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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1284 Session of  
2023

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INTRODUCED BY NEILSON, BULLOCK, MADDEN, HOHENSTEIN, McNEILL AND  
SANCHEZ, MAY 31, 2023

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REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 31, 2023

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AN ACT

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

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

12 Section 1. Sections 3345(a.1)(1), 3345.1, 3369(c.1), (g),  
13 (h)(3) and (4)(vi), (j)(1) and (k) and 3370 heading, (a), (b),  
14 (d)(2), (n)(2) and (q) of Title 75 of the Pennsylvania

15 Consolidated Statutes are amended to read:

16 § 3345. Meeting or overtaking school bus.

17 \* \* \*

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

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

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

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

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

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

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

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

18 \* \* \*

19 § 3345.1. Enforcement of failure to stop for school bus with  
20 flashing red lights.

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

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

27 (1) A motor vehicle meeting or overtaking a school bus  
28 stopped on a highway or trafficway when the red signal lights  
29 on the school bus are flashing and the side stop signal arms  
30 are activated as described in section 3345 (relating to

1 meeting or overtaking school bus) is a violation of this  
2 section.

3 (2) The owner of a motor vehicle that violates paragraph  
4 (1) shall be liable for the penalty imposed under subsection  
5 (c), unless the owner is convicted of a violation of section  
6 3345 or has a defense under subsection (f).

7 (b) Applicability.--

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

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

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

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

19 (c) [Liability] Penalty.--For each violation of [section  
20 3345 enforced under] this section, the owner of the motor  
21 vehicle shall be [liable] subject to a penalty as follows:

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

25 (i) \$250 to the school district where the violation  
26 occurred, which shall be utilized for the installation,  
27 administration or maintenance of side stop signal arm  
28 enforcement systems, including through a system  
29 administrator contracted with the school district, on  
30 school buses;

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

4 (iii) \$25 to the School Bus Safety Grant Program  
5 Account.

6 (1.1) The fine under paragraph (1) shall not be subject  
7 to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of  
8 fines, etc.) or 3573 (relating to municipal corporation  
9 portion of fines, etc.).

10 [(2) A rebuttable presumption shall exist that the owner  
11 of the vehicle was the driver at the time of the alleged  
12 violation.]

13 [(3) For each violation under this section, the owner of  
14 the vehicle shall be liable for the fine imposed unless the  
15 owner is convicted of the same violation under section 3345  
16 or has a defense under subsection (f).]

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

18 (i) be deemed a criminal conviction;

19 (ii) be made part of the operating record of the  
20 individual upon whom the penalty is imposed under section  
21 1535 (relating to schedule of convictions and points);

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

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

26 (d) Certificate as evidence.--A certificate, or a facsimile  
27 of a certificate, based upon inspection of recorded images  
28 produced by a side stop signal arm enforcement system and sworn  
29 to or affirmed by a [police officer] primary police department  
30 shall be prima facie evidence of the facts contained in it. The

1 school entity, the system administrator or the contracted  
2 company that provides pupil transportation must include written  
3 documentation that the side stop signal arm enforcement system  
4 was operating correctly at the time of the alleged violation. A  
5 recorded image evidencing a violation of this section [3345]  
6 shall be admissible in any judicial or administrative proceeding  
7 to adjudicate the liability for the violation.

8 (e) Limitations.--

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

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

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

25 (1.1) (i) To the extent practical, an automated side  
26 stop signal arm enforcement system shall use necessary  
27 technologies to ensure that photographs or recorded video  
28 images produced by the system shall not identify the  
29 driver, the passengers or the contents of the motor  
30 vehicle.

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

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

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

28 (iii) The information may be discoverable by court  
29 order or otherwise and may be offered in evidence in any  
30 action or proceeding which is directly related to a

1 violation of [section 3345 enforced under] this section  
2 or any other violation in connection with a criminal law  
3 enforcement action.

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

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

17 (5) A violation of this subsection shall constitute a  
18 misdemeanor of the third degree punishable by a \$500 fine.  
19 Each violation shall constitute a separate and distinct  
20 offense.

21 (f) Defenses.--

22 [(1) It shall be a defense to a prosecution using a side  
23 stop signal arm enforcement system for a violation under  
24 section 3345 that the person named in the citation was not  
25 operating the vehicle at the time of the violation. The  
26 person shall be required to submit evidence to the court that  
27 the person was not the driver at the time of the alleged  
28 violation.]

29 (2) The person named in the citation shall not be  
30 required to identify the actual driver of the vehicle at the

1 time the violation occurred.]

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

10 (4) 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 a police department of any state or  
13 municipality as having been stolen, it shall be a defense to  
14 a violation under this section that the motor vehicle has  
15 been reported to a police department as stolen prior to the  
16 time the violation occurred and had not been recovered prior  
17 to that time.

18 (5) 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 motor vehicle at the time of the  
21 offense.

22 (g) [Approval] Agreements.--

23 (1) A school entity may enter into an agreement with a  
24 [private vendor or manufacturer to provide a side stop signal  
25 arm enforcement system on each bus within its fleet, whether  
26 owned, contracted or leased, up to and including the  
27 installation, operation and maintenance of the systems.]  
28 system administrator to enforce this section through a side  
29 stop signal arm enforcement system.

30 (2) Except as otherwise provided, an agreement under



1 [this section] paragraph (1) shall take effect in a school  
2 entity by vote of the local board of school directors. The  
3 meeting to consider approval of a side stop signal arm  
4 enforcement system shall be properly noticed under 65 Pa.C.S.  
5 Ch. 7 (relating to open meetings).

6 (3) A school entity shall, prior to the enforcement of  
7 this section through a side stop signal arm enforcement  
8 system, enter into an intergovernmental agreement with a  
9 primary police department to fulfill the requirements of  
10 subsection (h.2). Nothing in this paragraph shall be  
11 construed to require a primary police department to enter  
12 into an intergovernmental agreement with a school entity.

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

19 (1) A copy of the recorded image showing the motor  
20 vehicle.

21 (2) The license plate number and state of issuance of  
22 the motor vehicle.

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

24 [(h.1) Duty of school district.--A school district may enter  
25 into an intergovernmental agreement with the primary police  
26 department with authority to issue violations using an automated  
27 side stop signal arm enforcement system. The primary police  
28 department is the police department in any municipality in which  
29 the school district is located. If a municipality in which the  
30 school district where the violation occurred is located does not

1 have its own police department, the school district may petition  
2 the Pennsylvania State Police for review of the evidence package  
3 from the automated side stop signal arm enforcement system.]

4 (h.2) [Duty of police and police department.--Police  
5 officers and police departments enforcing violations of section  
6 3345 and using automated side stop signal arm enforcement  
7 systems shall:] Police review required.--Upon receipt of  
8 violation information under subsection (h), a primary police  
9 department shall:

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

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

18 [(i) (Reserved).]

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

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

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

30 (ii) In the case of vehicles registered in

1 jurisdictions other than this Commonwealth, the notice of  
2 violation must be mailed within 30 days after the  
3 discovery of the identity of the registered owner and not  
4 thereafter to the address of the registered owner as  
5 listed in the records of the official in the jurisdiction  
6 having charge of the registration of the vehicle.

7 (iii) A notice of violation under this section must  
8 be provided to an owner within 90 days of the commission  
9 of the offense.

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

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

20 (i) An owner may admit responsibility for the  
21 violation and pay the fine as indicated on the notice of  
22 violation.

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

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

1 contest liability.

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

4 (i) An owner to whom a notice of violation has been  
5 issued may, within 30 days of the mailing of the notice,  
6 contest the liability alleged in the notice of violation  
7 by requesting a hearing with the magisterial district  
8 judge where the violation occurred and completing the  
9 payment of applicable civil filing fees.

10 (ii) The primary police department shall file the  
11 notice of violation and supporting documents with the  
12 magisterial district judge where the violation occurred  
13 and the court shall hear and decide the matter.]

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

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

23 (2) The notice of violation shall include all of the  
24 following:

25 (i) A copy of the recorded image showing the motor  
26 vehicle.

27 (ii) The registration number and state of issuance  
28 of the motor vehicle registration.

29 (iii) The date, time and place of the alleged  
30 violation.

1           (iv) Certification of the alleged violation from the  
2 primary police department and written documentation that  
3 the side stop signal arm enforcement system was operating  
4 correctly at the time of the alleged violation as  
5 required under subsection (d).

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

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

10          (vii) Instructions for contesting the violation  
11 under subsection (i.4).

12          (viii) A statement that a violation under this  
13 section:

14           (A) is not deemed a criminal conviction;

15           (B) will not be made part of the operating  
16 record of the individual upon whom the violation of  
17 this section is being imposed;

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

20           (D) does not authorize the imposition of  
21 surcharge points in the provision of motor vehicle  
22 insurance coverage.

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

25           (i) In the case of a violation involving a motor  
26 vehicle registered under the laws of this Commonwealth,  
27 the notice of violation must be mailed within 30 days  
28 after the commission of the violation or within 30 days  
29 after the discovery of the identity of the registered  
30 owner, whichever is later, and not thereafter to the

1 address of the registered owner listed in the records of  
2 the department.

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

10 (iii) A notice of violation under this section shall  
11 be invalid unless provided to the registered owner within  
12 90 days of the commission of the violation.

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

19 (i.3) Payment of fine.--Payment of the fine shall be as  
20 follows:

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

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

29 (3) If payment is not received within 90 days of mailing  
30 of the notice of violation, the school entity or a system

1 administrator on the school entity's behalf may turn the  
2 matter over to applicable credit collection agencies.

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

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

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

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

26 (4) If the owner requests in writing an appeal of the  
27 decision of the hearing officer, the school entity or the  
28 system administrator on the school entity's behalf shall file  
29 the notice of violation and supporting documents with the  
30 office of the magisterial district judge for the magisterial

1 district where the violation occurred, and the magisterial  
2 district judge shall hear and decide the matter de novo.

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

7 (j) Department approval.--

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

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

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

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

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

29 (iii) Section 204(b) of the act of October 15, 1980  
30 (P.L.950, No.164), known as the Commonwealth Attorneys



1 Act.

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

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

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

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

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

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

29 (4) Independent school bus contractors and school  
30 entities are eligible for grants under this subsection.

1 (1) Contracted companies.--

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

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

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

23 (1.1) Construction.--Nothing in this section shall be  
24 construed to prohibit:

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

30 (2) Information captured by a side stop signal arm

1 enforcement system from being admissible in a judicial  
2 proceeding adjudicating a violation of section 3345.

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

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

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

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

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

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

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

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

28 "Side stop signal arm enforcement system" or "system." A  
29 camera system installed on a school bus with two or more camera  
30 sensors and computers that produce recorded video and two or

1 more film or digital photographic still images of a motor  
2 vehicle being used or operated in a manner that violates this  
3 section [3345].

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

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

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

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

22 § 3369. Automated speed enforcement systems in active work  
23 zones.

24 \* \* \*

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

1 vehicle.

2 \* \* \*

3 (g) Defenses.--

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

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

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

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

24 (h) Authority and duties of department and Pennsylvania  
25 Turnpike Commission.--

26 \* \* \*

27 (3) (i) The department and Pennsylvania Turnpike  
28 Commission shall serve directly or through a contracted  
29 private service as the system administrator of the  
30 program. Compensation under a contract authorized by this

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

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

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

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

1 the previous quarterly deposit to be used by the  
2 Pennsylvania State Police as follows:

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

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

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

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

1 shall be appropriated by the General Assembly.

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

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

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



1 section 3116 (relating to automated red light enforcement  
2 systems in first class cities).

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

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

21 \* \* \*

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

25 \* \* \*

26 (j) Contest.--

27 (1) An owner may, within 30 days of the mailing of the  
28 notice, request a hearing to contest liability by appearing  
29 before the system administrator either personally or by an  
30 authorized agent or by mailing a request in writing on the

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

7 \* \* \*

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

10 § 3370. [Pilot program for automated speed enforcement system  
11 on designated highway] Automated speed enforcement  
12 systems on designated highways.

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

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

21 (2) This section shall only be applicable in a city of  
22 the first class in areas agreed upon by the system  
23 administrator and the Secretary of Transportation. [using the  
24 automated speed enforcement system on U.S. Route 1 (Roosevelt  
25 Boulevard) between Ninth Street and the Philadelphia County  
26 line shared with Bucks County.]

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

1 (g). For the purposes of this section, the lessee of a vehicle  
2 shall be considered the owner of a leased vehicle.

3 \* \* \*

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

5 \* \* \*

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

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

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

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

1           subparagraph.

2           \* \* \*

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

4           \* \* \*

5           (2) Upon receipt of a hearing request, the system  
6 administrator shall in a timely manner schedule the matter  
7 before a hearing officer. The hearing officer shall be  
8 designated by the city of the first class. Written notice of  
9 the date, time and place of hearing must be sent by first  
10 class mail to the owner. A hearing to contest liability may  
11 be in person or be conducted through live-stream synchronous  
12 video conferencing or similar virtual presence technology and  
13 shall be only at the locations and times set by the system  
14 administrator.

15           \* \* \*

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

18           Section 2. Title 75 is amended by adding a section to read:  
19 § 3371. Pilot program for automated speed enforcement systems  
20 in designated school zones.

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

24           (1) A city of the first class, upon passage of an  
25 ordinance, is authorized to enforce section 3365(b) (relating  
26 to special speed limitations) by recording violations using  
27 an automated speed enforcement system approved by the  
28 department.

29           (2) This section shall only be applicable in a city of  
30 the first class in areas agreed upon by the system

1 administrator and the secretary.

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

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

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

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

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

27 (i) At least two appropriate warning signs are  
28 conspicuously placed at the beginning and end of the  
29 designated school zone notifying the public that an  
30 automated speed enforcement device is in 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) The designated school zone is active as  
6           indicated by an official traffic-control device with a  
7           posted speed limit of no greater than 15 miles per hour.

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 April 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) The amendment of 75 Pa.C.S. § 3369(k).

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

28 (iii) Section 3 of this act.

29 (iv) 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.