE AUTOMATED SPEED ENFORCEMENT
27 SYSTEM [DEVICE] OPERATOR SUCCESSFULLY PERFORMED AND
28 THE AUTOMATED SPEED ENFORCEMENT SYSTEM [DEVICE]
29 PASSED THE SELF-TESTS SPECIFIED BY THE MANUFACTURER
30 OR VENDOR OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM

1 [DEVICE];

2 (C) SHALL BE KEPT ON FILE; AND

3 (D) SHALL BE ADMITTED IN ANY PROCEEDING FOR A
4 VIOLATION INVOLVING AN AUTOMATED SPEED ENFORCEMENT
5 SYSTEM [DEVICE].

6 (IV) AN AUTOMATED SPEED ENFORCEMENT SYSTEM [DEVICE]
7 SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY A
8 CALIBRATION LABORATORY. THE CALIBRATION LABORATORY SHALL
9 ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE
10 ANNUAL CALIBRATION CHECK, WHICH SHALL BE KEPT ON FILE AND
11 SHALL BE ADMITTED AS EVIDENCE IN ANY PROCEEDING FOR A
12 VIOLATION INVOLVING AN AUTOMATED SPEED ENFORCEMENT SYSTEM
13 [DEVICE].

14 (V) THE FOLLOWING SHALL BE ATTACHED TO THE NOTICE OF
15 VIOLATION:

16 (A) A COPY OF THE RECORDED IMAGE SHOWING THE
17 MOTOR VEHICLE WITH ITS LICENSE PLATE VISIBLE.

18 (B) THE REGISTRATION NUMBER AND STATE OF
19 ISSUANCE OF THE MOTOR VEHICLE REGISTRATION.

20 (C) VERIFICATION THAT THE AUTOMATED SPEED
21 ENFORCEMENT SYSTEM WAS OPERATING CORRECTLY AT THE
22 TIME OF THE ALLEGED VIOLATION AND THE DATE OF THE
23 MOST RECENT INSPECTION THAT CONFIRMS THE AUTOMATED
24 SPEED ENFORCEMENT SYSTEM TO BE OPERATING PROPERLY.

25 (D) THE DATE, TIME AND PLACE OF THE ALLEGED
26 VIOLATION.

27 (E) NOTICE THAT THE VIOLATION CHARGED IS UNDER
28 THIS SECTION.

29 (F) INSTRUCTIONS FOR RETURN OF THE NOTICE OF
30 VIOLATION.

1 (2) IN THE CASE OF A VIOLATION INVOLVING A MOTOR VEHICLE
2 [REGISTERED UNDER] SUBJECT TO THE LAWS OF THIS COMMONWEALTH,
3 THE NOTICE OF VIOLATION SHALL BE MAILED WITHIN 30 DAYS AFTER
4 THE COMMISSION OF THE VIOLATION OR WITHIN 30 DAYS AFTER THE
5 DISCOVERY OF THE IDENTITY OF THE [REGISTERED] OWNER,
6 WHICHEVER IS LATER, TO THE ADDRESS OF THE [REGISTERED] OWNER
7 AS LISTED IN THE RECORDS OF THE DEPARTMENT.

8 (3) IN THE CASE OF A VIOLATION INVOLVING A MOTOR VEHICLE
9 [REGISTERED IN] FROM A JURISDICTION OTHER THAN THIS
10 COMMONWEALTH, THE NOTICE OF VIOLATION SHALL BE MAILED WITHIN
11 30 DAYS AFTER THE DISCOVERY OF THE IDENTITY OF THE
12 [REGISTERED] OWNER TO THE ADDRESS OF THE [REGISTERED] OWNER
13 AS LISTED IN THE RECORDS OF THE OFFICIAL IN THE JURISDICTION
14 HAVING CHARGE OF THE REGISTRATION OF THE VEHICLE.

15 (4) A NOTICE OF VIOLATION SHALL BE INVALID UNLESS
16 PROVIDED TO [AN] THE OWNER WITHIN 90 DAYS OF THE OFFENSE.

17 (5) THE NOTICE SHALL INCLUDE THE FOLLOWING TEXT:

18 THIS NOTICE SHALL BE RETURNED PERSONALLY, BY MAIL OR BY
19 AN AGENT DULY AUTHORIZED IN WRITING, WITHIN 30 DAYS OF
20 [ISSUANCE] THE MAILING DATE OF THE NOTICE. A HEARING MAY
21 BE OBTAINED UPON THE WRITTEN REQUEST OF THE [REGISTERED]
22 OWNER.

23 * * *

24 (E) PENALTY.--

25 (1) IF A PERSON VIOLATES THIS SECTION AS A FIRST
26 OFFENSE, THE PERSON SHALL RECEIVE A WRITTEN WARNING.

27 (2) THE PENALTY FOR A VIOLATION UNDER THIS SECTION SHALL
28 BE A FINE OF \$75 FOR THE SECOND OFFENSE AND \$150 FOR THE
29 THIRD AND SUBSEQUENT OFFENSES, AND THE FINE SHALL NOT BE
30 SUBJECT TO 42 PA.C.S. § 3571 (RELATING TO COMMONWEALTH

1 PORTION OF FINES, ETC.) OR 3573 (RELATING TO MUNICIPAL
2 CORPORATION PORTION OF FINES, ETC.).

3 (2.1) A PERSON DOES NOT COMMIT A SECOND OR SUBSEQUENT
4 OFFENSE UNLESS THE SECOND OFFENSE OCCURS AT LEAST 15 DAYS
5 AFTER THE MAILING DATE OF THE WRITTEN WARNING.

6 (3) THE FINE OR WARNING IS NOT AUTHORIZED DURING TIMES
7 WHEN THE AUTOMATED SPEED ENFORCEMENT WORK AREA IS NOT ACTIVE
8 AND NOT IN USE.

9 (4) A PENALTY IMPOSED UNDER THIS SECTION SHALL NOT:

10 (I) BE DEEMED A CRIMINAL CONVICTION;

11 (II) BE MADE PART OF THE OPERATING RECORD OF THE
12 INDIVIDUAL UPON WHOM THE PENALTY IS IMPOSED UNDER SECTION
13 1535 (RELATING TO SCHEDULE OF CONVICTIONS AND POINTS);

14 (III) BE THE SUBJECT OF MERIT RATING FOR INSURANCE
15 PURPOSES; OR

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

18 (5) IF A PERSON WHO HAS A PRIOR VIOLATION OF THIS
19 SECTION BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH COMMITS
20 ANOTHER VIOLATION OF THIS SECTION AFTER THE EFFECTIVE DATE OF
21 THIS PARAGRAPH, THE VIOLATION AFTER THE EFFECTIVE DATE OF
22 THIS PARAGRAPH SHALL BE DEEMED A FIRST OFFENSE AND ANY
23 VIOLATION OCCURRING AFTER THAT VIOLATION SHALL CONSTITUTE AN
24 ADDITIONAL OFFENSE.

25 (F) LIMITATIONS.--

26 (1) RECORDED IMAGES COLLECTED AS PART OF THE AUTOMATED
27 SPEED ENFORCEMENT SYSTEM MAY RECORD ONLY VIOLATIONS OF THIS
28 SECTION AND MAY NOT BE USED FOR ANY OTHER SURVEILLANCE
29 PURPOSES. THE RESTRICTIONS PROVIDED IN THIS PARAGRAPH SHALL
30 NOT PRECLUDE A COURT OF COMPETENT JURISDICTION FROM ISSUING

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

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

22 (3) RECORDED IMAGES OBTAINED THROUGH THE USE OF
23 AUTOMATED SPEED ENFORCEMENT SYSTEMS DEPLOYED AS A MEANS OF
24 PROMOTING TRAFFIC SAFETY IN AUTOMATED SPEED ENFORCEMENT WORK
25 AREAS SHALL BE DESTROYED WITHIN ONE YEAR OF FINAL DISPOSITION
26 OF A NOTICE OF VIOLATION, EXCEPT THAT IMAGES SUBJECT TO A
27 COURT ORDER UNDER PARAGRAPH (1) OR (2) SHALL BE DESTROYED
28 WITHIN TWO YEARS AFTER THE DATE OF THE ORDER, UNLESS FURTHER
29 EXTENDED BY COURT ORDER. THE DEPARTMENT, THE PENNSYLVANIA
30 TURNPIKE COMMISSION OR THE SYSTEM ADMINISTRATOR SHALL RETAIN

1 EVIDENCE THAT THE RECORDS HAVE BEEN DESTROYED IN ACCORDANCE
2 WITH THIS SECTION.

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

10 (5) [A] AN INTENTIONAL VIOLATION OF THIS SUBSECTION
11 SHALL CONSTITUTE A MISDEMEANOR OF THE THIRD DEGREE PUNISHABLE
12 BY A \$500 FINE. EACH VIOLATION SHALL CONSTITUTE A SEPARATE
13 AND DISTINCT OFFENSE.

14 (G) DEFENSES.--

15 (1) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
16 SECTION THAT THE MOTOR VEHICLE WAS REPORTED TO A POLICE
17 DEPARTMENT AS STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED
18 AND WAS NOT RECOVERED PRIOR TO THAT TIME.

19 (2) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
20 SECTION THAT THE PERSON RECEIVING THE NOTICE OF VIOLATION WAS
21 NOT THE OWNER OF THE MOTOR VEHICLE AT THE TIME OF THE
22 OFFENSE.

23 (3) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
24 SECTION THAT THE [DEVICE] AUTOMATED SPEED ENFORCEMENT SYSTEM
25 BEING USED TO DETERMINE SPEED WAS NOT IN COMPLIANCE WITH
26 SECTION 3368 (RELATING TO SPEED TIMING DEVICES) WITH RESPECT
27 TO TESTING FOR ACCURACY, CERTIFICATION OR CALIBRATION.

28 (4) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
29 SECTION THAT THE PERSON NAMED IN THE NOTICE OF THE VIOLATION
30 WAS NOT DRIVING THE MOTOR VEHICLE AT THE TIME OF THE

1 VIOLATION. THE DEPARTMENT OR SYSTEM ADMINISTRATOR MAY REQUIRE
2 THE OWNER TO SUBMIT EVIDENCE THAT THE OWNER WAS NOT THE
3 DRIVER AT THE TIME OF THE ALLEGED VIOLATION. THE OWNER OF THE
4 MOTOR VEHICLE MAY NOT BE REQUIRED TO DISCLOSE THE IDENTITY OF
5 THE DRIVER OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION.

6 (H) AUTHORITY AND DUTIES OF DEPARTMENT AND PENNSYLVANIA
7 TURNPIKE COMMISSION.--

8 (1) THE DEPARTMENT AND PENNSYLVANIA TURNPIKE COMMISSION
9 SHALL ESTABLISH [A FIVE-YEAR] AN AUTOMATED SPEED ENFORCEMENT
10 SYSTEM PROGRAM [NOT LATER THAN 18 MONTHS FOLLOWING THE
11 EFFECTIVE DATE OF THIS SECTION].

12 * * *

13 (3) (I) THE DEPARTMENT AND PENNSYLVANIA TURNPIKE
14 COMMISSION SHALL SERVE DIRECTLY OR THROUGH A CONTRACTED
15 PRIVATE SERVICE WITH A MANUFACTURER OR VENDOR AS THE
16 SYSTEM ADMINISTRATOR OF THE PROGRAM. COMPENSATION UNDER A
17 CONTRACT AUTHORIZED BY THIS PARAGRAPH SHALL BE BASED ONLY
18 UPON THE VALUE OF EQUIPMENT AND SERVICES PROVIDED OR
19 RENDERED IN SUPPORT OF THE AUTOMATED SPEED ENFORCEMENT
20 SYSTEM PROGRAM AND MAY NOT BE BASED ON THE QUANTITY OF
21 NOTICES OF VIOLATION ISSUED OR AMOUNT OF FINES IMPOSED OR
22 GENERATED.

23 (II) THE SYSTEM ADMINISTRATOR SHALL PREPARE AND
24 ISSUE NOTICES OF VIOLATION.

25 (III) TWO RESTRICTED ACCOUNTS ARE ESTABLISHED IN THE
26 STATE TREASURY FOR FINES REMITTED UNDER THIS SECTION TO
27 THE DEPARTMENT AND PENNSYLVANIA TURNPIKE COMMISSION,
28 RESPECTIVELY. THE SYSTEM ADMINISTRATOR OF THE DEPARTMENT
29 OR PENNSYLVANIA TURNPIKE COMMISSION, IF ANY, SHALL SEND
30 AN INVOICE TO THE DEPARTMENT OR PENNSYLVANIA TURNPIKE

1 COMMISSION BASED, RESPECTIVELY, ON THE SERVICES UNDER
2 SUBPARAGRAPH (I) AND THE PENNSYLVANIA STATE POLICE UNDER
3 SUBSECTION (D) (1) (I). THE DEPARTMENT, PENNSYLVANIA
4 TURNPIKE COMMISSION AND THE PENNSYLVANIA STATE POLICE
5 SHALL USE THE APPROPRIATE RESTRICTED ACCOUNT TO PAY FOR
6 THE ADMINISTRATION OF THE [PILOT] PROGRAM AND THE SYSTEM
7 ADMINISTRATOR'S INVOICE COSTS, IF APPLICABLE. REMAINING
8 FINES SHALL BE ALLOCATED BY THE DEPARTMENT OR
9 PENNSYLVANIA TURNPIKE COMMISSION [FOR THE FIRST THREE
10 YEARS AS FOLLOWS:

11 (A) FORTY-FIVE PERCENT OF THE FINES FROM
12 VIOLATIONS OCCURRING IN AN AUTOMATED SPEED
13 ENFORCEMENT WORK AREA SHALL BE DEPOSITED INTO A
14 RESTRICTED ACCOUNT IN THE STATE TREASURY ON A
15 QUARTERLY BASIS. THE DEPARTMENT OF REVENUE SHALL,
16 WITHIN 90 DAYS OF THE DATE OF DEPOSIT, TRANSFER TO
17 THE PENNSYLVANIA STATE POLICE AN AMOUNT EQUIVALENT TO
18 THE PREVIOUS QUARTERLY DEPOSIT TO BE USED BY THE
19 PENNSYLVANIA STATE POLICE AS FOLLOWS:

20 (I) FIFTY-FIVE PERCENT OF THE FUNDS SHALL BE
21 DEDICATED AND USED FOR THE PURPOSE OF RECRUITING,
22 TRAINING OR EQUIPPING PENNSYLVANIA STATE POLICE
23 CADETS.

24 (II) FORTY-FIVE PERCENT OF THE FUNDS SHALL
25 BE DEDICATED AND USED TO PAY FOR AN INCREASED
26 PENNSYLVANIA STATE TROOPER PRESENCE IN WORK ZONES
27 ON THE STATE ROAD SYSTEM MANAGED BY THE
28 DEPARTMENT OR THE PENNSYLVANIA TURNPIKE
29 COMMISSION. FUNDS UNDER THIS SUBCLAUSE SHALL BE
30 IN ADDITION TO ANY CONTRACTUAL AGREEMENT BETWEEN

1 THE DEPARTMENT OR THE PENNSYLVANIA TURNPIKE
2 COMMISSION AND THE PENNSYLVANIA STATE POLICE FOR
3 ENFORCEMENT IN WORK ZONES ON THE STATE ROAD
4 SYSTEM MANAGED BY THE DEPARTMENT OR THE
5 PENNSYLVANIA TURNPIKE COMMISSION.

6 (B) FIFTEEN PERCENT OF THE FINES FROM VIOLATIONS
7 OCCURRING IN AN AUTOMATED SPEED ENFORCEMENT WORK AREA
8 SHALL BE TRANSFERRED TO THE DEPARTMENT OR THE
9 PENNSYLVANIA TURNPIKE COMMISSION, WHICHEVER STATE
10 ROAD SYSTEM UTILIZED THE AUTOMATED SPEED ENFORCEMENT
11 SYSTEM, FOR THE PURPOSE OF WORK ZONE SAFETY, TRAFFIC
12 SAFETY AND EDUCATING THE MOTORING PUBLIC ON WORK ZONE
13 SAFETY, AT THE DISCRETION OF THE DEPARTMENT OR
14 PENNSYLVANIA TURNPIKE COMMISSION.

15 (C) FORTY PERCENT OF THE FINES FROM VIOLATIONS
16 OCCURRING IN AN AUTOMATED SPEED ENFORCEMENT WORK AREA
17 SHALL BE DEPOSITED IN THE MOTOR LICENSE FUND AND
18 SHALL BE APPROPRIATED BY THE GENERAL ASSEMBLY.

19 (IV) REMAINING FINES SHALL BE ALLOCATED BY THE
20 DEPARTMENT OR PENNSYLVANIA TURNPIKE COMMISSION FOR THE
21 LAST TWO YEARS TO DEVELOP A WORK ZONE AND HIGHWAY SAFETY
22 PROGRAM. AT A MINIMUM, FUNDS FROM THE WORK ZONE AND
23 HIGHWAY SAFETY PROGRAM SHALL BE USED FOR IMPROVEMENT
24 PROJECTS AND COUNTERMEASURES TO IMPROVE THE SAFETY IN
25 WORK ZONES AND ON HIGHWAYS. FUNDS MAY ALSO BE USED TO
26 INCREASE AWARENESS OF DISTRACTED DRIVING AND
27 TRANSPORTATION ENHANCEMENTS ESTABLISHED UNDER SECTION
28 3116 (RELATING TO AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS
29 IN FIRST CLASS CITIES).

30 (V) IF THE AMOUNT OF FUNDS UNDER SUBPARAGRAPH (III)

1 (A) IS LOWER THAN THE AMOUNT OF FUNDS UNDER SUBPARAGRAPH
2 (III) (A) FOR THE PREVIOUS FISCAL YEAR, FUNDS FROM THE
3 MOTOR LICENSE FUND MAY NOT BE USED TO SUPPLEMENT THE
4 FUNDS FOR THE CURRENT FISCAL YEAR. FUNDING PROVIDED FOR
5 UNDER SUBPARAGRAPH (III) (A) SHALL BE SUPPLEMENTAL AND
6 SHALL NOT PROHIBIT THE PENNSYLVANIA STATE POLICE FROM
7 OBTAINING ADDITIONAL FUNDING FROM ANY OTHER MEANS.

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

12 (VII) THE SYSTEM ADMINISTRATOR SHALL PROVIDE AN
13 APPROPRIATE PRINTED FORM BY WHICH OWNERS MAY CHALLENGE A
14 NOTICE OF VIOLATION AND CONVENIENT HEARING HOURS AND
15 TIMES IN EACH OF THE FOLLOWING METROPOLITAN AREAS FOR
16 CHALLENGES TO BE HEARD AS PROVIDED IN THIS SECTION: ERIE,
17 HARRISBURG, PHILADELPHIA, PITTSBURGH AND SCRANTON. THE
18 FORM MAY BE INCLUDED WITH OR AS PART OF THE NOTICE OF
19 VIOLATION.] TO DEVELOP A WORK ZONE AND HIGHWAY SAFETY
20 PROGRAM. AT A MINIMUM, FUNDS FROM THE WORK ZONE AND
21 HIGHWAY SAFETY PROGRAM SHALL BE USED FOR IMPROVEMENT
22 PROJECTS, ENFORCEMENTS AND COUNTERMEASURES TO IMPROVE THE
23 SAFETY IN WORK ZONES AND ON HIGHWAYS. FUNDS MAY ALSO BE
24 USED TO INCREASE AWARENESS OF DISTRACTED DRIVING AND
25 TRANSPORTATION ENHANCEMENTS ESTABLISHED UNDER SECTION
26 3116 (RELATING TO AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS
27 IN FIRST CLASS CITIES).

28 (VIII) THE SYSTEM ADMINISTRATOR SHALL PROVIDE AN
29 APPROPRIATE FORM BY WHICH OWNERS OF THE MOTOR VEHICLES
30 MAY CHALLENGE A NOTICE OF VIOLATION. A HEARING TO CONTEST

1 LIABILITY MAY BE IN PERSON OR BE CONDUCTED THROUGH LIVE-
2 STREAM SYNCHRONOUS VIDEO CONFERENCING OR SIMILAR VIRTUAL
3 PRESENCE TECHNOLOGY AND SHALL BE ONLY AT REASONABLE TIMES
4 SET BY THE SYSTEM ADMINISTRATOR. CHALLENGES TO BE HEARD
5 IN PERSON SHALL BE CONDUCTED IN, AT LEAST, ERIE,
6 HARRISBURG, PHILADELPHIA, PITTSBURGH AND SCRANTON. THE
7 FORM MAY BE INCLUDED WITH OR AS PART OF THE NOTICE OF
8 VIOLATION.

9 (4) NOT LATER THAN APRIL 1 ANNUALLY, THE DEPARTMENT, THE
10 PENNSYLVANIA TURNPIKE COMMISSION AND THE PENNSYLVANIA STATE
11 POLICE SHALL SUBMIT A REPORT ON THE PROGRAM FOR THE PRECEDING
12 CALENDAR YEAR TO THE CHAIRPERSON AND MINORITY CHAIRPERSON OF
13 THE TRANSPORTATION COMMITTEE OF THE SENATE AND THE
14 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE TRANSPORTATION
15 COMMITTEE OF THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL
16 BE A PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW AND INCLUDE:

17 (I) THE NUMBER OF VEHICULAR ACCIDENTS AND RELATED
18 SERIOUS BODILY INJURIES AND DEATHS IN ALL WORK ZONES AND
19 IN AUTOMATED SPEED ENFORCEMENT WORK AREAS WHERE THE
20 PROGRAM OPERATED.

21 (II) SPEED DATA.

22 (III) THE NUMBER OF NOTICES OF VIOLATION ISSUED AND
23 CONTESTED.

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

25 (V) AMOUNTS PAID UNDER CONTRACTS AUTHORIZED BY THIS
26 SECTION.

27 [(VI) THE NUMBER OF HOURS OF PENNSYLVANIA STATE
28 POLICE PRESENCE IN WORK ZONES THAT WERE PROVIDED AS A
29 RESULT OF THE FUNDS UNDER PARAGRAPH (3) (III) (A) (II).]

30 (VII) USE OF FUNDS UNDER PARAGRAPH [(3) (IV)] (3)

1 (III).

2 (I) PAYMENT OF FINE.--

3 (1) AN OWNER OF A MOTOR VEHICLE MAY ADMIT RESPONSIBILITY
4 FOR THE VIOLATION AND PAY THE FINE PROVIDED IN THE NOTICE
5 PERSONALLY, THROUGH AN AUTHORIZED AGENT, ELECTRONICALLY OR BY
6 MAILING BOTH PAYMENT AND THE NOTICE OF VIOLATION TO THE
7 SYSTEM ADMINISTRATOR.

8 (2) PAYMENT BY MAIL MUST BE MADE ONLY BY MONEY ORDER,
9 CREDIT CARD OR CHECK MADE PAYABLE TO THE COMMONWEALTH, THE
10 PENNSYLVANIA TURNPIKE COMMISSION OR THE SYSTEM ADMINISTRATOR,
11 AS APPLICABLE.

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

14 (4) [IF PAYMENT IS NOT RECEIVED WITHIN 90 DAYS OF
15 ORIGINAL NOTICE, THE DEPARTMENT OR PENNSYLVANIA TURNPIKE
16 COMMISSION MAY TURN THE MATTER OVER TO APPLICABLE CREDIT
17 COLLECTION AGENCIES.] IF PAYMENT IS NOT RECEIVED WITHIN 90
18 DAYS OF THE MAILING OF THE NOTICE OF VIOLATION, THE
19 DEPARTMENT OR PENNSYLVANIA TURNPIKE COMMISSION MAY REQUEST AN
20 APPLICABLE CREDIT COLLECTION AGENCY TO RESOLVE THE PAYMENT
21 AMOUNT OWED.

22 (J) CONTEST.--

23 (1) AN OWNER OF A MOTOR VEHICLE MAY, WITHIN 30 DAYS OF
24 THE MAILING DATE OF THE NOTICE, REQUEST A HEARING TO CONTEST
25 LIABILITY BY APPEARING BEFORE THE SYSTEM ADMINISTRATOR EITHER
26 PERSONALLY OR BY AN AUTHORIZED AGENT OR BY [MAILING A REQUEST
27 IN WRITING ON THE PRESCRIBED FORM. APPEARANCES IN PERSON
28 SHALL BE ONLY AT THE LOCATIONS AND TIMES SET BY THE SYSTEM
29 ADMINISTRATOR.] SENDING A REQUEST ON THE PRESCRIBED FORM. A
30 HEARING TO CONTEST LIABILITY MAY BE IN PERSON OR BE CONDUCTED

1 THROUGH LIVE-STREAM SYNCHRONOUS VIDEO CONFERENCING OR SIMILAR
2 VIRTUAL PRESENCE TECHNOLOGY AS DESCRIBED UNDER SUBSECTION (H)
3 (3) (VIII).

4 (2) UPON RECEIPT OF A HEARING REQUEST, THE SYSTEM
5 ADMINISTRATOR SHALL IN A TIMELY MANNER SCHEDULE THE MATTER
6 BEFORE A HEARING OFFICER DESIGNATED BY THE DEPARTMENT OR
7 PENNSYLVANIA TURNPIKE COMMISSION. WRITTEN NOTICE OF THE DATE,
8 TIME AND PLACE OF HEARING MUST BE PRESENTED OR SENT BY FIRST
9 CLASS MAIL TO THE OWNER OF THE MOTOR VEHICLE.

10 (3) THE HEARING SHALL BE INFORMAL AND THE RULES OF
11 EVIDENCE SHALL NOT APPLY. THE DECISION OF THE HEARING OFFICER
12 SHALL BE MADE WITHIN 45 DAYS FROM THE HEARING DATE AND SHALL
13 BE FINAL, SUBJECT TO THE RIGHT OF THE OWNER OF THE MOTOR
14 VEHICLE TO APPEAL THE DECISION UNDER PARAGRAPH (4).

15 (4) IF, WITHIN 45 DAYS OF ISSUANCE OF THE DECISION OF
16 THE HEARING OFFICER, THE OWNER OF THE MOTOR VEHICLE REQUESTS
17 IN WRITING [THAT THE DECISION OF THE HEARING OFFICER BE
18 APPEALED, THE SYSTEM ADMINISTRATOR] AN APPEAL OF THE DECISION
19 OF THE HEARING OFFICER, THE OWNER OF THE MOTOR VEHICLE SHALL
20 FILE THE NOTICE OF VIOLATION AND SUPPORTING DOCUMENTS WITH
21 THE OFFICE OF THE MAGISTERIAL DISTRICT JUDGE FOR THE
22 MAGISTERIAL DISTRICT WHERE THE VIOLATION OCCURRED, AND [THE]
23 A MAGISTERIAL DISTRICT JUDGE SHALL HEAR AND DECIDE THE MATTER
24 DE NOVO AND SHALL BE RESTRICTED TO FINDING AN OWNER LIABLE OR
25 NOT LIABLE FOR VIOLATING THIS SECTION.

26 [(K) EXPIRATION.--THIS SECTION SHALL EXPIRE FIVE YEARS FROM
27 THE EFFECTIVE DATE OF THIS SECTION.]

28 SECTION 2.1. SECTION 3370 HEADING, (A), (B), (D) (2) AND (4),
29 (F), (G), (I), (J) (1) AND (3), (K), (M) (1), (N) (1) AND (2), (O)
30 AND (Q) OF TITLE 75 ARE AMENDED AND SUBSECTION (D) IS AMENDED BY

1 ADDING A PARAGRAPH TO READ:

2 § 3370. [PILOT PROGRAM FOR AUTOMATED SPEED ENFORCEMENT SYSTEM
3 ON DESIGNATED HIGHWAY] AUTOMATED SPEED ENFORCEMENT
4 SYSTEM ON DESIGNATED HIGHWAYS.

5 (A) GENERAL RULE.-- [A PILOT PROGRAM IS ESTABLISHED TO
6 PROVIDE FOR AN AUTOMATED SPEED ENFORCEMENT SYSTEM ON THE
7 DESIGNATED HIGHWAY.] A PROGRAM IS ESTABLISHED TO PROVIDE FOR AN
8 AUTOMATED SPEED ENFORCEMENT SYSTEM ON U.S. ROUTE 1 (ROOSEVELT
9 BOULEVARD) BETWEEN NINTH STREET AND THE PHILADELPHIA COUNTY LINE
10 SHARED WITH BUCKS COUNTY IN A CITY OF THE FIRST CLASS. THE
11 FOLLOWING SHALL APPLY:

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

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

23 (3) A CITY OF THE FIRST CLASS MAY EXPAND THE AUTOMATED
24 SPEED ENFORCEMENT SYSTEM BEYOND ROOSEVELT BOULEVARD TO NO
25 MORE THAN FIVE CORRIDORS IF THE FOLLOWING CONDITIONS ARE MET:

26 (I) THE CITY OF THE FIRST CLASS, IN CONSULTATION
27 WITH THE DEPARTMENT, PROPOSES A NEW STATE OR LOCAL
28 HIGHWAY CORRIDOR WITHIN THE BORDERS OF THE CITY OF THE
29 FIRST CLASS ACCORDING TO SPEED DATA AND SPEED-RELATED
30 ACCIDENTS INVOLVING VEHICLES OR PEDESTRIANS. EACH

1 PROPOSED CORRIDOR MUST INCLUDE A BEGINNING SEGMENT AND AN
2 END SEGMENT ON THE SAME STATE OR LOCAL ROUTE WITHIN THE
3 BORDERS OF THE CITY OF THE FIRST CLASS.

4 (II) THE CITY OF THE FIRST CLASS CONDUCTS AN
5 ENGINEERING AND TRAFFIC INVESTIGATION UNDER SECTION
6 6109(E) (RELATING TO SPECIFIC POWERS OF DEPARTMENT AND
7 LOCAL AUTHORITIES) ON THE POSTED SPEED LIMIT WITHIN A
8 PROPOSED STATE OR LOCAL HIGHWAY CORRIDOR FOR AN AUTOMATED
9 SPEED ENFORCEMENT SYSTEM.

10 (III) THE CITY OF THE FIRST CLASS PROVIDES AT LEAST
11 ONE OPPORTUNITY FOR PUBLIC COMMENT REGARDING THE PROPOSED
12 STATE OR LOCAL HIGHWAY CORRIDOR.

13 (4) WHEN THE CONDITIONS UNDER PARAGRAPH (3) HAVE BEEN
14 MET, A CITY OF THE FIRST CLASS, UPON PASSAGE OF AN ORDINANCE
15 FOR EACH NEW CORRIDOR, IS AUTHORIZED TO ENFORCE SECTION 3362
16 (RELATING TO MAXIMUM SPEED LIMITS) BY RECORDING VIOLATIONS
17 USING AN AUTOMATED SPEED ENFORCEMENT SYSTEM APPROVED BY THE
18 DEPARTMENT.

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

26 * * *

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

28 * * *

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

1 (I) AT LEAST TWO APPROPRIATE WARNING SIGNS ARE
2 CONSPICUOUSLY PLACED AT THE BEGINNING AND END AND AT TWO-
3 MILE INTERVALS OF THE DESIGNATED HIGHWAY NOTIFYING THE
4 PUBLIC THAT AN AUTOMATED SPEED ENFORCEMENT [DEVICE]
5 SYSTEM IS IN USE.

6 (II) A NOTICE IDENTIFYING THE LOCATION OF THE
7 AUTOMATED SPEED ENFORCEMENT SYSTEM IS POSTED ON THE
8 [DEPARTMENT'S] CITY OF THE FIRST CLASS'S OR SYSTEM
9 ADMINISTRATOR'S PUBLICLY ACCESSIBLE INTERNET WEBSITE
10 THROUGHOUT THE PERIOD OF USE.

11 * * *

12 (4) THE SYSTEM ADMINISTRATOR MAY PROVIDE A WRITTEN
13 WARNING TO THE [REGISTERED] OWNER OF A MOTOR VEHICLE
14 DETERMINED TO HAVE VIOLATED THIS SECTION DURING THE FIRST 30
15 DAYS OF OPERATION OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM.

16 * * *

17 (7) IF A PERSON WHO HAS A PRIOR VIOLATION OF THIS
18 SECTION BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH COMMITS
19 ANOTHER VIOLATION OF THIS SECTION AFTER THE EFFECTIVE DATE OF
20 THIS PARAGRAPH, THE VIOLATION AFTER THE EFFECTIVE DATE OF
21 THIS PARAGRAPH SHALL BE DEEMED A FIRST OFFENSE AND ANY
22 VIOLATION OCCURRING AFTER THAT VIOLATION SHALL CONSTITUTE AN
23 ADDITIONAL OFFENSE.

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

25 (1) NO AUTOMATED SPEED ENFORCEMENT SYSTEM SHALL BE
26 UTILIZED IN SUCH A MANNER AS TO TAKE A FRONTAL VIEW RECORDED
27 IMAGE OF THE MOTOR VEHICLE AS EVIDENCE OF HAVING COMMITTED A
28 VIOLATION.

29 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, CAMERA
30 EQUIPMENT DEPLOYED AS PART OF AN AUTOMATED SPEED ENFORCEMENT

1 SYSTEM AS PROVIDED IN THIS SECTION MUST BE INCAPABLE OF
2 AUTOMATED OR USER-CONTROLLED REMOTE SURVEILLANCE BY MEANS OF
3 RECORDED VIDEO IMAGES. RECORDED IMAGES COLLECTED AS PART OF
4 THE AUTOMATED SPEED ENFORCEMENT SYSTEM MUST ONLY RECORD
5 TRAFFIC VIOLATIONS AND MAY NOT BE USED FOR ANY OTHER
6 SURVEILLANCE PURPOSES, BUT MAY INCLUDE VIDEO OF THE AREA
7 ENFORCED WHEN TRIGGERED BY A VIOLATION. THE RESTRICTIONS SET
8 FORTH IN THIS PARAGRAPH SHALL NOT BE DEEMED TO PRECLUDE A
9 COURT OF COMPETENT JURISDICTION FROM ISSUING AN ORDER
10 DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT
11 OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND IS
12 REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW
13 ENFORCEMENT ACTION.

14 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
15 INFORMATION PREPARED UNDER THIS SECTION AND INFORMATION
16 RELATING TO VIOLATIONS UNDER THIS SECTION WHICH IS KEPT BY
17 THE CITY OF THE FIRST CLASS OR SYSTEM ADMINISTRATOR, ITS
18 AUTHORIZED AGENTS OR ITS EMPLOYEES, INCLUDING RECORDED
19 IMAGES, WRITTEN RECORDS, REPORTS OR FACSIMILES, NAMES,
20 ADDRESSES, MOTOR VEHICLE INFORMATION AND THE NUMBER OF
21 VIOLATIONS UNDER THIS SECTION, SHALL BE FOR THE EXCLUSIVE USE
22 OF THE CITY, ITS AUTHORIZED AGENTS, ITS EMPLOYEES AND LAW
23 ENFORCEMENT OFFICIALS FOR THE PURPOSE OF DISCHARGING THEIR
24 DUTIES UNDER THIS SECTION AND UNDER ANY ORDINANCES AND
25 RESOLUTIONS OF THE CITY. THE INFORMATION SHALL NOT BE DEEMED
26 A PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6,
27 NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW. THE INFORMATION SHALL
28 NOT BE DISCOVERABLE BY COURT ORDER OR OTHERWISE, NOR SHALL IT
29 BE OFFERED IN EVIDENCE IN ANY ACTION OR PROCEEDING WHICH IS
30 NOT DIRECTLY RELATED TO A VIOLATION OF THIS SECTION OR ANY

1 ORDINANCE OR RESOLUTION OF THE CITY. THE RESTRICTIONS SET
2 FORTH IN THIS PARAGRAPH SHALL NOT BE DEEMED TO PRECLUDE A
3 COURT OF COMPETENT JURISDICTION FROM ISSUING AN ORDER
4 DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT
5 OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND IS
6 REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW
7 ENFORCEMENT ACTION.

8 (4) RECORDED IMAGES OBTAINED THROUGH THE USE OF
9 AUTOMATED SPEED ENFORCEMENT SYSTEMS DEPLOYED AS A MEANS OF
10 PROMOTING TRAFFIC SAFETY IN A CITY OF THE FIRST CLASS SHALL
11 BE DESTROYED WITHIN ONE YEAR OF FINAL DISPOSITION OF ANY
12 RECORDED EVENT EXCEPT THAT IMAGES SUBJECT TO A COURT ORDER
13 UNDER PARAGRAPH (2) OR (3) SHALL BE DESTROYED WITHIN TWO
14 YEARS AFTER THE DATE OF THE ORDER, UNLESS FURTHER EXTENDED BY
15 COURT ORDER. THE CITY SHALL FILE NOTICE WITH THE [DEPARTMENT
16 OF STATE] DEPARTMENT THAT THE RECORDS HAVE BEEN DESTROYED IN
17 ACCORDANCE WITH THIS SECTION.

18 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
19 [REGISTERED] MOTOR VEHICLE OWNER INFORMATION OBTAINED AS A
20 RESULT OF THE OPERATION OF AN AUTOMATED SPEED ENFORCEMENT
21 SYSTEM UNDER THIS SECTION SHALL NOT BE THE PROPERTY OF THE
22 MANUFACTURER OR VENDOR OF THE AUTOMATED SPEED ENFORCEMENT
23 SYSTEM AND MAY NOT BE USED FOR ANY PURPOSE OTHER THAN AS
24 PRESCRIBED IN THIS SECTION.

25 (6) [A] AN INTENTIONAL VIOLATION OF THIS SUBSECTION
26 SHALL CONSTITUTE A MISDEMEANOR OF THE THIRD DEGREE PUNISHABLE
27 BY A \$500 FINE. EACH VIOLATION SHALL CONSTITUTE A SEPARATE
28 AND DISTINCT OFFENSE.

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

30 (1) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS

1 SECTION THAT THE PERSON NAMED IN THE NOTICE OF THE VIOLATION
2 WAS NOT [OPERATING] DRIVING THE MOTOR VEHICLE AT THE TIME OF
3 THE VIOLATION. THE OWNER OF THE MOTOR VEHICLE MAY BE REQUIRED
4 TO SUBMIT EVIDENCE THAT THE OWNER WAS NOT THE DRIVER AT THE
5 TIME OF THE ALLEGED VIOLATION. THE CITY OF THE FIRST CLASS
6 MAY NOT REQUIRE THE OWNER OF THE MOTOR VEHICLE TO DISCLOSE
7 THE IDENTITY OF THE [OPERATOR] DRIVER OF THE MOTOR VEHICLE AT
8 THE TIME OF THE VIOLATION.

9 (2) IF AN OWNER OF A MOTOR VEHICLE RECEIVES A NOTICE OF
10 VIOLATION PURSUANT TO THIS SECTION OF A TIME PERIOD DURING
11 WHICH THE MOTOR VEHICLE WAS REPORTED TO A POLICE DEPARTMENT
12 [OF ANY STATE OR MUNICIPALITY] AS HAVING BEEN STOLEN, IT
13 SHALL BE A DEFENSE TO A VIOLATION UNDER THIS SECTION THAT THE
14 MOTOR VEHICLE HAS BEEN REPORTED TO A POLICE DEPARTMENT AS
15 STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED AND HAD NOT
16 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 MOTOR VEHICLE AT THE TIME OF THE
20 OFFENSE.

21 (4) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
22 SECTION THAT THE [DEVICE] AUTOMATED SPEED ENFORCEMENT SYSTEM
23 BEING USED TO DETERMINE SPEED WAS NOT IN COMPLIANCE WITH
24 SECTION 3368 (RELATING TO SPEED TIMING DEVICES) WITH RESPECT
25 TO TESTING FOR ACCURACY, CERTIFICATION OR CALIBRATION.

26 * * *

27 (I) DUTY OF CITY.-- [IF A CITY OF THE FIRST CLASS ELECTS TO
28 IMPLEMENT THIS SECTION, THE] THE FOLLOWING PROVISIONS SHALL
29 APPLY:

30 (1) [THE CITY] A CITY OF THE FIRST CLASS MAY NOT USE AN

1 AUTOMATED SPEED ENFORCEMENT SYSTEM UNLESS THERE IS POSTED AN
2 APPROPRIATE SIGN IN A CONSPICUOUS PLACE BEFORE THE AREA IN
3 WHICH THE AUTOMATED SPEED ENFORCEMENT [DEVICE] SYSTEM IS TO
4 BE USED NOTIFYING THE PUBLIC THAT AN AUTOMATED SPEED
5 ENFORCEMENT [DEVICE] SYSTEM IS IN USE IMMEDIATELY AHEAD.

6 (2) [THE CITY] A CITY OF THE FIRST CLASS SHALL DESIGNATE
7 OR APPOINT THE PHILADELPHIA PARKING AUTHORITY AS THE SYSTEM
8 ADMINISTRATOR TO SUPERVISE AND COORDINATE THE ADMINISTRATION
9 OF NOTICES OF VIOLATION ISSUED UNDER THIS SECTION.

10 COMPENSATION UNDER A CONTRACT AUTHORIZED BY THIS PARAGRAPH
11 SHALL BE BASED ONLY UPON THE VALUE OF EQUIPMENT AND SERVICES
12 PROVIDED OR RENDERED IN SUPPORT OF THE AUTOMATED SPEED
13 ENFORCEMENT SYSTEM PROGRAM AND MAY NOT BE BASED ON THE
14 QUANTITY OF NOTICES OF VIOLATION ISSUED OR AMOUNT OF FINES
15 IMPOSED OR GENERATED.

16 (3) THE SYSTEM ADMINISTRATOR SHALL PREPARE A NOTICE OF
17 VIOLATION TO THE [REGISTERED] OWNER OF A MOTOR VEHICLE
18 IDENTIFIED IN A RECORDED IMAGE PRODUCED BY AN AUTOMATED SPEED
19 ENFORCEMENT SYSTEM AS EVIDENCE OF A VIOLATION OF SECTION
20 3362. THE NOTICE OF VIOLATION MUST BE ISSUED BY A POLICE
21 OFFICER EMPLOYED BY THE POLICE DEPARTMENT WITH PRIMARY
22 JURISDICTION OVER THE AREA WHERE THE VIOLATION OCCURRED. THE
23 NOTICE OF VIOLATION SHALL HAVE THE FOLLOWING ATTACHED TO IT:

24 (I) A COPY OF THE RECORDED IMAGE SHOWING THE MOTOR
25 VEHICLE;

26 (II) THE REGISTRATION NUMBER AND STATE OF ISSUANCE
27 OF THE MOTOR VEHICLE REGISTRATION;

28 (III) THE DATE, TIME AND PLACE OF THE ALLEGED
29 VIOLATION;

30 (IV) NOTICE THAT THE VIOLATION CHARGED IS UNDER

1 SECTION 3362; AND

2 (V) INSTRUCTIONS FOR RETURN OF THE NOTICE OF
3 VIOLATION, WHICH SHALL READ:

4 THIS NOTICE SHALL BE RETURNED PERSONALLY, BY MAIL OR
5 BY AN AGENT DULY AUTHORIZED IN WRITING, WITHIN 30
6 DAYS OF ISSUANCE. A HEARING MAY BE OBTAINED UPON THE
7 WRITTEN REQUEST OF THE [REGISTERED] OWNER OF THE
8 MOTOR VEHICLE.

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

10 (1) THE SYSTEM ADMINISTRATOR MAY HIRE AND DESIGNATE
11 PERSONNEL AS NECESSARY OR CONTRACT FOR SERVICES THROUGH A
12 MANUFACTURER OR VENDOR TO IMPLEMENT THIS SECTION.

13 * * *

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

22 (I) THE NUMBER OF VIOLATIONS AND FINES ISSUED AND
23 DATA REGARDING THE SPEEDS OF MOTOR VEHICLES IN THE
24 ENFORCEMENT AREA.

25 (II) A COMPILATION OF PENALTIES PAID AND OUTSTANDING
26 AND VIOLATIONS CONTESTED.

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

29 (IV) THE NUMBER OF VEHICULAR AND PEDESTRIAN
30 ACCIDENTS AND RELATED SERIOUS BODILY INJURIES AND DEATHS

1 ALONG THE DESIGNATED HIGHWAY.

2 (K) NOTICE TO OWNER.--IN THE CASE OF A VIOLATION INVOLVING A
3 MOTOR VEHICLE [REGISTERED UNDER] SUBJECT TO THE LAWS OF THIS
4 COMMONWEALTH, THE NOTICE OF VIOLATION MUST BE MAILED WITHIN 30
5 DAYS AFTER THE COMMISSION OF THE VIOLATION OR WITHIN 30 DAYS
6 AFTER THE DISCOVERY OF THE IDENTITY OF THE [REGISTERED] OWNER OF
7 THE MOTOR VEHICLE, WHICHEVER IS LATER, AND NOT THEREAFTER TO THE
8 ADDRESS OF THE [REGISTERED] OWNER AS LISTED IN THE RECORDS OF
9 THE DEPARTMENT. IN THE CASE OF MOTOR VEHICLES [REGISTERED IN]
10 FROM JURISDICTIONS OTHER THAN THIS COMMONWEALTH, THE NOTICE OF
11 VIOLATION MUST BE MAILED WITHIN 30 DAYS AFTER THE DISCOVERY OF
12 THE IDENTITY OF THE [REGISTERED] OWNER TO THE ADDRESS OF THE
13 [REGISTERED] OWNER AS LISTED IN THE RECORDS OF THE OFFICIAL IN
14 THE JURISDICTION HAVING CHARGE OF THE REGISTRATION OF THE MOTOR
15 VEHICLE. A NOTICE OF VIOLATION UNDER THIS SECTION MUST BE
16 PROVIDED TO [AN] THE OWNER OF THE MOTOR VEHICLE WITHIN 90 DAYS
17 OF THE COMMISSION OF THE OFFENSE.

18 * * *

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

20 (1) AN OWNER OF A MOTOR VEHICLE TO WHOM A NOTICE OF
21 VIOLATION HAS BEEN ISSUED MAY ADMIT RESPONSIBILITY FOR THE
22 VIOLATION AND PAY THE FINE PROVIDED IN THE NOTICE.

23 * * *

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

25 (1) AN OWNER OF A MOTOR VEHICLE TO WHOM A NOTICE OF
26 VIOLATION HAS BEEN ISSUED MAY, WITHIN 30 DAYS OF THE MAILING
27 DATE OF THE NOTICE, REQUEST A HEARING TO CONTEST THE
28 LIABILITY ALLEGED IN THE NOTICE. A HEARING REQUEST MUST BE
29 MADE BY APPEARING BEFORE THE SYSTEM ADMINISTRATOR DURING
30 REGULAR OFFICE HOURS EITHER PERSONALLY OR BY AN AUTHORIZED

1 AGENT OR BY [MAILING A REQUEST IN WRITING] SENDING A REQUEST
2 ON THE PRESCRIBED FORM.

3 (2) UPON RECEIPT OF A HEARING REQUEST, THE SYSTEM
4 ADMINISTRATOR SHALL IN A TIMELY MANNER SCHEDULE THE MATTER
5 BEFORE A HEARING OFFICER. THE HEARING OFFICER SHALL BE
6 DESIGNATED BY THE CITY OF THE FIRST CLASS. WRITTEN NOTICE OF
7 THE DATE, TIME AND PLACE OF HEARING MUST BE SENT BY FIRST
8 CLASS MAIL TO THE OWNER[.] OF THE MOTOR VEHICLE. A HEARING TO
9 CONTEST LIABILITY MAY BE IN PERSON OR BE CONDUCTED THROUGH
10 LIVE-STREAM SYNCHRONOUS VIDEO CONFERENCING OR SIMILAR VIRTUAL
11 PRESENCE TECHNOLOGY AND SHALL BE ONLY AT THE LOCATIONS AND
12 TIMES SET BY THE SYSTEM ADMINISTRATOR.

13 * * *

14 (O) COMPENSATION TO MANUFACTURER OR VENDOR.--IF A CITY OF
15 THE FIRST CLASS HAS ESTABLISHED AN AUTOMATED SPEED ENFORCEMENT
16 SYSTEM [DEPLOYED AS A MEANS OF PROMOTING TRAFFIC SAFETY AND THE
17 ENFORCEMENT OF THE TRAFFIC LAWS OF THIS COMMONWEALTH OR THE
18 CITY], THE COMPENSATION PAID TO THE MANUFACTURER OR VENDOR OF
19 THE AUTOMATED SPEED ENFORCEMENT SYSTEM MAY NOT BE BASED UPON THE
20 NUMBER OF TRAFFIC CITATIONS ISSUED OR A PORTION OR PERCENTAGE OF
21 THE FINE GENERATED BY THE CITATIONS. THE COMPENSATION PAID TO
22 THE MANUFACTURER OR VENDOR OF THE EQUIPMENT SHALL BE BASED UPON
23 THE VALUE OF THE EQUIPMENT AND THE SERVICES PROVIDED OR RENDERED
24 IN SUPPORT OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM.

25 * * *

26 [(Q) EXPIRATION.--THIS SECTION SHALL EXPIRE FIVE YEARS FROM
27 ITS EFFECTIVE DATE.]

28 SECTION 3. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:
29 § 3370.1. AUTOMATED SPEED ENFORCEMENT STUDY.

30 THE LOCAL GOVERNMENT COMMISSION SHALL CONDUCT A STUDY OF

1 EXPANDING AUTOMATED SPEED ENFORCEMENT ON HIGHWAYS AND STREETS
2 OWNED BY MUNICIPALITIES. NO LATER THAN TWO YEARS AFTER THE
3 EFFECTIVE DATE OF THIS SECTION, THE LOCAL GOVERNMENT COMMISSION
4 SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY AND SHALL PROVIDE
5 FINDINGS AND RECOMMENDATIONS ON THE EXPANSION OF AUTOMATED SPEED
6 ENFORCEMENT ON HIGHWAYS AND STREETS OWNED BY MUNICIPALITIES.
7 § 3371. PILOT PROGRAM FOR AUTOMATED SPEED ENFORCEMENT SYSTEMS
8 IN DESIGNATED SCHOOL ZONES.

9 (A) GENERAL RULE.--A PILOT PROGRAM IS ESTABLISHED TO PROVIDE
10 FOR AN AUTOMATED SPEED ENFORCEMENT SYSTEM IN DESIGNATED SCHOOL
11 ZONES IN A CITY OF THE FIRST CLASS. THE FOLLOWING SHALL APPLY:

12 (1) THIS SECTION SHALL ONLY BE APPLICABLE IN A CITY OF
13 THE FIRST CLASS IN NO MORE THAN FIVE SCHOOL ZONES AGREED UPON
14 BY THE SYSTEM ADMINISTRATOR, ON THE CITY'S BEHALF, AND THE
15 SECRETARY.

16 (2) A CITY OF THE FIRST CLASS SHALL CONDUCT AN
17 ENGINEERING AND TRAFFIC INVESTIGATION UNDER SECTION 6109(E)
18 (RELATING TO SPECIFIC POWERS OF DEPARTMENT AND LOCAL
19 AUTHORITIES) ON THE POSTED SPEED LIMIT WITHIN THE PROPOSED
20 SCHOOL ZONE FOR AN AUTOMATED SPEED ENFORCEMENT SYSTEM.

21 (3) A CITY OF THE FIRST CLASS SHALL PROVIDE AT LEAST ONE
22 OPPORTUNITY FOR PUBLIC COMMENT REGARDING THE PROPOSED SCHOOL
23 ZONE.

24 (4) WHEN THE REQUIREMENTS UNDER PARAGRAPHS (2) AND (3)
25 ARE MET, A CITY OF THE FIRST CLASS, UPON PASSAGE OF AN
26 ORDINANCE FOR THE SCHOOL ZONES, IS AUTHORIZED TO ENFORCE
27 SECTION 3365(B) (RELATING TO SPECIAL SPEED LIMITATIONS) BY
28 RECORDING VIOLATIONS USING AN AUTOMATED SPEED ENFORCEMENT
29 SYSTEM APPROVED BY THE DEPARTMENT.

30 (B) OWNER LIABILITY.--FOR EACH VIOLATION UNDER THIS SECTION,

1 THE OWNER OF THE MOTOR VEHICLE SHALL BE LIABLE FOR THE PENALTY
2 IMPOSED UNDER SUBSECTION (D) UNLESS THE OWNER IS CONVICTED OF
3 THE SAME VIOLATION UNDER ANOTHER SECTION OF THIS TITLE OR HAS A
4 DEFENSE UNDER SUBSECTION (G). FOR THE PURPOSES OF THIS SECTION,
5 THE LESSEE OF A LEASED VEHICLE SHALL BE CONSIDERED THE OWNER OF
6 A MOTOR VEHICLE.

7 (C) CERTIFICATE AS EVIDENCE.--A CERTIFICATE, OR A FACSIMILE
8 OF A CERTIFICATE, BASED UPON INSPECTION OF RECORDED IMAGES
9 PRODUCED BY AN AUTOMATED SPEED ENFORCEMENT SYSTEM AND SWORN TO
10 OR AFFIRMED BY A POLICE OFFICER EMPLOYED BY THE CITY OF THE
11 FIRST CLASS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED
12 IN IT. THE CITY MUST INCLUDE WRITTEN DOCUMENTATION THAT THE
13 AUTOMATED SPEED ENFORCEMENT SYSTEM WAS OPERATING CORRECTLY AT
14 THE TIME OF THE ALLEGED VIOLATION. A RECORDED IMAGE EVIDENCING A
15 VIOLATION OF SECTION 3365(B) SHALL BE ADMISSIBLE IN ANY JUDICIAL
16 OR ADMINISTRATIVE PROCEEDING TO ADJUDICATE THE LIABILITY FOR THE
17 VIOLATION.

18 (D) PENALTY.--

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

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

26 (I) AT LEAST TWO APPROPRIATE WARNING SIGNS ARE
27 CONSPICUOUSLY PLACED AT THE BEGINNING AND END OF THE
28 DESIGNATED SCHOOL ZONE NOTIFYING THE PUBLIC THAT AN
29 AUTOMATED SPEED ENFORCEMENT SYSTEM IS ACTIVE AND IN USE.

30 (II) A NOTICE IDENTIFYING THE LOCATION OF THE

1 AUTOMATED SPEED ENFORCEMENT SYSTEM IS POSTED ON THE
2 CITY'S OR SYSTEM ADMINISTRATOR'S PUBLICLY ACCESSIBLE
3 INTERNET WEBSITE THROUGHOUT THE PERIOD OF USE.

4 (III) THE DESIGNATED SCHOOL ZONE IS ACTIVE AS
5 INDICATED BY AN OFFICIAL TRAFFIC-CONTROL DEVICE WITH A
6 POSTED SPEED LIMIT OF NO GREATER THAN 15 MILES PER HOUR.

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 MOTOR VEHICLE DETERMINED
11 TO 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) SURCHARGE POINTS MAY NOT 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.--

28 (1) AN AUTOMATED SPEED ENFORCEMENT SYSTEM MAY NOT BE
29 UTILIZED IN SUCH A MANNER AS TO TAKE A FRONTAL VIEW RECORDED
30 IMAGE OF THE MOTOR 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 RELATED TO VIOLATIONS UNDER THIS SECTION WHICH IS KEPT BY THE
20 CITY OF THE FIRST CLASS, ITS AUTHORIZED AGENTS OR ITS
21 EMPLOYEES, INCLUDING RECORDED IMAGES, WRITTEN RECORDS,
22 REPORTS OR FACSIMILES, NAMES, ADDRESSES, MOTOR VEHICLE
23 INFORMATION AND THE NUMBER OF VIOLATIONS UNDER THIS SECTION,
24 SHALL BE FOR THE EXCLUSIVE USE OF THE CITY, ITS AUTHORIZED
25 AGENTS, ITS EMPLOYEES AND LAW ENFORCEMENT OFFICIALS FOR THE
26 PURPOSE OF DISCHARGING THEIR DUTIES UNDER THIS SECTION AND
27 UNDER ANY ORDINANCES AND RESOLUTIONS OF THE CITY. THE
28 INFORMATION SHALL NOT BE DEEMED A PUBLIC RECORD UNDER THE ACT
29 OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-
30 KNOW LAW. THE INFORMATION SHALL NOT BE DISCOVERABLE BY COURT

1 ORDER OR OTHERWISE, NOR SHALL IT BE OFFERED IN EVIDENCE IN
2 ANY ACTION OR PROCEEDING WHICH IS NOT DIRECTLY RELATED TO A
3 VIOLATION OF THIS SECTION OR ANY ORDINANCE OR RESOLUTION OF
4 THE CITY. THE RESTRICTIONS SET FORTH IN THIS PARAGRAPH SHALL
5 NOT BE DEEMED TO PRECLUDE A COURT OF COMPETENT JURISDICTION
6 FROM ISSUING AN ORDER DIRECTING THAT THE INFORMATION BE
7 PROVIDED TO LAW ENFORCEMENT OFFICIALS IF THE INFORMATION IS
8 REASONABLY DESCRIBED AND IS REQUESTED SOLELY IN CONNECTION
9 WITH A CRIMINAL LAW 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. A CITY OF THE FIRST CLASS SHALL FILE NOTICE WITH
18 THE DEPARTMENT THAT THE RECORDS HAVE BEEN DESTROYED IN
19 ACCORDANCE WITH THIS SECTION.

20 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
21 REGISTERED MOTOR VEHICLE OWNER INFORMATION OBTAINED AS A
22 RESULT OF THE OPERATION OF AN AUTOMATED SPEED ENFORCEMENT
23 SYSTEM UNDER THIS SECTION SHALL NOT BE THE PROPERTY OF THE
24 MANUFACTURER OR VENDOR OF THE AUTOMATED SPEED ENFORCEMENT
25 SYSTEM AND MAY NOT BE USED FOR ANY PURPOSE OTHER THAN AS
26 PRESCRIBED IN THIS 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.--

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 DRIVING THE MOTOR VEHICLE AT THE TIME OF THE
5 VIOLATION. THE OWNER MAY BE REQUIRED TO SUBMIT EVIDENCE THAT
6 THE OWNER WAS NOT THE DRIVER AT THE TIME OF THE ALLEGED
7 VIOLATION. THE CITY OF THE FIRST CLASS MAY NOT REQUIRE THE
8 OWNER OF THE MOTOR VEHICLE TO DISCLOSE THE IDENTITY OF THE
9 DRIVER OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION.

10 (2) IF AN OWNER RECEIVES A NOTICE OF VIOLATION UNDER
11 THIS SECTION OF A TIME PERIOD DURING WHICH THE MOTOR VEHICLE
12 WAS REPORTED TO ANY POLICE DEPARTMENT AS HAVING BEEN STOLEN,
13 IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS SECTION THAT
14 THE MOTOR VEHICLE HAD BEEN REPORTED TO A POLICE DEPARTMENT AS
15 STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED AND HAD NOT
16 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 MOTOR VEHICLE AT THE TIME OF THE
20 OFFENSE.

21 (4) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
22 SECTION THAT THE AUTOMATED SPEED ENFORCEMENT SYSTEM BEING
23 USED TO DETERMINE SPEED WAS NOT IN COMPLIANCE WITH SECTION
24 3368 (RELATING TO SPEED TIMING DEVICES) WITH RESPECT TO
25 TESTING FOR ACCURACY, CERTIFICATION OR CALIBRATION.

26 (H) DEPARTMENT APPROVAL.--

27 (1) NO AUTOMATED SPEED ENFORCEMENT SYSTEM MAY BE USED
28 WITHOUT THE APPROVAL OF THE DEPARTMENT, WHICH SHALL HAVE THE
29 AUTHORITY TO PROMULGATE REGULATIONS FOR THE CERTIFICATION AND
30 USE OF THE SYSTEMS, WHICH REGULATIONS MAY INCLUDE THE USE OF

1 RADIO-MICROWAVE DEVICES, COMMONLY REFERRED TO AS ELECTRONIC
2 SPEED METERS OR RADAR, OR LIGHT DETECTION AND RANGING
3 DEVICES, COMMONLY REFERRED TO AS LIDAR, IN THEIR OPERATIONS.

4 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
5 DEVICES IDENTIFIED IN PARAGRAPH (1) SHALL BE TESTED FOR
6 ACCURACY AT REGULAR INTERVALS AS DESIGNATED BY REGULATION OF
7 THE DEPARTMENT.

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

10 (1) THE CITY OF THE FIRST CLASS MAY NOT USE AN AUTOMATED
11 SPEED ENFORCEMENT SYSTEM UNLESS THERE IS POSTED AN
12 APPROPRIATE SIGN IN A CONSPICUOUS PLACE BEFORE THE SCHOOL
13 ZONE IN WHICH THE AUTOMATED SPEED ENFORCEMENT SYSTEM IS TO BE
14 USED NOTIFYING THE PUBLIC THAT AN AUTOMATED SPEED ENFORCEMENT
15 SYSTEM IS IN USE IMMEDIATELY AHEAD.

16 (2) THE CITY OF THE FIRST CLASS SHALL DESIGNATE OR
17 APPOINT THE PHILADELPHIA PARKING AUTHORITY AS THE SYSTEM
18 ADMINISTRATOR TO SUPERVISE AND COORDINATE THE ADMINISTRATION
19 OF NOTICES OF VIOLATION ISSUED UNDER THIS SECTION.

20 COMPENSATION UNDER A CONTRACT AUTHORIZED BY THIS PARAGRAPH
21 SHALL BE BASED ONLY UPON THE VALUE OF EQUIPMENT AND SERVICES
22 PROVIDED OR RENDERED IN SUPPORT OF THE AUTOMATED SPEED
23 ENFORCEMENT SYSTEM PROGRAM AND MAY NOT BE BASED ON THE
24 QUANTITY OF NOTICES OF VIOLATION ISSUED OR AMOUNT OF FINES
25 IMPOSED OR GENERATED.

26 (3) THE SYSTEM ADMINISTRATOR SHALL PREPARE A NOTICE OF
27 VIOLATION TO THE REGISTERED OWNER OF A MOTOR VEHICLE
28 IDENTIFIED IN A RECORDED IMAGE PRODUCED BY AN AUTOMATED SPEED
29 ENFORCEMENT SYSTEM AS EVIDENCE OF A VIOLATION OF SECTION 3362
30 (RELATING TO MAXIMUM SPEED LIMITS). THE NOTICE OF VIOLATION

1 MUST BE ISSUED BY A POLICE OFFICER EMPLOYED BY THE POLICE
2 DEPARTMENT WITH PRIMARY JURISDICTION OVER THE AREA WHERE THE
3 VIOLATION OCCURRED. THE NOTICE OF VIOLATION SHALL HAVE THE
4 FOLLOWING ATTACHED TO IT:

5 (I) A COPY OF THE RECORDED IMAGE SHOWING THE MOTOR
6 VEHICLE;

7 (II) THE REGISTRATION NUMBER AND STATE OF ISSUANCE
8 OF THE MOTOR VEHICLE REGISTRATION;

9 (III) THE DATE, TIME AND PLACE OF THE ALLEGED
10 VIOLATION;

11 (IV) NOTICE THAT THE VIOLATION CHARGED IS UNDER
12 SECTION 3365(B); AND

13 (V) INSTRUCTIONS FOR RETURN OF THE NOTICE OF
14 VIOLATION, WHICH SHALL READ:

15 THIS NOTICE SHALL BE RETURNED PERSONALLY, BY MAIL
16 OR BY AN AGENT DULY AUTHORIZED IN WRITING, WITHIN
17 30 DAYS OF ISSUANCE. A HEARING MAY BE OBTAINED
18 UPON THE REQUEST OF THE REGISTERED OWNER OF THE
19 MOTOR VEHICLE.

20 (J) SYSTEM ADMINISTRATOR.--

21 (1) THE SYSTEM ADMINISTRATOR MAY HIRE AND DESIGNATE
22 PERSONNEL AS NECESSARY OR CONTRACT FOR SERVICES WITH A
23 MANUFACTURER OR VENDOR TO IMPLEMENT THIS SECTION.

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

26 (3) NOT LATER THAN SEPTEMBER 1 ANNUALLY, THE SYSTEM
27 ADMINISTRATOR SHALL SUBMIT AN ANNUAL REPORT TO THE
28 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE TRANSPORTATION
29 COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND MINORITY
30 CHAIRPERSON OF THE TRANSPORTATION COMMITTEE OF THE HOUSE OF

1 REPRESENTATIVES. THE REPORT SHALL BE CONSIDERED A PUBLIC
2 RECORD UNDER THE RIGHT-TO-KNOW LAW AND INCLUDE FOR THE PRIOR
3 YEAR:

4 (I) THE NUMBER OF VIOLATIONS AND FINES ISSUED AND
5 DATA REGARDING THE SPEEDS OF MOTOR VEHICLES IN THE
6 ENFORCEMENT AREA.

7 (II) A COMPILATION OF PENALTIES PAID AND OUTSTANDING
8 AND VIOLATIONS CONTESTED.

9 (III) THE AMOUNT OF MONEY PAID TO A SYSTEM
10 ADMINISTRATOR, VENDOR OR MANUFACTURER UNDER THIS SECTION.

11 (IV) THE NUMBER OF VEHICULAR AND PEDESTRIAN
12 ACCIDENTS AND RELATED SERIOUS BODILY INJURIES AND DEATHS
13 IN THE DESIGNATED SCHOOL ZONES.

14 (K) NOTICE TO OWNER.--IN THE CASE OF A VIOLATION INVOLVING A
15 MOTOR VEHICLE REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH,
16 THE NOTICE OF VIOLATION MUST BE MAILED WITHIN 30 DAYS AFTER THE
17 COMMISSION OF THE VIOLATION OR WITHIN 30 DAYS AFTER THE
18 DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER OF THE MOTOR
19 VEHICLE, WHICHEVER IS LATER, AND NOT THEREAFTER TO THE ADDRESS
20 OF THE REGISTERED OWNER AS LISTED IN THE RECORDS OF THE
21 DEPARTMENT. IN THE CASE OF MOTOR VEHICLES REGISTERED IN
22 JURISDICTIONS OTHER THAN THIS COMMONWEALTH, THE NOTICE OF
23 VIOLATION MUST BE MAILED WITHIN 30 DAYS AFTER THE DISCOVERY OF
24 THE IDENTITY OF THE REGISTERED OWNER TO THE ADDRESS OF THE
25 REGISTERED OWNER AS LISTED IN THE RECORDS OF THE OFFICIAL IN THE
26 JURISDICTION HAVING CHARGE OF THE REGISTRATION OF THE MOTOR
27 VEHICLE. A NOTICE OF VIOLATION UNDER THIS SECTION MUST BE
28 PROVIDED TO THE REGISTERED OWNER WITHIN 90 DAYS OF THE
29 COMMISSION OF THE OFFENSE.

30 (L) MAILING OF NOTICE AND RECORDS.--NOTICE OF VIOLATION MUST

1 BE SENT BY FIRST CLASS MAIL. A MANUAL OR AUTOMATIC RECORD OF
2 MAILING PREPARED BY THE SYSTEM ADMINISTRATOR IN THE ORDINARY
3 COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF MAILING AND
4 SHALL BE ADMISSIBLE IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING
5 AS TO THE FACTS CONTAINED IN IT.

6 (M) PAYMENT OF FINE.--

7 (1) AN OWNER OF THE MOTOR VEHICLE TO WHOM A NOTICE OF
8 VIOLATION HAS BEEN ISSUED MAY ADMIT RESPONSIBILITY FOR THE
9 VIOLATION AND PAY THE FINE PROVIDED IN THE NOTICE.

10 (2) PAYMENT MUST BE MADE PERSONALLY, THROUGH AN
11 AUTHORIZED AGENT, ELECTRONICALLY OR BY MAILING BOTH PAYMENT
12 AND THE NOTICE OF VIOLATION TO THE SYSTEM ADMINISTRATOR.
13 PAYMENT BY MAIL MUST BE MADE ONLY BY MONEY ORDER, CREDIT CARD
14 OR CHECK MADE PAYABLE TO THE SYSTEM ADMINISTRATOR. THE SYSTEM
15 ADMINISTRATOR SHALL REMIT THE FINE, LESS THE SYSTEM
16 ADMINISTRATOR'S OPERATION AND MAINTENANCE COSTS NECESSITATED
17 BY THIS SECTION, TO THE DEPARTMENT FOR DEPOSIT INTO A
18 RESTRICTED RECEIPTS ACCOUNT IN THE MOTOR LICENSE FUND. FINES
19 DEPOSITED INTO THE FUND UNDER THIS PARAGRAPH SHALL BE USED BY
20 THE DEPARTMENT FOR A TRANSPORTATION ENHANCEMENT GRANTS
21 PROGRAM AS ESTABLISHED BY SECTION 3116 (RELATING TO AUTOMATED
22 RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS CITIES). THE
23 DEPARTMENT SHALL AWARD TRANSPORTATION ENHANCEMENT GRANTS ON A
24 COMPETITIVE BASIS. THE DEPARTMENT MAY PAY ACTUAL
25 ADMINISTRATIVE COSTS ARISING FROM THE DEPARTMENT'S
26 ADMINISTRATION OF THIS SECTION. THE DEPARTMENT MAY NOT
27 RESERVE, DESIGNATE OR SET ASIDE A SPECIFIC LEVEL OF MONEY OR
28 PERCENTAGE OF MONEY TO AN APPLICANT PRIOR TO THE COMPLETION
29 OF THE APPLICATION PROCESS, NOR MAY THE DEPARTMENT DESIGNATE
30 A SET PERCENTAGE OF MONEY TO AN APPLICANT. GRANTS SHALL BE

1 AWARDED BY THE DEPARTMENT BASED ON THE MAJORITY VOTE OF A
2 SELECTION COMMITTEE CONSISTING OF FOUR REPRESENTATIVES OF THE
3 DEPARTMENT APPOINTED BY THE SECRETARY AND FOUR MEMBERS
4 APPOINTED BY THE MAYOR OF THE CITY OF THE FIRST CLASS, WITH
5 THE SECRETARY OR A DESIGNEE OF THE SECRETARY SERVING AS
6 CHAIRPERSON. PRIORITY SHALL BE GIVEN TO APPLICATIONS SEEKING
7 GRANT MONEY FOR TRANSPORTATION ENHANCEMENTS IN THE
8 MUNICIPALITY WHERE THE AUTOMATED SPEED CAMERA SYSTEM IS
9 OPERATED.

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

12 (N) HEARING.--

13 (1) AN OWNER OF THE MOTOR VEHICLE TO WHOM A NOTICE OF
14 VIOLATION HAS BEEN ISSUED MAY, WITHIN 30 DAYS OF THE MAILING
15 DATE OF THE NOTICE, REQUEST A HEARING TO CONTEST THE
16 LIABILITY ALLEGED IN THE NOTICE. A HEARING REQUEST MUST BE
17 MADE BY APPEARING BEFORE THE SYSTEM ADMINISTRATOR DURING
18 REGULAR OFFICE HOURS EITHER PERSONALLY OR BY AN AUTHORIZED
19 AGENT OR BY SENDING A REQUEST ON THE PRESCRIBED FORM.

20 (2) UPON RECEIPT OF A HEARING REQUEST, THE SYSTEM
21 ADMINISTRATOR SHALL IN A TIMELY MANNER SCHEDULE THE MATTER
22 BEFORE A HEARING OFFICER. THE HEARING OFFICER SHALL BE
23 DESIGNATED BY THE CITY OF THE FIRST CLASS. WRITTEN NOTICE OF
24 THE DATE, TIME AND PLACE OF HEARING MUST BE SENT BY FIRST
25 CLASS MAIL TO THE OWNER OF THE MOTOR VEHICLE. A HEARING TO
26 CONTEST LIABILITY MAY BE IN-PERSON OR BE CONDUCTED THROUGH
27 LIVE-STREAM SYNCHRONOUS VIDEO CONFERENCING OR SIMILAR VIRTUAL
28 PRESENCE TECHNOLOGY AND SHALL BE ONLY AT THE LOCATIONS AND
29 TIMES SET BY THE SYSTEM ADMINISTRATOR.

30 (3) THE HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH 2

1 PA.C.S. CH. 5 (RELATING TO PRACTICE AND PROCEDURE) AND SHALL
2 BE SUBJECT TO APPEAL UNDER 2 PA.C.S. CH. 7 (RELATING TO
3 JUDICIAL REVIEW).

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

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

17 (Q) EXPIRATION.--THIS SECTION SHALL EXPIRE DECEMBER 31,
18 2029.

19 SECTION 4. THE SECRETARY OF TRANSPORTATION SHALL TRANSMIT
20 NOTICE TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN
21 THE NEXT AVAILABLE ISSUE OF THE PENNSYLVANIA BULLETIN THAT AN
22 AUTOMATED SPEED ENFORCEMENT SYSTEM IS OPERATIONAL IN THE
23 DESIGNATED SCHOOL ZONES UNDER 75 PA.C.S. § 3371.

24 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

25 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
26 IMMEDIATELY:

27 (I) THE AMENDMENT OF 75 PA.C.S. § 3345.1 (E) (4), (F)
28 (3), (I.2) (1), (2) (V) AND (3) (I), (II) AND (III), (I.3)
29 (3) AND (I.4) (4).

30 (II) THE AMENDMENT OF 75 PA.C.S. §§ 3369 (K) AND

1 3370(Q) .

2 (III) THE ADDITION OF 75 PA.C.S. § 3370.1.

3 (IV) SECTION 4 OF THIS ACT.

4 (V) THIS SECTION.

5 (2) THE ADDITION OF 75 PA.C.S. § 3371(E) SHALL TAKE
6 EFFECT 60 DAYS AFTER THE PUBLICATION IN THE PENNSYLVANIA
7 BULLETIN UNDER SECTION 4 OF THIS ACT.

8 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
9 DAYS.