
 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 AND BURGOS, MAY 31, 2023

SENATOR LANGERHOLC, TRANSPORTATION, IN SENATE, AS AMENDED,
OCTOBER 24, 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 The General Assembly of the Commonwealth of Pennsylvania

15 hereby enacts as follows:

16 ~~Section 1. Sections 3345.1, 3369(b)(1) and (2) and 3370~~ <--
17 ~~heading, (a), (b), (d)(2), (j)(3) introductory paragraph, (n)(2)~~
18 ~~and (q) of Title 75 of the Pennsylvania Consolidated Statutes~~
19 ~~are amended to read:~~

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

22 ~~(a) General rule. A school entity may install and operate a~~

1 ~~side stop signal arm enforcement system for the purpose of~~
2 ~~enforcing [the provisions of section 3345 (relating to meeting~~
3 ~~or overtaking school bus) as reported under section 3345(a.1).]~~
4 ~~this section.~~

5 ~~(a.1) Violation and liability.—~~

6 ~~(1) A motor vehicle meeting or overtaking a school bus~~
7 ~~stopped on a highway or trafficway when the red signal lights~~
8 ~~on the school bus are flashing and the side stop signal arms~~
9 ~~are activated as described in section 3345 (relating to~~
10 ~~meeting or overtaking school bus) is a violation of this~~
11 ~~section.~~

12 ~~(2) The owner of a motor vehicle that violates paragraph~~
13 ~~(1) shall be liable for the penalty imposed under subsection~~
14 ~~(c), unless the owner is convicted of a violation of section~~
15 ~~3345 or has a defense under subsection (f). For the purposes~~
16 ~~of this section, the lessee of a motor vehicle shall be~~
17 ~~considered the owner of a leased vehicle.~~

18 ~~(b) Applicability.—~~

19 ~~[(1) Except as provided in paragraph (2), this section~~
20 ~~shall apply to an owner of a motor vehicle meeting or~~
21 ~~overtaking a school bus stopped on a highway or trafficway~~
22 ~~when the red signal lights on the school bus are flashing and~~
23 ~~the side stop signal arms are activated as described in~~
24 ~~section 3345.]~~

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

27 ~~(i) Section 3105(h) (relating to drivers of~~
28 ~~emergency vehicles).~~

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

30 ~~(c) [Liability] Penalty. For each violation of [section~~

1 ~~3345 enforced under] this section, the owner of the motor-~~
2 ~~vehicle shall be [liable] subject to a penalty as follows:~~

3 ~~(1) The penalty for the violation shall be a [civil-~~
4 ~~penalty with a] fine of \$300. The fine shall be distributed-~~
5 ~~as follows:~~

6 ~~(i) \$250 to the school district where the violation-~~
7 ~~occurred, which shall be utilized for the installation,~~
8 ~~administration or maintenance of side stop signal arm-~~
9 ~~enforcement systems, including through a system~~
10 ~~administrator contracted with the school district, on-~~
11 ~~school buses;~~

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

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

17 ~~(1.1) The fine under paragraph (1) shall not be subject-~~
18 ~~to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of~~
19 ~~finest, etc.) or 3573 (relating to municipal corporation-~~
20 ~~portion of fines, etc.).~~

21 ~~[(2) A rebuttable presumption shall exist that the owner-~~
22 ~~of the vehicle was the driver at the time of the alleged-~~
23 ~~violation.~~

24 ~~(3) For each violation under this section, the owner of-~~
25 ~~the vehicle shall be liable for the fine imposed unless the-~~
26 ~~owner is convicted of the same violation under section 3345-~~
27 ~~or has a defense under subsection (f).]~~

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

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

30 ~~(ii) be made part of the operating record of the-~~

1 individual upon whom the penalty is imposed under section
2 1535 (relating to schedule of convictions and points);

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

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

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

19 (e) Limitations.—

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

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

30 (iii) Restrictions under this paragraph shall not be

1 ~~deemed to preclude a court of competent jurisdiction from~~
2 ~~issuing an order directing that the information be~~
3 ~~provided to law enforcement officials if the information~~
4 ~~is reasonably described and is requested solely in~~
5 ~~connection with a criminal law enforcement action.~~

6 ~~(1.1) (i) To the extent practical, an automated side~~
7 ~~stop signal arm enforcement system shall use necessary~~
8 ~~technologies to ensure that photographs or recorded video~~
9 ~~images produced by the system shall not identify the~~
10 ~~driver, the passengers or the contents of the motor~~
11 ~~vehicle.~~

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

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

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

9 ~~(iii) The information may be discoverable by court~~
10 ~~order or otherwise and may be offered in evidence in any~~
11 ~~action or proceeding which is directly related to a~~
12 ~~violation of [section 3345 enforced under] this section~~
13 ~~or any other violation in connection with a criminal law~~
14 ~~enforcement action.~~

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

22 ~~(4) Notwithstanding any other provision of law,~~
23 ~~registered motor vehicle owner information obtained as a~~
24 ~~result of the operation of a side stop signal arm enforcement~~
25 ~~system shall not be the property of the [manufacturer or~~
26 ~~vendor of the] system administrator and may not be used for~~
27 ~~any purpose other than prescribed in this section.~~

28 ~~(5) 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 ~~(f) Defenses.—~~

3 ~~[(1) It shall be a defense to a prosecution using a side-~~
4 ~~stop signal arm enforcement system for a violation under~~
5 ~~section 3345 that the person named in the citation was not~~
6 ~~operating the vehicle at the time of the violation. The~~
7 ~~person shall be required to submit evidence to the court that~~
8 ~~the person was not the driver at the time of the alleged~~
9 ~~violation.]~~

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

13 ~~(3) It shall be a defense to a violation under this~~
14 ~~section that the [person] owner named in the notice of the~~
15 ~~violation was not operating the motor vehicle at the time of~~
16 ~~the violation. The owner may be required to submit evidence~~
17 ~~that the owner was not the driver at the time of the alleged~~
18 ~~violation. The owner of the motor vehicle may not be required~~
19 ~~to disclose the identity of the operator of the motor vehicle~~
20 ~~at the time of the violation.~~

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

29 ~~(5) It shall be a defense to a violation under this~~
30 ~~section that the person receiving the notice of violation was~~

1 not the owner of the motor vehicle at the time of the
2 offense.

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

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

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

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

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

28 (4) Compensation under an agreement authorized by this
29 section shall not require a minimum or maximum number of
30 violations to be issued that would impact the compensation to

1 ~~the system administrator.~~

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

11 ~~(6) The school entity, or the system administrator on~~
12 ~~the school entity's behalf, shall establish an electronic~~
13 ~~system where all violations can be viewed by the primary~~
14 ~~police department and the hearing officer as specified in~~
15 ~~subsection (c).~~

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

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

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

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

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

30 ~~{(h.1) Duty of school district. A school district may enter~~

1 ~~into an intergovernmental agreement with the primary police~~
2 ~~department with authority to issue violations using an automated~~
3 ~~side stop signal arm enforcement system. The primary police~~
4 ~~department is the police department in any municipality in which~~
5 ~~the school district is located. If a municipality in which the~~
6 ~~school district where the violation occurred is located does not~~
7 ~~have its own police department, the school district may petition~~
8 ~~the Pennsylvania State Police for review of the evidence package~~
9 ~~from the automated side stop signal arm enforcement system.}~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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) Certification of the alleged violation from the~~

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

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

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

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

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

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

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

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

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

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

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

1 ~~the department.~~

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

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

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

18 ~~(i.3) Payment of fine. Payment of the fine shall be as~~
19 ~~follows:~~

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

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

28 ~~(3) If payment is not received within 90 days of mailing~~
29 ~~of the notice of violation, the school entity or a system~~
30 ~~administrator on the school entity's behalf may turn the~~

1 ~~matter over to applicable credit collection agencies.~~

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

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

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

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

23 ~~(4) If the owner requests in writing an appeal of the~~
24 ~~decision of the hearing officer, the school entity or the~~
25 ~~system administrator on the school entity's behalf shall file~~
26 ~~the notice of violation and supporting documents with the~~
27 ~~office of the magisterial district judge for the magisterial~~
28 ~~district where the violation occurred, and the magisterial~~
29 ~~district judge shall hear and decide the matter de novo. A~~
30 ~~magisterial district judge shall be restricted to finding an~~

~~owner liable or not liable for violating this section, and shall not assign damages to an owner or otherwise impose penalties on primary police departments, police officers, school entities or system administrators.~~

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

~~(j) Department approval.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

3 ~~(1) Contracted companies.~~

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

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

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

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

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

1 ~~under section 3345(a.1).~~

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

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

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

10 ~~{"Manufacturer" or "vendor." A company that creates, owns or~~
11 ~~has a license or permission to sell, lease or distribute a side~~
12 ~~stop signal arm enforcement system.}~~

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

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

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

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

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

30 ~~"Side stop signal arm enforcement system" or "system." A~~

1 ~~camera system installed on a school bus with two or more camera~~
2 ~~sensors and computers that produce recorded video and two or~~
3 ~~more film or digital photographic still images of a motor~~
4 ~~vehicle being used or operated in a manner that violates this~~
5 ~~section [3345].~~

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

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

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

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

24 ~~§ 3369. Automated speed enforcement systems in active work~~
25 ~~zones.~~

26 ~~* * *~~

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

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

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

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

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

21 ~~* * *~~

22 ~~§ 3370. [Pilot program for automated speed enforcement system~~
23 ~~on designated highway] Automated speed enforcement~~
24 ~~systems on designated highways.~~

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

28 ~~(1) A city of the first class, upon passage of an~~
29 ~~ordinance, is authorized to enforce section 3362 (relating to~~
30 ~~maximum speed limits) by recording violations using an~~

1 ~~automated speed enforcement system approved by the~~
2 ~~department.~~

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

9 ~~(b) Owner liability. For each violation under this section,~~
10 ~~the owner of the vehicle shall be liable for the penalty imposed~~
11 ~~unless the owner is convicted of the same violation under~~
12 ~~another section of this title or has a defense under subsection~~
13 ~~(g). For the purposes of this section, the lessee of a vehicle~~
14 ~~shall be considered the owner of a leased vehicle.~~

15 * * *

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

17 * * *

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

20 ~~(i) At least two appropriate warning signs are~~
21 ~~conspicuously placed at the beginning and end and at two~~
22 ~~mile intervals of the designated highway notifying the~~
23 ~~public that an automated speed enforcement device is in~~
24 ~~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) Prior to passage of the ordinance under~~
30 ~~subsection (a), the governing body of a city of the first~~

~~class gave public notice of the governing body's intent to adopt the ordinance and conducted at least one opportunity for public comment regarding the proposed adoption of the ordinance. The requirement under this subparagraph shall not apply to an automated speed enforcement system in a city of the first class authorized prior to the effective date of this subparagraph.~~

~~* * *~~

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

~~* * *~~

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

~~* * *~~

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

~~* * *~~

~~(2) Upon receipt of a hearing request, the system administrator shall in a timely manner schedule the matter before a hearing officer. The hearing officer shall be designated by the city of the first class. Written notice of the date, time and place of hearing must be sent by first class mail to the owner. A hearing to contest liability may be in person or be conducted through live stream synchronous video conferencing or similar virtual presence technology and~~

1 ~~shall be only at the locations and times set by the system~~
2 ~~administrator.~~

3 * * *

4 ~~[(q) Expiration. This section shall expire five years from~~
5 ~~its effective date.]~~

6 Section 2. Title 75 is amended by adding a section to read:
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. The following shall apply:~~

12 ~~(1) A city of the first class, upon passage of an~~
13 ~~ordinance, is authorized to enforce section 3365(b) (relating~~
14 ~~to special speed limitations) by recording violations using~~
15 ~~an automated speed enforcement system approved by the~~
16 ~~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.~~

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

26 ~~(c) Certificate as evidence. A certificate, or a facsimile~~
27 ~~of a certificate, based upon inspection of recorded images~~
28 ~~produced by an automated speed enforcement system and sworn to~~
29 ~~or affirmed by a police officer employed by the city of the~~
30 ~~first class shall be prima facie evidence of the facts contained~~

1 ~~in it. The city must include written documentation that the~~
2 ~~automated speed enforcement system was operating correctly at~~
3 ~~the time of the alleged violation. A recorded image evidencing a~~
4 ~~violation of section 3365(b) shall be admissible in any judicial~~
5 ~~or administrative proceeding to adjudicate the liability for the~~
6 ~~violation.~~

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

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

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

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

19 ~~(ii) A notice identifying the location of the~~
20 ~~automated speed enforcement system is posted on the~~
21 ~~department's publicly accessible Internet website~~
22 ~~throughout the period of use.~~

23 ~~(iii) The designated school zone is active as~~
24 ~~indicated by an official traffic control device with a~~
25 ~~posted speed limit of no greater than 15 miles per hour.~~

26 ~~(iv) Prior to passage of the ordinance under~~
27 ~~subsection (a), the governing body of a city of the first~~
28 ~~class gave public notice of the governing body's intent~~
29 ~~to adopt the ordinance and conducted at least one~~
30 ~~opportunity for public comment regarding the proposed~~

1 ~~adoption of the ordinance.~~

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

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

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

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

19 ~~(c) Liability. Driving in excess of the posted speed limit~~
20 ~~in a designated school zone by 11 miles per hour or more is a~~
21 ~~violation of this section.~~

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

23 ~~(1) No automated speed enforcement system shall be~~
24 ~~utilized in such a manner as to take a frontal view recorded~~
25 ~~image of the vehicle as evidence of having committed a~~
26 ~~violation.~~

27 ~~(2) Notwithstanding any other provision of law, camera~~
28 ~~equipment deployed as part of an automated speed enforcement~~
29 ~~system as provided in this section must be incapable of~~
30 ~~automated or user controlled remote surveillance by means of~~

~~recorded video images. Recorded images collected as part of the automated speed enforcement system must only record traffic violations and may not be used for any other surveillance purposes, but may include video of the area enforced when triggered by a violation. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.~~

~~(3) Notwithstanding any other provision of law, information prepared under this section and information relating to violations under this section which is kept by the city of the first class, its authorized agents or its employees, including recorded images, written records, reports or facsimiles, names, addresses and the number of violations under this section, shall be for the exclusive use of the city, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties under this section and under any ordinances and resolutions of the city. The information shall not be deemed a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right to Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section or any ordinance or resolution of the city. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order~~

1 ~~directing that the information be provided to law enforcement~~
2 ~~officials if the information is reasonably described and is~~
3 ~~requested solely in connection with a criminal law~~
4 ~~enforcement action.~~

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

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

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

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

27 ~~(1) It shall be a defense to a violation under this~~
28 ~~section that the person named in the notice of the violation~~
29 ~~was not operating the vehicle at the time of the violation.~~
30 ~~The owner may be required to submit evidence that the owner~~

1 ~~was not the driver at the time of the alleged violation. The~~
2 ~~city of the first class may not require the owner of the~~
3 ~~vehicle to disclose the identity of the operator of the~~
4 ~~vehicle at the time of the violation.~~

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

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

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

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

21 ~~(1) No automated speed enforcement system may be used~~
22 ~~without the approval of the department, which shall have the~~
23 ~~authority to promulgate regulations for the certification and~~
24 ~~use of the systems which regulations may include the use of~~
25 ~~radio microwave devices, commonly referred to as electronic~~
26 ~~speed meters or radar, or light detection and ranging~~
27 ~~devices, commonly referred to as LIDAR, in their operations.~~

28 ~~(2) Notwithstanding any other provision of law, the~~
29 ~~devices identified in paragraph (1) shall be tested for~~
30 ~~accuracy at regular intervals as designated by regulation of~~

1 ~~the department.~~

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

4 ~~(1) The city may not use an automated speed enforcement~~
5 ~~system unless there is posted an appropriate sign in a~~
6 ~~conspicuous place before the area in which the automated~~
7 ~~speed enforcement device is to be used notifying the public~~
8 ~~that an automated speed enforcement device is in use~~
9 ~~immediately ahead.~~

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

19 ~~(3) The system administrator shall prepare a notice of~~
20 ~~violation to the registered owner of a vehicle identified in~~
21 ~~a recorded image produced by an automated speed enforcement~~
22 ~~system as evidence of a violation of section 3362 (relating~~
23 ~~to maximum speed limits). The notice of violation must be~~
24 ~~issued by a police officer employed by the police department~~
25 ~~with primary jurisdiction over the area where the violation~~
26 ~~occurred. The notice of violation shall have the following~~
27 ~~attached to it:~~

28 ~~(i) a copy of the recorded image showing the~~
29 ~~vehicle;~~

30 ~~(ii) the registration number and state of issuance~~

1 ~~of the vehicle registration;~~

2 ~~(iii) the date, time and place of the alleged~~
3 ~~violation;~~

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

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

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

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

13 ~~(1) The system administrator may hire and designate~~
14 ~~personnel as necessary or contract for services to implement~~
15 ~~this section.~~

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

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

26 ~~(i) The number of violations and fines issued and~~
27 ~~data regarding the speeds of vehicles in the enforcement~~
28 ~~area.~~

29 ~~(ii) A compilation of penalties paid and~~
30 ~~outstanding.~~

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

3 ~~(iv) The number of vehicular accidents and related~~
4 ~~serious injuries and deaths in the designated school~~
5 ~~zones.~~

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

21 ~~(l) Mailing of notice and records. Notice of violation must~~
22 ~~be sent by first class mail. A manual or automatic record of~~
23 ~~mailing prepared by the system administrator in the ordinary~~
24 ~~course of business shall be prima facie evidence of mailing and~~
25 ~~shall be admissible in any judicial or administrative proceeding~~
26 ~~as to the facts contained in it.~~

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

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

~~(2) Payment must be made personally, through an authorized agent, electronically or by mailing both payment and the notice of violation to the system administrator. Payment by mail must be made only by money order, credit card or check made payable to the system administrator. The system administrator shall remit the fine, less the system administrator's operation and maintenance costs necessitated by this section, to the department for deposit into a restricted receipts account in the Motor License Fund. Fines deposited into the fund under this paragraph shall be used by the department for a Transportation Enhancement Grants Program as established by section 3116 (relating to automated red light enforcement systems in first class cities). The department shall award transportation enhancement grants on a competitive basis. The department may pay actual administrative costs arising from the department's administration of this section. The department may not reserve, designate or set aside a specific level of funds or percentage of funds to an applicant prior to the completion of the application process, nor may the department designate a set percentage of funds to an applicant. Grants shall be awarded by the department based on the majority vote of a selection committee consisting of four representatives of the department appointed by the secretary and four members appointed by the mayor of the city of the first class, with the secretary or a designee of the secretary serving as chairperson. Priority shall be given to applications seeking grant funds for transportation enhancements in the municipality where the automated speed camera system is operated.~~

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

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

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

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

21 ~~(3) The hearing shall be conducted pursuant to 2 Pa.C.S.~~
22 ~~Ch. 5 (relating to practice and procedure) and shall be~~
23 ~~subject to appeal pursuant to 2 Pa.C.S. Ch. 7 (relating to~~
24 ~~judicial review).~~

25 ~~(o) Compensation to manufacturer or vendor. If a city of~~
26 ~~the first class has established an automated speed enforcement~~
27 ~~system deployed as a means of promoting traffic safety and the~~
28 ~~enforcement of the traffic laws of this Commonwealth or the~~
29 ~~city, the compensation paid to the manufacturer or vendor of the~~
30 ~~automated speed enforcement system may not be based upon the~~

~~1 number of traffic citations issued or a portion or percentage of
2 the fine generated by the citations. The compensation paid to
3 the manufacturer or vendor of the equipment shall be based upon
4 the value of the equipment and the services provided or rendered
5 in support of the automated speed enforcement system.~~

~~6 (p) Revenue limitation. A city of the first class may not
7 collect an amount equal to or greater than 2% of its annual
8 budget from the collection of revenue from the issuance and
9 payment of violations under this section.~~

~~10 (g) Expiration. This section shall expire five years from
11 the effective date of this section.~~

~~12 Section 3. The Secretary of Transportation shall transmit a
13 notice to the Legislative Reference Bureau for publication in
14 the next available issue of the Pennsylvania Bulletin when the
15 automated speed enforcement system is operational in the
16 designated school zones under 75 Pa.C.S. § 3371.~~

~~17 Section 4. This act shall take effect as follows:~~

~~18 (1) The following provisions shall take effect
19 immediately:~~

~~20 (i)~~

~~21 The amendment of 75 Pa.C.S. § 3370(q).~~

~~22 (ii) Section 3 of this act.~~

~~23 (iii) This section.~~

~~24 (2) The addition of 75 Pa.C.S. § 3371(e) shall take
25 effect 60 days after the publication in the Pennsylvania
26 Bulletin under section 3 of this act.~~

~~27 (3) The remainder of this act shall take effect in 60
28 days.~~

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

1 § 3369. AUTOMATED SPEED ENFORCEMENT SYSTEMS IN ACTIVE WORK
2 ZONES.

3 * * *

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

6 § 3370. PILOT PROGRAM FOR AUTOMATED SPEED ENFORCEMENT SYSTEM ON
7 DESIGNATED HIGHWAY.

8 * * *

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

11 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.