

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 851 Session of 2023

INTRODUCED BY LANGERHOLC AND FLYNN, JUNE 26, 2023

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 4, 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; IMPOSING A PENALTY; AND MAKING AN
5 EDITORIAL CHANGE. <--

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

8 Section 1. Section 3345.1(j)(3) of Title 75 of the
9 Pennsylvania Consolidated Statutes is amended to read: <--

10 § 3345.1. Enforcement of failure to stop for school bus with
11 flashing red lights.

12 * * *

13 (j) Department approval.

14 * * *

15 (3) In order to facilitate the prompt implementation of
16 this section, regulations promulgated by the department under
17 this section during the two years following the effective
18 date of this section shall be deemed temporary regulations,
19 which shall expire no later than [five] six years following

1 ~~the effective date of this section or upon promulgation of~~
2 ~~final regulations. The temporary regulations shall not be~~
3 ~~subject to:~~

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

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

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

12 * * *

13 ~~Section 2. This act shall take effect immediately.~~

14 SECTION 1. SECTIONS 3345(A.1)(1)(V) AND 3345.1 OF TITLE 75 <--
15 OF THE PENNSYLVANIA 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. TO THE
22 EXTENT POSSIBLE, THE REPORT SHALL INCLUDE THE FOLLOWING
23 INFORMATION:

24 * * *

25 (V) WHETHER THE SCHOOL BUS IS EQUIPPED WITH A SIDE
26 STOP SIGNAL ARM ENFORCEMENT SYSTEM UNDER SECTION 3345.1
27 (RELATING TO AUTOMATED ENFORCEMENT OF FAILURE TO STOP FOR
28 SCHOOL BUS WITH FLASHING RED LIGHTS).

29 * * *

30 § 3345.1. [**ENFORCEMENT**] AUTOMATED ENFORCEMENT OF FAILURE TO

1 STOP FOR SCHOOL BUS WITH FLASHING RED LIGHTS.

2 (A) GENERAL RULE.--A SCHOOL ENTITY MAY INSTALL AND OPERATE A
3 SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM FOR THE PURPOSE OF
4 ENFORCING [THE PROVISIONS OF SECTION 3345 (RELATING TO MEETING
5 OR OVERTAKING SCHOOL BUS) AS REPORTED UNDER SECTION 3345(A.1)]
6 THIS SECTION.

7 (A.1) VIOLATION AND LIABILITY.--

8 (1) A MOTOR VEHICLE MEETING OR OVERTAKING A SCHOOL BUS
9 STOPPED ON A HIGHWAY OR TRAFFICWAY WHEN THE RED SIGNAL LIGHTS
10 ON THE SCHOOL BUS ARE FLASHING AND THE SIDE STOP SIGNAL ARMS
11 ARE ACTIVATED AS DESCRIBED IN SECTION 3345 (RELATING TO
12 MEETING OR OVERTAKING SCHOOL BUS) IS A VIOLATION OF THIS
13 SECTION.

14 (2) THE OWNER OF A MOTOR VEHICLE THAT VIOLATES PARAGRAPH
15 (1) SHALL BE LIABLE FOR THE PENALTY IMPOSED UNDER SUBSECTION
16 (C), UNLESS THE OWNER IS CONVICTED OF A VIOLATION OF SECTION
17 3345 OR HAS A DEFENSE UNDER SUBSECTION (F). FOR THE PURPOSES
18 OF THIS SECTION, THE LESSEE OF A LEASED VEHICLE SHALL BE
19 CONSIDERED THE OWNER OF A MOTOR VEHICLE.

20 (B) APPLICABILITY.--

21 [(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THIS SECTION
22 SHALL APPLY TO AN OWNER OF A MOTOR VEHICLE MEETING OR
23 OVERTAKING A SCHOOL BUS STOPPED ON A HIGHWAY OR TRAFFICWAY
24 WHEN THE RED SIGNAL LIGHTS ON THE SCHOOL BUS ARE FLASHING AND
25 THE SIDE STOP SIGNAL ARMS ARE ACTIVATED AS DESCRIBED IN
26 SECTION 3345.]

27 (2) NOTHING IN THIS SECTION SHALL SUPERSEDE THE
28 PROVISIONS OF:

29 (I) SECTION 3105(H) (RELATING TO DRIVERS OF
30 EMERGENCY VEHICLES).

1 (II) SECTION 3345 (C) OR (D) .

2 (C) [LIABILITY] PENALTY.--FOR EACH VIOLATION OF [SECTION
3 3345 ENFORCED UNDER] THIS SECTION, THE OWNER OF THE MOTOR
4 VEHICLE SHALL BE [LIABLE] SUBJECT TO A PENALTY AS FOLLOWS:

5 (1) THE PENALTY FOR THE VIOLATION SHALL BE A [CIVIL
6 PENALTY WITH A] FINE OF \$300. THE FINE SHALL BE DISTRIBUTED
7 AS FOLLOWS:

8 (I) \$250 TO THE SCHOOL [DISTRICT] ENTITY WHERE THE
9 VIOLATION OCCURRED AND WHICH AUTHORIZED THE USE OF A SIDE
10 STOP SIGNAL ARM ENFORCEMENT SYSTEM, WHICH SHALL BE
11 UTILIZED FOR THE INSTALLATION, ADMINISTRATION OR
12 MAINTENANCE OF SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEMS,
13 INCLUDING THROUGH A SYSTEM ADMINISTRATOR UNDER AN
14 AGREEMENT WITH THE SCHOOL ENTITY, ON SCHOOL BUSES;

15 (II) \$25 TO THE PRIMARY POLICE DEPARTMENT THAT
16 REVIEWED THE SUBMITTED EVIDENCE [PACKAGE TO DETERMINE THE
17 VIOLATION OCCURRED] AS REQUIRED UNDER SUBSECTION (H.2);
18 AND

19 (III) \$25 TO THE SCHOOL BUS SAFETY GRANT PROGRAM
20 ACCOUNT.

21 (1.1) THE FINE UNDER PARAGRAPH (1) SHALL NOT BE SUBJECT
22 TO 42 PA.C.S. § 3571 (RELATING TO COMMONWEALTH PORTION OF
23 FINES, ETC.) OR 3573 (RELATING TO MUNICIPAL CORPORATION
24 PORTION OF FINES, ETC.) .

25 [(2) A REBUTTABLE PRESUMPTION SHALL EXIST THAT THE OWNER
26 OF THE VEHICLE WAS THE DRIVER AT THE TIME OF THE ALLEGED
27 VIOLATION.]

28 (3) FOR EACH VIOLATION UNDER THIS SECTION, THE OWNER OF
29 THE VEHICLE SHALL BE LIABLE FOR THE FINE IMPOSED UNLESS THE
30 OWNER IS CONVICTED OF THE SAME VIOLATION UNDER SECTION 3345

1 OR HAS A DEFENSE UNDER SUBSECTION (F).]

2 (4) A VIOLATION UNDER THIS SECTION SHALL NOT:

3 (I) BE DEEMED A CRIMINAL CONVICTION;

4 (II) BE MADE PART OF THE OPERATING RECORD OF THE
5 INDIVIDUAL UPON WHOM THE PENALTY IS IMPOSED UNDER SECTION
6 1535 (RELATING TO SCHEDULE OF CONVICTIONS AND POINTS);

7 (III) BE THE SUBJECT OF MERIT RATING FOR INSURANCE
8 PURPOSES; OR

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

11 (D) CERTIFICATE AS EVIDENCE.--A CERTIFICATE, OR A FACSIMILE
12 OF A CERTIFICATE, BASED UPON INSPECTION OF RECORDED IMAGES
13 PRODUCED BY A SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM AND SWORN
14 TO OR AFFIRMED BY A [POLICE OFFICER] PRIMARY POLICE DEPARTMENT
15 SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN IT. THE
16 SCHOOL ENTITY, THE SYSTEM ADMINISTRATOR ON THE SCHOOL ENTITY'S
17 BEHALF OR THE CONTRACTED COMPANY THAT PROVIDES PUPIL
18 TRANSPORTATION MUST INCLUDE WRITTEN DOCUMENTATION THAT THE SIDE
19 STOP SIGNAL ARM ENFORCEMENT SYSTEM WAS OPERATING CORRECTLY AT
20 THE TIME OF THE ALLEGED VIOLATION. A RECORDED IMAGE EVIDENCING A
21 VIOLATION OF THIS SECTION [3345] SHALL BE ADMISSIBLE IN ANY
22 JUDICIAL OR ADMINISTRATIVE PROCEEDING TO ADJUDICATE THE
23 LIABILITY FOR THE VIOLATION OF THIS SECTION.

24 (E) LIMITATIONS.--

25 (1) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
26 EQUIPMENT DEPLOYED AS PART OF A SIDE STOP SIGNAL ARM
27 ENFORCEMENT SYSTEM AS PROVIDED UNDER THIS SECTION MUST BE
28 INCAPABLE OF AUTOMATED OR USER-CONTROLLED REMOTE
29 SURVEILLANCE BY MEANS OF RECORDED VIDEO IMAGES.

30 (II) RECORDED IMAGES COLLECTED AS PART OF THE SIDE

1 STOP SIGNAL ARM ENFORCEMENT SYSTEM MAY ONLY RECORD
2 VIOLATIONS OF THIS SECTION [3345] AND MAY NOT BE USED FOR
3 ANY OTHER SURVEILLANCE PURPOSES.

4 (III) RESTRICTIONS UNDER THIS PARAGRAPH SHALL NOT BE
5 DEEMED TO PRECLUDE A COURT OF COMPETENT JURISDICTION FROM
6 ISSUING AN ORDER DIRECTING THAT THE INFORMATION BE
7 PROVIDED TO LAW ENFORCEMENT OFFICIALS IF THE INFORMATION
8 IS REASONABLY DESCRIBED AND IS REQUESTED SOLELY IN
9 CONNECTION WITH A CRIMINAL LAW ENFORCEMENT ACTION.

10 (1.1) (I) TO THE EXTENT PRACTICAL, AN AUTOMATED SIDE
11 STOP SIGNAL ARM ENFORCEMENT SYSTEM SHALL USE NECESSARY
12 TECHNOLOGIES TO ENSURE THAT PHOTOGRAPHS OR RECORDED VIDEO
13 IMAGES PRODUCED BY THE SYSTEM SHALL NOT IDENTIFY, NOR BE
14 CONFIGURED TO IDENTIFY, THE DRIVER, THE PASSENGERS OR THE
15 INTERIOR CONTENTS OF THE MOTOR VEHICLE.

16 (II) NO [NOTICE OF LIABILITY ISSUED UNDER] VIOLATION
17 OF THIS SECTION MAY BE DISMISSED SOLELY BECAUSE A
18 PHOTOGRAPH OR RECORDED VIDEO IMAGE ALLOWS FOR THE
19 IDENTIFICATION OF THE DRIVER, PASSENGERS OR INTERIOR
20 CONTENTS OF THE MOTOR VEHICLE AS LONG AS A REASONABLE
21 EFFORT HAS BEEN MADE TO COMPLY WITH THIS PARAGRAPH.

22 (2) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
23 INFORMATION PREPARED UNDER THIS SECTION AND INFORMATION
24 RELATING TO VIOLATIONS OF [SECTION 3345 ENFORCED UNDER]
25 THIS SECTION WHICH [IS] ARE KEPT BY THE SCHOOL ENTITY,
26 SYSTEM ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF,
27 CONTRACTED COMPANY THAT PROVIDES PUPIL TRANSPORTATION OR
28 PRIMARY POLICE DEPARTMENT [OF THE POLICE OFFICER HAVING
29 THE AUTHORITY TO EXERCISE POLICE POWER IN THE AREA WHERE
30 THE VIOLATION OCCURRED], ITS AUTHORIZED AGENTS OR

1 EMPLOYEES, INCLUDING RECORDED IMAGES, WRITTEN RECORDS,
2 REPORTS OR FACSIMILES, NAMES, ADDRESSES, VEHICLE
3 INFORMATION AND THE NUMBER OF VIOLATIONS UNDER THIS
4 SECTION, SHALL BE [FOR THE EXCLUSIVE USE OF THE
5 DEPARTMENT OF THE POLICE OFFICER HAVING THE AUTHORITY TO
6 EXERCISE POLICE POWER IN THE AREA WHERE THE VIOLATION
7 OCCURRED, ITS AUTHORIZED AGENTS OR EMPLOYEES AND LAW
8 ENFORCEMENT OFFICIALS] EXCLUSIVELY USED FOR THE PURPOSE
9 OF [DISCHARGING THEIR DUTIES UNDER] ENFORCING THIS
10 SECTION THROUGH SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEMS.

11 (II) THE INFORMATION SHALL NOT BE DEEMED A PUBLIC
12 RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
13 KNOWN AS THE RIGHT-TO-KNOW LAW.

14 (III) THE INFORMATION MAY BE DISCOVERABLE BY COURT
15 ORDER OR OTHERWISE AND MAY BE OFFERED IN EVIDENCE IN ANY
16 ACTION OR PROCEEDING WHICH IS DIRECTLY RELATED TO A
17 VIOLATION OF [SECTION 3345 ENFORCED UNDER] THIS SECTION
18 OR ANY OTHER VIOLATION IN CONNECTION WITH A CRIMINAL LAW
19 ENFORCEMENT ACTION.

20 (3) IMAGES OBTAINED THROUGH THE USE OF A SIDE STOP
21 SIGNAL ARM ENFORCEMENT SYSTEM SHALL BE DESTROYED WITHIN ONE
22 YEAR OF FINAL DISPOSITION OF THE RECORDED EVENT. [THE VENDOR
23 OF A SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM] A SYSTEM
24 ADMINISTRATOR UNDER AN AGREEMENT WITH A SCHOOL ENTITY SHALL
25 NOTIFY THE SCHOOL ENTITY BY WRITTEN NOTICE IN ACCORDANCE WITH
26 THIS SECTION THAT THE RECORDS HAVE BEEN DESTROYED.

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

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

5 (5) A VIOLATION OF THIS SUBSECTION SHALL CONSTITUTE A
6 MISDEMEANOR OF THE THIRD DEGREE PUNISHABLE BY A \$500 FINE.
7 EACH VIOLATION SHALL CONSTITUTE A SEPARATE AND DISTINCT
8 OFFENSE.

9 (6) A SCHOOL ENTITY, SYSTEM ADMINISTRATOR OR CONTRACTED
10 COMPANY THAT PROVIDES PUPIL TRANSPORTATION THAT VIOLATES THIS
11 SUBSECTION IN WHICH THE PENALTY IS A MISDEMEANOR SHALL BE
12 SUBJECT TO 18 PA.C.S. § 307 (RELATING TO LIABILITY OF
13 ORGANIZATIONS AND CERTAIN RELATED PERSONS).

14 (F) DEFENSES.--

15 [(1) IT SHALL BE A DEFENSE TO A PROSECUTION USING A SIDE
16 STOP SIGNAL ARM ENFORCEMENT SYSTEM FOR A VIOLATION UNDER
17 SECTION 3345 THAT THE PERSON NAMED IN THE CITATION WAS NOT
18 OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION. THE
19 PERSON SHALL BE REQUIRED TO SUBMIT EVIDENCE TO THE COURT THAT
20 THE PERSON WAS NOT THE DRIVER AT THE TIME OF THE ALLEGED
21 VIOLATION.]

22 (2) THE PERSON NAMED IN THE CITATION SHALL NOT BE
23 REQUIRED TO IDENTIFY THE ACTUAL DRIVER OF THE VEHICLE AT THE
24 TIME THE VIOLATION OCCURRED.]

25 (3) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
26 SECTION THAT THE [PERSON] OWNER NAMED IN THE NOTICE OF THE
27 VIOLATION WAS NOT OPERATING THE MOTOR VEHICLE AT THE TIME OF
28 THE VIOLATION. THE OWNER MAY BE REQUIRED TO SUBMIT EVIDENCE
29 THAT THE OWNER WAS NOT THE DRIVER AT THE TIME OF THE ALLEGED
30 VIOLATION. THE OWNER OF THE MOTOR VEHICLE MAY NOT BE REQUIRED

1 TO DISCLOSE THE IDENTITY OF THE OPERATOR OF THE MOTOR VEHICLE
2 AT THE TIME OF THE VIOLATION.

3 (4) [IF AN OWNER RECEIVES A NOTICE OF VIOLATION UNDER
4 THIS SECTION OF A TIME PERIOD DURING WHICH THE VEHICLE WAS
5 REPORTED TO A POLICE DEPARTMENT OF ANY STATE OR MUNICIPALITY
6 AS HAVING BEEN STOLEN, IT] IT SHALL BE A DEFENSE TO A
7 VIOLATION UNDER THIS SECTION THAT THE MOTOR VEHICLE IN THE
8 NOTICE OF THE VIOLATION HAS BEEN REPORTED TO [A] ANY POLICE
9 DEPARTMENT AS STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED
10 AND HAD NOT BEEN RECOVERED PRIOR TO THAT TIME.

11 (5) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
12 SECTION THAT THE PERSON RECEIVING THE NOTICE OF VIOLATION WAS
13 NOT THE OWNER OF THE MOTOR VEHICLE AT THE TIME OF THE
14 OFFENSE.

15 (6) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS
16 SECTION THAT THE SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM
17 BEING USED UNDER THIS SECTION WAS NOT IN COMPLIANCE WITH THE
18 DEPARTMENT'S REGULATIONS WITH RESPECT TO TESTING FOR
19 ACCURACY, CERTIFICATION OR CALIBRATION.

20 (G) [APPROVAL] AGREEMENTS.--

21 (1) A SCHOOL ENTITY MAY ENTER INTO AN AGREEMENT WITH A
22 [PRIVATE VENDOR OR MANUFACTURER TO PROVIDE A SIDE STOP SIGNAL
23 ARM ENFORCEMENT SYSTEM ON EACH BUS WITHIN ITS FLEET, WHETHER
24 OWNED, CONTRACTED OR LEASED, UP TO AND INCLUDING THE
25 INSTALLATION, OPERATION AND MAINTENANCE OF THE SYSTEMS]
26 SYSTEM ADMINISTRATOR TO INITIATE ACTIONS TO ENFORCE THIS
27 SECTION THROUGH A SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM.

28 (2) EXCEPT AS OTHERWISE PROVIDED, AN AGREEMENT UNDER
29 [THIS SECTION] PARAGRAPH (1) SHALL TAKE EFFECT IN A SCHOOL
30 ENTITY BY VOTE OF THE LOCAL BOARD OF SCHOOL DIRECTORS. THE

1 MEETING TO CONSIDER APPROVAL OF A SIDE STOP SIGNAL ARM
2 ENFORCEMENT SYSTEM SHALL BE PROPERLY NOTICED UNDER 65 PA.C.S.
3 CH. 7 (RELATING TO OPEN MEETINGS).

4 (3) ENFORCEMENT OF THIS SECTION SHALL ONLY OCCUR IN
5 THOSE JURISDICTIONS WHERE THE SCHOOL ENTITY HAS A WRITTEN
6 INTERGOVERNMENTAL AGREEMENT WITH A PRIMARY POLICE DEPARTMENT
7 FOR THAT JURISDICTION.

8 (4) COMPENSATION UNDER AN AGREEMENT AUTHORIZED BY THIS
9 SECTION SHALL NOT REQUIRE A MINIMUM OR MAXIMUM NUMBER OF
10 VIOLATIONS TO BE ISSUED THAT WOULD IMPACT THE COMPENSATION TO
11 THE SYSTEM ADMINISTRATOR.

12 (5) THE SCHOOL ENTITY, OR THE SYSTEM ADMINISTRATOR ON
13 THE SCHOOL ENTITY'S BEHALF, SHALL PROVIDE NOTICE THROUGH A
14 PUBLICLY ACCESSIBLE INTERNET WEBSITE THAT PROVIDES GUIDANCE
15 AND INFORMATION RELATED TO THE SYSTEM, INCLUDING, BUT NOT
16 LIMITED TO, THE NUMBER OF SCHOOL BUSES EQUIPPED WITH A
17 SYSTEM, THE APPEALS PROCESS LIMITED TO THE DEFENSES UNDER
18 SUBSECTION (F) AND CONTACT INFORMATION. THE WEBSITE SHALL
19 REMAIN PUBLICLY ACCESSIBLE THROUGHOUT THE PERIOD OF USE IN A
20 MANNER AS DETERMINED BY THE SCHOOL ENTITY.

21 (6) THE SCHOOL ENTITY, OR THE SYSTEM ADMINISTRATOR ON
22 THE SCHOOL ENTITY'S BEHALF, SHALL ESTABLISH AN ELECTRONIC
23 SYSTEM WHERE PROGRAM INFORMATION AND ALL VIOLATIONS, IN
24 CONFORMANCE WITH THIS SECTION, CAN BE ACCESSED AND VIEWED BY:

25 (I) THE PRIMARY POLICE DEPARTMENT FOR CONDUCTING
26 PROCEDURES UNDER SUBSECTION (H.2).

27 (II) THE DEPARTMENT'S HEARING OFFICER FOR CONDUCTING
28 PROCEDURES UNDER SUBSECTION (I.4).

29 (7) THE SCHOOL ENTITY, OR THE SYSTEM ADMINISTRATOR ON
30 THE SCHOOL ENTITY'S BEHALF, MAY UTILIZE AN ALTERNATIVE SYSTEM

1 TO SHARE PROGRAM INFORMATION AND ALL VIOLATIONS IF THE
2 ELECTRONIC SYSTEM IS UNAVAILABLE FOR ANY LEGITIMATE PURPOSE.

3 (8) THE DEPARTMENT MAY RANDOMLY CONDUCT AUDITS OF A
4 SCHOOL ENTITY, OR A SYSTEM ADMINISTRATOR ON THE SCHOOL
5 ENTITY'S BEHALF, TO ENSURE COMPLIANCE WITH THIS SECTION AS
6 DETERMINED BY THE DEPARTMENT. IF THE DEPARTMENT CONDUCTS AN
7 AUDIT, THE DEPARTMENT SHALL PREPARE A SUMMARY OF THE AUDIT,
8 WHICH SHALL BE POSTED ON THE PUBLICLY ACCESSIBLE INTERNET
9 WEBSITE MAINTAINED BY THE SCHOOL ENTITY, OR THE SYSTEM
10 ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF.

11 (H) [DUTY OF MANUFACTURER OR VENDOR] SUBMISSION OF VIOLATION
12 INFORMATION.--A [MANUFACTURER OR VENDOR OF SIDE STOP SIGNAL ARM
13 ENFORCEMENT SYSTEMS] SCHOOL ENTITY, OR A SYSTEM ADMINISTRATOR ON
14 THE SCHOOL ENTITY'S BEHALF, SHALL SUBMIT THE FOLLOWING
15 INFORMATION REGARDING A VIOLATION OF THIS SECTION TO THE [POLICE
16 OR] PRIMARY POLICE DEPARTMENT USING THE ELECTRONIC SYSTEM UNDER
17 SUBSECTION (G) (6):

18 (1) A COPY OF THE RECORDED IMAGE SHOWING THE MOTOR
19 VEHICLE.

20 (2) THE LICENSE PLATE NUMBER AND STATE OF ISSUANCE OF
21 THE MOTOR VEHICLE.

22 (3) THE DATE, TIME AND PLACE OF THE ALLEGED VIOLATION.

23 (4) NOT LATER THAN JULY 1 ANNUALLY, THE SCHOOL ENTITY,
24 OR THE SYSTEM ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF,
25 SHALL SUBMIT A REPORT TO THE DEPARTMENT AND THE PENNSYLVANIA
26 STATE POLICE FOR THE PRECEDING CALENDAR YEAR. THE INFORMATION
27 SHALL BE COMPILED BY THE DEPARTMENT AND THE PENNSYLVANIA
28 STATE POLICE INTO A REPORT TO BE JOINTLY SUBMITTED TO THE
29 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE TRANSPORTATION
30 COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND MINORITY

1 CHAIRPERSON OF THE TRANSPORTATION COMMITTEE OF THE HOUSE OF
2 REPRESENTATIVES BY NO LATER THAN DECEMBER 31 ANNUALLY. THE
3 REPORT SHALL BE POSTED ON THE PUBLICLY ACCESSIBLE INTERNET
4 WEBSITE MAINTAINED BY THE SCHOOL ENTITY, OR THE SYSTEM
5 ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF. THE REPORT SHALL
6 BE A PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW AND INCLUDE:

7 (I) THE NAME OF THE SYSTEM ADMINISTRATOR.

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

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

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

12 (V) THE AMOUNTS PAID UNDER AGREEMENTS AUTHORIZED BY
13 THIS SECTION.

14 (VI) THE RESULTS OF CONTESTED VIOLATIONS.

15 (VII) USE OF ADDITIONAL REVENUE FUNDS AND ANY GRANTS
16 AWARDED FROM THE PROGRAM.

17 [(H.1) DUTY OF SCHOOL DISTRICT.--A SCHOOL DISTRICT MAY ENTER
18 INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE PRIMARY POLICE
19 DEPARTMENT WITH AUTHORITY TO ISSUE VIOLATIONS USING AN AUTOMATED
20 SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM. THE PRIMARY POLICE
21 DEPARTMENT IS THE POLICE DEPARTMENT IN ANY MUNICIPALITY IN WHICH
22 THE SCHOOL DISTRICT IS LOCATED. IF A MUNICIPALITY IN WHICH THE
23 SCHOOL DISTRICT WHERE THE VIOLATION OCCURRED IS LOCATED DOES NOT
24 HAVE ITS OWN POLICE DEPARTMENT, THE SCHOOL DISTRICT MAY PETITION
25 THE PENNSYLVANIA STATE POLICE FOR REVIEW OF THE EVIDENCE PACKAGE
26 FROM THE AUTOMATED SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM.]

27 (H.2) [DUTY OF POLICE AND POLICE DEPARTMENT] POLICE REVIEW
28 REQUIRED.-- [POLICE OFFICERS AND POLICE DEPARTMENTS ENFORCING
29 VIOLATIONS OF SECTION 3345 AND USING AUTOMATED SIDE STOP SIGNAL
30 ARM ENFORCEMENT SYSTEMS] UPON RECEIPT OF VIOLATION INFORMATION

1 UNDER SUBSECTION (H), A PRIMARY POLICE DEPARTMENT SHALL:

2 (1) REVIEW SUBMITTED EVIDENCE [FROM THE MANUFACTURER OR
3 VENDOR OF A SYSTEM] TO DETERMINE IF [THERE IS SUFFICIENT
4 EVIDENCE THAT] A VIOLATION UNDER THIS SECTION [3345] OCCURRED
5 AND ELECTRONICALLY CERTIFY THE NOTICE OF VIOLATION.

6 (2) [PROVIDE INFORMATION TO A SCHOOL DISTRICT RELATED TO
7 THE POLICE OR POLICE DEPARTMENT'S CAPACITY TO VIEW AND
8 AUTHORIZE THE NOTICE OF VIOLATION.] NOTIFY THE SCHOOL ENTITY,
9 OR THE SYSTEM ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF, OF
10 THE ELECTRONIC CERTIFICATION OF THE NOTICE OF VIOLATION
11 RELATED TO THE PRIMARY POLICE DEPARTMENT'S CAPACITY TO VIEW
12 AND AUTHORIZE THE NOTICE.

13 (3) RESTRICT THE REVIEW OF SUBMITTED EVIDENCE UNDER
14 PARAGRAPH (1) TO AN INDIVIDUAL WHO IS A POLICE OFFICER.

15 (I) (RESERVED).

16 [(I.1) NOTICE OF VIOLATION, FINES AND CONTEST.--THE
17 FOLLOWING SHALL APPLY:

18 (1) THE FOLLOWING SHALL APPLY TO NOTICE OF VIOLATION:

19 (I) IN THE CASE OF A VIOLATION INVOLVING A VEHICLE
20 REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH, THE
21 NOTICE OF VIOLATION MUST BE MAILED WITHIN 30 DAYS AFTER
22 THE COMMISSION OF THE VIOLATION OR WITHIN 30 DAYS AFTER
23 THE DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER,
24 WHICHEVER IS LATER, AND NOT THEREAFTER TO THE ADDRESS OF
25 THE REGISTERED OWNER AS LISTED IN THE RECORDS OF THE
26 DEPARTMENT.

27 (II) IN THE CASE OF VEHICLES REGISTERED IN
28 JURISDICTIONS OTHER THAN THIS COMMONWEALTH, THE NOTICE OF
29 VIOLATION MUST BE MAILED WITHIN 30 DAYS AFTER THE
30 DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER AND NOT

1 THEREAFTER TO THE ADDRESS OF THE REGISTERED OWNER AS
2 LISTED IN THE RECORDS OF THE OFFICIAL IN THE JURISDICTION
3 HAVING CHARGE OF THE REGISTRATION OF THE VEHICLE.

4 (III) A NOTICE OF VIOLATION UNDER THIS SECTION MUST
5 BE PROVIDED TO AN OWNER WITHIN 90 DAYS OF THE COMMISSION
6 OF THE OFFENSE.

7 (IV) THE NOTICE OF VIOLATION SHALL HAVE ATTACHED TO
8 IT A COPY OF THE RECORDED IMAGE SHOWING THE VEHICLE; THE
9 REGISTRATION NUMBER AND STATE OF ISSUANCE OF THE VEHICLE
10 REGISTRATION; THE DATE, TIME AND PLACE OF THE ALLEGED
11 VIOLATION; THAT THE VIOLATION CHARGED IS UNDER SECTION
12 3345 AND INSTRUCTIONS FOR RETURN OF THE NOTICE OF
13 VIOLATION; AND INSTRUCTIONS FOR HOW TO REQUEST A HEARING
14 WITH THE MAGISTERIAL DISTRICT JUDGE FOR THE PURPOSE OF
15 CONTESTING LIABILITY OR NOTICE.

16 (2) THE FOLLOWING SHALL APPLY TO PAYMENT OF A FINE:

17 (I) AN OWNER MAY ADMIT RESPONSIBILITY FOR THE
18 VIOLATION AND PAY THE FINE AS INDICATED ON THE NOTICE OF
19 VIOLATION.

20 (II) PAYMENT OF THE FINE SHALL OPERATE AS A FINAL
21 DISPOSITION OF THE CIVIL PENALTY.

22 (III) IF PAYMENT IS NOT RECEIVED OR THE OWNER HAS
23 NOT CONTESTED LIABILITY WITHIN 30 DAYS OF ORIGINAL
24 NOTICE, THE POLICE DEPARTMENT MAY TURN THE MATTER OVER TO
25 THE MAGISTERIAL DISTRICT JUDGE WHERE THE VIOLATION
26 OCCURRED. THE MAGISTERIAL DISTRICT JUDGE MAY ASSESS
27 LIABILITY UPON THE OWNER FOR FAILURE TO PAY THE FINE OR
28 CONTEST LIABILITY.

29 (3) THE FOLLOWING SHALL APPLY TO CONTESTING LIABILITY OR
30 NOTICE:

1 (I) AN OWNER TO WHOM A NOTICE OF VIOLATION HAS BEEN
2 ISSUED MAY, WITHIN 30 DAYS OF THE MAILING OF THE NOTICE,
3 CONTEST THE LIABILITY ALLEGED IN THE NOTICE OF VIOLATION
4 BY REQUESTING A HEARING WITH THE MAGISTERIAL DISTRICT
5 JUDGE WHERE THE VIOLATION OCCURRED AND COMPLETING THE
6 PAYMENT OF APPLICABLE CIVIL FILING FEES.

7 (II) THE PRIMARY POLICE DEPARTMENT SHALL FILE THE
8 NOTICE OF VIOLATION AND SUPPORTING DOCUMENTS WITH THE
9 MAGISTERIAL DISTRICT JUDGE WHERE THE VIOLATION OCCURRED
10 AND THE COURT SHALL HEAR AND DECIDE THE MATTER.]

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

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

20 (2) THE NOTICE OF VIOLATION SHALL INCLUDE ALL OF THE
21 FOLLOWING:

22 (I) A COPY OF THE RECORDED IMAGE SHOWING THE MOTOR
23 VEHICLE.

24 (II) THE REGISTRATION NUMBER AND STATE OF ISSUANCE
25 OF THE MOTOR VEHICLE REGISTRATION.

26 (III) THE DATE, TIME AND PLACE OF THE ALLEGED
27 VIOLATION.

28 (IV) CERTIFICATION OF THE ALLEGED VIOLATION FROM THE
29 PRIMARY POLICE DEPARTMENT AND WRITTEN DOCUMENTATION THAT
30 THE SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM WAS OPERATING

1 CORRECTLY AT THE TIME OF THE ALLEGED VIOLATION AS
2 REQUIRED UNDER SUBSECTION (D).

3 (V) NOTICE THAT THE OWNER IS CHARGED WITH A
4 VIOLATION OF THIS SECTION.

5 (VI) INSTRUCTIONS FOR RETURN OF THE NOTICE OF
6 VIOLATION AND PAYMENT OF THE FINE UNDER SUBSECTION (I.3).

7 (VII) INSTRUCTIONS FOR CONTESTING THE VIOLATION
8 UNDER SUBSECTION (I.4).

9 (VIII) A STATEMENT THAT A VIOLATION UNDER THIS
10 SECTION:

11 (A) IS NOT DEEMED A CRIMINAL CONVICTION;

12 (B) WILL NOT BE MADE PART OF THE OPERATING
13 RECORD OF THE INDIVIDUAL UPON WHOM THE VIOLATION OF
14 THIS SECTION IS BEING IMPOSED;

15 (C) WILL NOT BE USED TO DETERMINE A MERIT RATING
16 FOR INSURANCE PURPOSES; AND

17 (D) DOES NOT AUTHORIZE THE IMPOSITION OF
18 SURCHARGE POINTS IN THE PROVISION OF MOTOR VEHICLE
19 INSURANCE COVERAGE.

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

22 (I) IN THE CASE OF A VIOLATION INVOLVING A MOTOR
23 VEHICLE REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH,
24 THE NOTICE OF VIOLATION MUST BE MAILED WITHIN 30 DAYS
25 AFTER THE COMMISSION OF THE VIOLATION OR WITHIN 30 DAYS
26 AFTER THE DISCOVERY OF THE IDENTITY OF THE REGISTERED
27 OWNER, WHICHEVER IS LATER, AND NOT THEREAFTER TO THE
28 ADDRESS OF THE REGISTERED OWNER LISTED IN THE RECORDS OF
29 THE DEPARTMENT.

30 (II) IN THE CASE OF MOTOR 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 MOTOR VEHICLE.

7 (III) A NOTICE OF VIOLATION UNDER THIS SECTION SHALL
8 BE INVALID UNLESS PROVIDED TO THE REGISTERED OWNER WITHIN
9 90 DAYS OF THE COMMISSION OF THE VIOLATION.

10 (IV) A MANUAL OR AUTOMATIC RECORD OF MAILING
11 PREPARED BY A SCHOOL ENTITY, OR A SYSTEM ADMINISTRATOR ON
12 THE SCHOOL ENTITY'S BEHALF, IN THE ORDINARY COURSE OF
13 BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF MAILING AND
14 SHALL BE ADMISSIBLE IN A JUDICIAL OR ADMINISTRATIVE
15 PROCEEDING AS TO THE FACTS CONTAINED IN THE NOTICE OF
16 VIOLATION.

17 (I.3) PAYMENT OF FINE.--PAYMENT OF THE FINE SHALL BE AS
18 FOLLOWS:

19 (1) AN OWNER OF THE MOTOR VEHICLE MAY ADMIT
20 RESPONSIBILITY FOR THE VIOLATION AND PAY THE FINE PROVIDED IN
21 THE NOTICE OF VIOLATION PERSONALLY, THROUGH AN AUTHORIZED
22 AGENT, ELECTRONICALLY OR BY MAILING BOTH THE PAYMENT AND
23 NOTICE OF VIOLATION TO THE SCHOOL ENTITY, OR TO A SYSTEM
24 ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF.

25 (2) PAYMENT OF THE FINE SHALL OPERATE AS A FINAL
26 DISPOSITION OF THE VIOLATION OF THIS SECTION.

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

1 AMOUNT OWED.

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

4 (1) AN OWNER OF THE MOTOR VEHICLE MAY, WITHIN 30 DAYS OF
5 THE MAILING DATE OF THE NOTICE OF VIOLATION, REQUEST A
6 HEARING BEFORE THE DEPARTMENT'S HEARING OFFICER TO CONTEST
7 LIABILITY EITHER PERSONALLY, BY AN AUTHORIZED AGENT OR BY
8 MAILING A REQUEST IN WRITING ON THE PRESCRIBED FORM OR
9 ELECTRONICALLY. A HEARING TO CONTEST LIABILITY MAY BE IN
10 PERSON OR BE CONDUCTED THROUGH LIVE-STREAM SYNCHRONOUS VIDEO
11 CONFERENCING OR SIMILAR VIRTUAL PRESENCE TECHNOLOGY AND SHALL
12 BE ONLY AT REASONABLE LOCATIONS AND TIMES SET BY THE SCHOOL
13 ENTITY, OR THE SYSTEM ADMINISTRATOR ON THE SCHOOL ENTITY'S
14 BEHALF.

15 (2) UPON RECEIPT OF A HEARING REQUEST, THE SCHOOL
16 ENTITY, OR THE SYSTEM ADMINISTRATOR ON THE SCHOOL ENTITY'S
17 BEHALF, SHALL IN A TIMELY MANNER SCHEDULE THE MATTER BEFORE A
18 HEARING OFFICER DESIGNATED BY THE DEPARTMENT. WRITTEN NOTICE
19 OF THE DATE, TIME AND PLACE OF HEARING SHALL BE SENT BY FIRST
20 CLASS MAIL OR ELECTRONICALLY TO THE OWNER OF THE MOTOR
21 VEHICLE.

22 (3) THE HEARING SHALL BE INFORMAL AND THE RULES OF
23 EVIDENCE SHALL NOT APPLY. THE DECISION OF THE DEPARTMENT'S
24 HEARING OFFICER SHALL BE MADE WITHIN 45 DAYS FROM THE HEARING
25 DATE AND SHALL BE FINAL, SUBJECT TO THE RIGHT OF THE OWNER OF
26 THE MOTOR VEHICLE TO APPEAL THE DECISION UNDER PARAGRAPH (4).

27 (3.1) THE SCHOOL ENTITY, IN COORDINATION WITH THE SYSTEM
28 ADMINISTRATOR, IF APPLICABLE, MAY ENTER INTO AN AGREEMENT TO
29 DESIGNATE A PERSON TO REPRESENT THE SCHOOL ENTITY, OR THE
30 SYSTEM ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF, TO

1 ADMINISTER THE HEARING TO CONTEST LIABILITY UNDER THIS
2 SUBSECTION.

3 (4) IF, WITHIN 45 DAYS OF ISSUANCE OF THE DECISION OF
4 THE DEPARTMENT'S HEARING OFFICER, THE OWNER OF THE MOTOR
5 VEHICLE REQUESTS IN WRITING AN APPEAL OF THE DECISION OF THE
6 DEPARTMENT'S HEARING OFFICER, THE SCHOOL ENTITY, OR THE
7 SYSTEM ADMINISTRATOR ON THE SCHOOL ENTITY'S BEHALF, SHALL
8 FILE THE NOTICE OF VIOLATION AND SUPPORTING DOCUMENTS WITH
9 THE OFFICE OF THE MAGISTERIAL DISTRICT JUDGE FOR THE
10 MAGISTERIAL DISTRICT WHERE THE VIOLATION OCCURRED. A
11 MAGISTERIAL DISTRICT JUDGE SHALL HEAR AND DECIDE THE MATTER
12 DE NOVO AND SHALL BE RESTRICTED TO FINDING AN OWNER LIABLE OR
13 NOT LIABLE FOR VIOLATING THIS SECTION AND SHALL NOT ASSIGN
14 DAMAGES TO AN OWNER OR OTHERWISE IMPOSE PENALTIES ON PRIMARY
15 POLICE DEPARTMENTS, POLICE OFFICERS, SCHOOL ENTITIES, SYSTEM
16 ADMINISTRATORS OR OTHER PERSONS INVOLVED IN THE APPEAL
17 PROCESS.

18 (5) THE SCHOOL ENTITY, OR SYSTEM ADMINISTRATOR ON THE
19 SCHOOL ENTITY'S BEHALF, SHALL REIMBURSE THE DEPARTMENT FOR
20 THE ACTUAL COST OF THE HEARING OFFICER DESIGNATED UNDER
21 PARAGRAPH (2).

22 (J) DEPARTMENT APPROVAL.--

23 (1) NO SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM MAY BE
24 USED WITHOUT THE APPROVAL OF THE DEPARTMENT, WHICH SHALL HAVE
25 THE AUTHORITY TO PROMULGATE REGULATIONS FOR THE CERTIFICATION
26 AND USE OF SUCH SYSTEMS.

27 (2) ANY SYSTEM INSTALLED PRIOR TO THE EFFECTIVE DATE OF
28 THIS PARAGRAPH SHALL OBTAIN DEPARTMENT APPROVAL WITHIN SIX
29 MONTHS OF THE EFFECTIVE DATE OF THE TEMPORARY REGULATIONS
30 PROMULGATED UNDER PARAGRAPH (3).

1 (3) IN ORDER TO FACILITATE THE PROMPT IMPLEMENTATION OF
2 THIS SECTION, REGULATIONS PROMULGATED BY THE DEPARTMENT UNDER
3 THIS SECTION DURING THE [TWO] THREE YEARS FOLLOWING THE
4 EFFECTIVE DATE OF THIS SECTION SHALL BE DEEMED TEMPORARY
5 REGULATIONS, WHICH SHALL EXPIRE [NO LATER THAN FIVE YEARS
6 FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OR] UPON THE
7 PROMPT PROMULGATION OF FINAL REGULATIONS. THE TEMPORARY
8 REGULATIONS SHALL NOT BE SUBJECT TO:

9 (I) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT
10 OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
11 COMMONWEALTH DOCUMENTS LAW.

12 (II) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
13 KNOWN AS THE REGULATORY REVIEW ACT.

14 (III) SECTION 204(B) OF THE ACT OF OCTOBER 15, 1980
15 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS
16 ACT.

17 (K) SCHOOL BUS SAFETY GRANT PROGRAM.--

18 (1) THE SCHOOL BUS SAFETY GRANT PROGRAM ACCOUNT IS
19 ESTABLISHED AS A RESTRICTED ACCOUNT IN THE GENERAL FUND.
20 MONEY IN THE ACCOUNT IS APPROPRIATED ON A CONTINUING BASIS TO
21 THE DEPARTMENT FOR GRANTS UNDER THIS SUBSECTION.

22 (2) THE SURCHARGE ESTABLISHED UNDER SECTION [3345(J)]
23 3345(J), THE PORTION OF THE FINE ESTABLISHED UNDER SUBSECTION
24 (C) (1) (III) AND ANY OTHER REVENUE AS PROVIDED FOR UNDER THIS
25 TITLE SHALL BE DEPOSITED INTO THE ACCOUNT AND SHALL BE USED
26 BY THE DEPARTMENT TO IMPLEMENT THE SCHOOL BUS SAFETY GRANT
27 PROGRAM[, WHICH IS ESTABLISHED TO PROMOTE AND INCREASE SCHOOL
28 BUS SAFETY, EDUCATION AND TRAINING THROUGHOUT THIS
29 COMMONWEALTH]. THE DEPARTMENT SHALL DEVELOP A UNIFORM
30 APPLICATION PROCESS TO AWARD SCHOOL BUS SAFETY GRANTS IN AN

1 AMOUNT NOT TO EXCEED \$100,000 ON A COMPETITIVE BASIS[.] FOR
2 THE FOLLOWING PURPOSES:

3 (I) TO PROMOTE AND INCREASE SCHOOL BUS SAFETY,
4 EDUCATION AND TRAINING THROUGHOUT THIS COMMONWEALTH.

5 (II) TO REIMBURSE OR PAY FOR, IN WHOLE OR IN PART,
6 EDUCATION, TRAINING AND OTHER ASSOCIATED COSTS RELATED TO
7 THE ISSUANCE OF A COMMERCIAL LEARNER'S PERMIT, COMMERCIAL
8 DRIVER'S LICENSE OR SCHOOL BUS ENDORSEMENT BY THE
9 DEPARTMENT TO AN INDIVIDUAL FOR THE PURPOSE OF DRIVING A
10 SCHOOL BUS IN THIS COMMONWEALTH.

11 (3) THE DEPARTMENT MAY PAY ANY ACTUAL ADMINISTRATIVE
12 COSTS ARISING FROM THE ADMINISTRATION OF THIS SECTION OUT OF
13 THE FINES DEPOSITED INTO THE ACCOUNT. [INDEPENDENT SCHOOL BUS
14 CONTRACTORS AND SCHOOL ENTITIES ARE ELIGIBLE FOR THE GRANT.
15 THE DEPARTMENT SHALL DEVELOP A UNIFORM APPLICATION PROCESS
16 AND REGULATIONS TO ADMINISTER THE GRANT PROGRAM.]

17 (4) THE FOLLOWING ARE ELIGIBLE TO APPLY FOR GRANTS UNDER
18 THIS SUBSECTION:

19 (I) INDEPENDENT SCHOOL BUS CONTRACTORS.

20 (II) SCHOOL ENTITIES.

21 (III) MUNICIPALITIES.

22 (5) THE DEPARTMENT SHALL POST INFORMATION RELATED TO
23 THIS GRANT PROGRAM ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE
24 INTERNET WEBSITE.

25 (L) CONTRACTED COMPANIES.--

26 (1) NO CONTRACTED COMPANY THAT PROVIDES PUPIL
27 TRANSPORTATION SHALL BE LIABLE IF A SIDE STOP SIGNAL ARM
28 ENFORCEMENT SYSTEM IS VANDALIZED OR OTHERWISE MALFUNCTIONS.

29 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
30 REQUIRE A CONTRACTED COMPANY THAT PROVIDES PUPIL

1 TRANSPORTATION TO TAKE A SCHOOL BUS OUT OF SERVICE DUE TO A
2 NONFUNCTIONING SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM,
3 EXCEPT THAT A CONTRACTED COMPANY SHALL ALLOW THE
4 [MANUFACTURER OR VENDOR OF THE SIDE STOP SIGNAL ARM
5 ENFORCEMENT SYSTEM] SCHOOL ENTITY, OR A SYSTEM ADMINISTRATOR
6 ON THE SCHOOL ENTITY'S BEHALF, ACCESS TO THE SCHOOL BUS FOR
7 THE PURPOSE OF REPAIRING AND MAINTAINING A SIDE STOP SIGNAL
8 ARM ENFORCEMENT SYSTEM WHEN THE SCHOOL BUS IS NOT IN SERVICE
9 AT A TIME MUTUALLY AGREEABLE TO THE CONTRACTOR AND [VENDOR]
10 SCHOOL ENTITY, OR A SYSTEM ADMINISTRATOR ON THE SCHOOL
11 ENTITY'S BEHALF.

12 (3) INDEPENDENT SCHOOL BUS CONTRACTORS SHALL NOT BE HELD
13 RESPONSIBLE FOR COSTS ASSOCIATED WITH THE SIDE STOP SIGNAL
14 ARM ENFORCEMENT SYSTEM, INCLUDING, BUT NOT LIMITED TO,
15 INSTALLATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF
16 THE SYSTEM.

17 (M) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
18 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
19 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

20 "LOCAL BOARD OF SCHOOL DIRECTORS." A BOARD OF DIRECTORS OR
21 OTHER GOVERNING AUTHORITY OF A SCHOOL ENTITY.

22 ["MANUFACTURER" OR "VENDOR." A COMPANY THAT CREATES, OWNS OR
23 HAS A LICENSE OR PERMISSION TO SELL, LEASE OR DISTRIBUTE A SIDE
24 STOP SIGNAL ARM ENFORCEMENT SYSTEM.]

25 "PRIMARY POLICE DEPARTMENT." ANY OF THE FOLLOWING:

26 (1) THE POLICE DEPARTMENT OF THE MUNICIPALITY IN WHICH A
27 SCHOOL ENTITY IS LOCATED IF THE MUNICIPALITY HAS A POLICE
28 DEPARTMENT WITH AUTHORITY TO ISSUE CITATIONS FOR VIOLATIONS
29 OF THIS TITLE.

30 (2) THE PENNSYLVANIA STATE POLICE IF THE MUNICIPALITY IN

1 WHICH A SCHOOL ENTITY IS LOCATED DOES NOT HAVE A POLICE
2 DEPARTMENT WITH AUTHORITY TO ISSUE CITATIONS FOR VIOLATIONS
3 OF THIS TITLE, AT THE SOLE DISCRETION OF THE PENNSYLVANIA
4 STATE POLICE.

5 (3) A POLICE DEPARTMENT OF THE SCHOOL ENTITY.

6 "PUPIL TRANSPORTATION." THE TRANSPORT OF RESIDENT PUPILS OF
7 A SCHOOL DISTRICT TO AND FROM PREPRIMARY, PRIMARY OR SECONDARY
8 SCHOOLS AND STUDENTS TO OR FROM PUBLIC, PRIVATE OR PAROCHIAL
9 SCHOOLS. THE TERM DOES NOT INCLUDE TRANSPORTATION FOR FIELD
10 TRIPS.

11 "SCHOOL ENTITY." A SCHOOL DISTRICT, AREA CAREER AND
12 TECHNICAL SCHOOL, INTERMEDIATE UNIT, CHARTER SCHOOL, REGIONAL
13 CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

14 "SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM" OR "SYSTEM." A
15 CAMERA SYSTEM INSTALLED ON A SCHOOL BUS WITH [TWO OR MORE CAMERA
16 SENSORS AND COMPUTERS] AT LEAST ONE CAMERA AND ONE COMPUTER THAT
17 PRODUCE RECORDED VIDEO AND TWO OR MORE [FILM OR DIGITAL]
18 PHOTOGRAPHIC STILL IMAGES OF A MOTOR VEHICLE BEING USED OR
19 OPERATED IN A MANNER THAT VIOLATES THIS SECTION [3345].

20 "SIDE STOP SIGNAL ARMS." AS DESCRIBED IN SECTION 4552(B.1)
21 (RELATING TO GENERAL REQUIREMENTS FOR SCHOOL BUSES).

22 "SYSTEM ADMINISTRATOR." A PERSON THAT CREATES, OWNS OR HAS A
23 LICENSE OR PERMISSION TO SELL, LEASE, DISTRIBUTE OR ADMINISTER A
24 SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM THAT, CONSISTENT WITH
25 THE REQUIREMENTS OF THIS SECTION, IS UNDER AGREEMENT WITH A
26 SCHOOL ENTITY TO PERFORM, BUT NOT BE LIMITED TO, THE FOLLOWING:

27 (1) PROVIDE FOR THE INSTALLATION, OPERATION AND
28 MAINTENANCE OF A SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM ON
29 ONE OR MORE SCHOOL BUSES WITHIN A SCHOOL ENTITY'S FLEET,
30 REGARDLESS OF WHETHER A SCHOOL BUS IS OWNED, CONTRACTED OR

1 LEASED BY THE SCHOOL ENTITY.

2 (2) ADMINISTER THE ENFORCEMENT OF A VIOLATION OF THIS
3 SECTION THROUGH A SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM ON
4 A SCHOOL ENTITY'S BEHALF AS PERMITTED BY THIS SECTION,
5 INCLUDING MAINTAINING AND TRANSMITTING RECORDS, MAILING
6 VIOLATION NOTICES, PROCESSING VIOLATIONS, COLLECTING FINES
7 AND ADMINISTERING CONTESTS OF VIOLATIONS, UNLESS A SCHOOL
8 ENTITY DESIGNATES ANOTHER PERSON TO CONTEST THE VIOLATIONS.

9 SECTION 2. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

10 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
11 IMMEDIATELY:

12 (I) THE AMENDMENT OF 75 PA.C.S. § 3345.1(J)(3).

13 (II) THIS SECTION.

14 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
15 DAYS.