

## AMENDMENTS TO HOUSE BILL NO. 1284

Sponsor: SENATOR LANGERHOLC

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1 Amend Bill, page 1, lines 9 through 13, by striking out all  
2 of said lines and inserting

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

12 Amend Bill, page 36, lines 29 and 30; page 37, lines 1  
13 through 11; by striking out all of said lines on said pages and  
14 inserting

15 Section 1. Section 3345.1(e)(4), (f)(3), (i.2)(1), (2)(v)  
16 and (3)(i), (ii) and (iii), (i.3)(3) and (i.4)(4) of Title 75 of  
17 the Pennsylvania Consolidated Statutes, amended October 23, 2023  
18 (P.L.134, No.19), are amended to read:

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

21 \* \* \*

22 (e) Limitations.--

23 \* \* \*

24 (4) Notwithstanding any other provision of law,  
25 [registered] motor vehicle owner information obtained as a  
26 result of the operation of a side stop signal arm enforcement  
27 system shall not be the property of the school entity, system  
28 administrator on the school entity's behalf or contracted  
29 company that provides pupil transportation and may not be  
30 used for any purpose other than prescribed in this section.

31 \* \* \*

32 (f) Defenses.--

33 (3) It shall be a defense to a violation under this  
34 section that the owner of the motor vehicle named in the  
35 notice of the violation was not [operating] driving the motor

1 vehicle at the time of the violation. The owner may be  
2 required to submit evidence that the owner was not the driver  
3 at the time of the alleged violation. The owner [of the motor  
4 vehicle] may not be required to disclose the identity of the  
5 [operator] driver of the motor vehicle at the time of the  
6 violation.

7 \* \* \*

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

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

17 (2) The notice of violation shall include all of the  
18 following:

19 \* \* \*

20 (v) Notice that the owner of the motor vehicle is  
21 charged with a violation of this section.

22 \* \* \*

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

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

33 (ii) In the case of motor vehicles [registered in]  
34 from jurisdictions other than this Commonwealth, the  
35 notice of violation must be mailed within 30 days after  
36 the discovery of the identity of the [registered] owner  
37 and not thereafter to the address of the [registered]  
38 owner as listed in the records of the official in the  
39 jurisdiction having charge of the registration of the  
40 motor vehicle.

41 (iii) A notice of violation under this section shall  
42 be invalid unless provided to the [registered] owner  
43 within 90 days of the commission of the violation.

44 \* \* \*

45 (i.3) Payment of fine.--Payment of the fine shall be as  
46 follows:

47 \* \* \*

48 (3) If payment is not received within 90 days of the  
49 mailing date of the notice of violation, the school entity,  
50 or a system administrator on the school entity's behalf, may  
51 request an applicable credit collection agency to resolve the

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

4 \* \* \*

5 (4) If, within 45 days of issuance of the decision of  
6 the department's hearing officer, the owner of the motor  
7 vehicle requests in writing an appeal of the decision of the  
8 department's hearing officer, [the school entity, or the  
9 system administrator on the school entity's behalf,] the  
10 owner shall file the notice of violation and supporting  
11 documents with the office of the magisterial district judge  
12 for the magisterial district where the violation occurred. A  
13 magisterial district judge shall hear and decide the matter  
14 de novo and shall be restricted to finding an owner liable or  
15 not liable for violating this section and shall not assign  
16 damages to an owner or otherwise impose penalties on primary  
17 police departments, police officers, school entities, system  
18 administrators or other persons involved in the appeal  
19 process[.], except as otherwise provided under 42 Pa.C.S. §  
20 1726 (relating to establishment of taxable costs), which may  
21 only be assessed to the school entity or system administrator  
22 on the school entity's behalf.

23 \* \* \*

24 Section 2. Section 3369(b), (c.1), (d)(1), (2), (3), (4) and  
25 (5), (e), (f), (g), (h)(1), (3) and (4), (i), (j) and (k) of  
26 Title 75 are amended to read:

27 § 3369. Automated speed enforcement systems in active work  
28 zones.

29 \* \* \*

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

34 (1) At least two appropriate warning signs are  
35 conspicuously placed before the active work zone notifying  
36 the public that an automated speed enforcement [device]  
37 system is in use.

38 (2) [At least one of the signs indicates if the  
39 automated speed enforcement system is active or not active.]  
40 The first warning sign under paragraph (1) shall:

41 (i) Be the largest size available in conformance  
42 with Federal regulations, unless the department or the  
43 Pennsylvania Turnpike Commission determines that a  
44 smaller size is necessary to ensure the safety of the  
45 work zone.

46 (ii) Clearly and accurately indicate if the  
47 automated speed enforcement system is active and in use.

48 (iii) Be placed at least 1,000 feet before the  
49 active work zone, unless the department or the  
50 Pennsylvania Turnpike Commission determines that a lesser  
51 distance is necessary to ensure the safety of the work

1 zone, comply with Federal regulations or provide adequate  
2 traffic control in the work zone and is capable of  
3 providing the most advanced notification as practical.

4 (iv) Be followed immediately by the posted speed  
5 limit of the active work zone and prior to the placement  
6 of the automated speed enforcement system.

7 (3) An appropriate sign is conspicuously placed in the  
8 middle, if appropriate, and at the end of the active work  
9 zone.

10 (3.1) The posted speed limit of the active work zone is  
11 placed at an appropriate location within the active work zone  
12 to provide adequate notice to drivers.

13 (4) A notice identifying the location of the specific  
14 highway segment where the automated speed enforcement system  
15 is in use and posted at the active work zone and on the  
16 department's or Pennsylvania Turnpike Commission's publicly  
17 accessible Internet website. The notice on the websites shall  
18 remain throughout the period of use.

19 \* \* \*

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

27 (d) Notice of violation.--

28 (1) (i) An action to enforce this section shall be  
29 initiated by an administrative notice of violation to the  
30 [registered] owner of a motor vehicle identified by an  
31 automated speed enforcement system as violating this  
32 section. A notice of violation based upon inspection of  
33 recorded images produced by an automated speed  
34 enforcement system and sworn or affirmed by an authorized  
35 member of the Pennsylvania State Police shall be prima  
36 facie evidence of the facts contained in the notice. The  
37 Pennsylvania State Police shall receive certification  
38 from the department, the Pennsylvania Turnpike Commission  
39 or the system administrator when an automated speed  
40 enforcement system is active in accordance with  
41 subsection (b).

42 (ii) The notice of violation must include written  
43 verification that the automated speed enforcement system  
44 was operating correctly at the time of the alleged  
45 violation and the date of the most recent inspection that  
46 confirms the automated speed enforcement system to be  
47 operating properly.

48 (iii) An automated speed enforcement system operator  
49 shall complete training offered by the manufacturer or  
50 vendor of the automated speed enforcement system,  
51 including training on any devices critical to the

1 operation of the system, or the manufacturer's or  
2 vendor's representative in the procedures for setting up,  
3 testing and operating an automated speed enforcement  
4 system. Upon completion of the training, the manufacturer  
5 or vendor or manufacturer's or vendor's representative  
6 shall issue a signed certificate to the automated speed  
7 enforcement system [device] operator, which shall be  
8 admitted as evidence in any court proceeding for a  
9 violation involving an automated speed enforcement system  
10 [device]. An automated speed enforcement system [device]  
11 operator shall fill out and sign a daily log for an  
12 automated speed enforcement system, which:

13 (A) states the date, time and location of the  
14 [device] system setup;

15 (B) states that the automated speed enforcement  
16 system [device] operator successfully performed and  
17 the automated speed enforcement system [device]  
18 passed the self-tests specified by the manufacturer  
19 or vendor of the automated speed enforcement system  
20 [device];

21 (C) shall be kept on file; and

22 (D) shall be admitted in any proceeding for a  
23 violation involving an automated speed enforcement  
24 system [device].

25 (iv) An automated speed enforcement system [device]  
26 shall undergo an annual calibration check performed by a  
27 calibration laboratory. The calibration laboratory shall  
28 issue a signed certificate of calibration after the  
29 annual calibration check, which shall be kept on file and  
30 shall be admitted as evidence in any proceeding for a  
31 violation involving an automated speed enforcement system  
32 [device].

33 (v) The following shall be attached to the notice of  
34 violation:

35 (A) A copy of the recorded image showing the  
36 motor vehicle with its license plate visible.

37 (B) The registration number and state of  
38 issuance of the motor vehicle registration.

39 (C) Verification that the automated speed  
40 enforcement system was operating correctly at the  
41 time of the alleged violation and the date of the  
42 most recent inspection that confirms the automated  
43 speed enforcement system to be operating properly.

44 (D) The date, time and place of the alleged  
45 violation.

46 (E) Notice that the violation charged is under  
47 this section.

48 (F) Instructions for return of the notice of  
49 violation.

50 (2) In the case of a violation involving a motor vehicle  
51 [registered under] subject to the laws of this Commonwealth,

1 the notice of violation shall be mailed within 30 days after  
2 the commission of the violation or within 30 days after the  
3 discovery of the identity of the [registered] owner,  
4 whichever is later, to the address of the [registered] owner  
5 as listed in the records of the department.

6 (3) In the case of a violation involving a motor vehicle  
7 [registered in] from a jurisdiction other than this  
8 Commonwealth, the notice of violation shall be mailed within  
9 30 days after the discovery of the identity of the  
10 [registered] owner to the address of the [registered] owner  
11 as listed in the records of the official in the jurisdiction  
12 having charge of the registration of the vehicle.

13 (4) A notice of violation shall be invalid unless  
14 provided to [an] the owner within 90 days of the offense.

15 (5) The notice shall include the following text:

16 This notice shall be returned personally, by mail or by  
17 an agent duly authorized in writing, within 30 days of  
18 [issuance] the mailing date of the notice. A hearing may  
19 be obtained upon the written request of the [registered]  
20 owner.

21 \* \* \*

22 (e) Penalty.--

23 (1) If a person violates this section as a first  
24 offense, the person shall receive a written warning.

25 (2) The penalty for a violation under this section shall  
26 be a fine of \$75 for the second offense and \$150 for the  
27 third and subsequent offenses, and the fine shall not be  
28 subject to 42 Pa.C.S. § 3571 (relating to Commonwealth  
29 portion of fines, etc.) or 3573 (relating to municipal  
30 corporation portion of fines, etc.).

31 (2.1) A person does not commit a second or subsequent  
32 offense unless the second offense occurs at least 15 days  
33 after the mailing date of the written warning.

34 (3) The fine or warning is not authorized during times  
35 when the automated speed enforcement work area is not active  
36 and not in use.

37 (4) A penalty imposed under this section shall not:

38 (i) be deemed a criminal conviction;

39 (ii) be made part of the operating record of the  
40 individual upon whom the penalty is imposed under section  
41 1535 (relating to schedule of convictions and points);

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

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

46 (5) If a person who has a prior violation of this  
47 section before the effective date of this paragraph commits  
48 another violation of this section after the effective date of  
49 this paragraph, the violation after the effective date of  
50 this paragraph shall be deemed a first offense and any  
51 violation occurring after that violation shall constitute an

1 additional offense.

2 (f) Limitations.--

3 (1) Recorded images collected as part of the automated  
4 speed enforcement system may record only violations of this  
5 section and may not be used for any other surveillance  
6 purposes. The restrictions provided in this paragraph shall  
7 not preclude a court of competent jurisdiction from issuing  
8 an order directing that the information be provided to law  
9 enforcement officials, if the information is requested solely  
10 in connection with a criminal law enforcement action and is  
11 reasonably described.

12 (2) Notwithstanding any other provision of law,  
13 information gathered and maintained under this section that  
14 is kept by the Commonwealth, its authorized agents or its  
15 employees, including recorded images, written records, motor  
16 vehicle information, reports or facsimiles, names and  
17 addresses, shall be for the exclusive purpose of discharging  
18 its duties under this section. The information shall not be  
19 deemed a public record under the act of February 14, 2008  
20 (P.L.6, No.3), known as the Right-to-Know Law. The  
21 information shall not be discoverable by court order or  
22 otherwise or be admissible as evidence in a proceeding except  
23 to determine liability under this section. The restrictions  
24 provided in this paragraph shall not preclude a court of  
25 competent jurisdiction from issuing an order directing that  
26 the information be provided to law enforcement officials, if  
27 the information is requested solely in connection with a  
28 criminal law enforcement action and is reasonably described.

29 (3) Recorded images obtained through the use of  
30 automated speed enforcement systems deployed as a means of  
31 promoting traffic safety in automated speed enforcement work  
32 areas shall be destroyed within one year of final disposition  
33 of a notice of violation, except that images subject to a  
34 court order under paragraph (1) or (2) shall be destroyed  
35 within two years after the date of the order, unless further  
36 extended by court order. The department, the Pennsylvania  
37 Turnpike Commission or the system administrator shall retain  
38 evidence that the records have been destroyed in accordance  
39 with this section.

40 (4) Notwithstanding any other provision of law,  
41 [registered] motor vehicle owner information obtained as a  
42 result of the operation of an automated speed enforcement  
43 system under this section shall be the exclusive property of  
44 the Commonwealth and not the property of the manufacturer or  
45 vendor of the automated speed enforcement system and may not  
46 be used for a purpose other than prescribed in this section.

47 (5) [A] An intentional violation of this subsection  
48 shall constitute a misdemeanor of the third degree punishable  
49 by a \$500 fine. Each violation shall constitute a separate  
50 and distinct offense.

51 (g) Defenses.--

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

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

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

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

22 (h) Authority and duties of department and Pennsylvania  
23 Turnpike Commission.--

24 (1) The department and Pennsylvania Turnpike Commission  
25 shall establish [a five-year] an automated speed enforcement  
26 system program [not later than 18 months following the  
27 effective date of this section].

28 \* \* \*

29 (3) (i) The department and Pennsylvania Turnpike  
30 Commission shall serve directly or through a contracted  
31 private service with a manufacturer or vendor as the  
32 system administrator of the program. Compensation under a  
33 contract authorized by this paragraph shall be based only  
34 upon the value of equipment and services provided or  
35 rendered in support of the automated speed enforcement  
36 system program and may not be based on the quantity of  
37 notices of violation issued or amount of fines imposed or  
38 generated.

39 (ii) The system administrator shall prepare and  
40 issue notices of violation.

41 (iii) Two restricted accounts are established in the  
42 State Treasury for fines remitted under this section to  
43 the department and Pennsylvania Turnpike Commission,  
44 respectively. The system administrator of the department  
45 or Pennsylvania Turnpike Commission, if any, shall send  
46 an invoice to the department or Pennsylvania Turnpike  
47 Commission based, respectively, on the services under  
48 subparagraph (i) and the Pennsylvania State Police under  
49 subsection (d)(1)(i). The department, Pennsylvania  
50 Turnpike Commission and the Pennsylvania State Police  
51 shall use the appropriate restricted account to pay for



1 the administration of the [pilot] program and the system  
2 administrator's invoice costs, if applicable. Remaining  
3 fines shall be allocated by the department or  
4 Pennsylvania Turnpike Commission [for the first three  
5 years as follows:

6 (A) Forty-five percent of the fines from  
7 violations occurring in an automated speed  
8 enforcement work area shall be deposited into a  
9 restricted account in the State Treasury on a  
10 quarterly basis. The Department of Revenue shall,  
11 within 90 days of the date of deposit, transfer to  
12 the Pennsylvania State Police an amount equivalent to  
13 the previous quarterly deposit to be used by the  
14 Pennsylvania State Police as follows:

15 (I) Fifty-five percent of the funds shall be  
16 dedicated and used for the purpose of recruiting,  
17 training or equipping Pennsylvania State Police  
18 Cadets.

19 (II) Forty-five percent of the funds shall  
20 be dedicated and used to pay for an increased  
21 Pennsylvania State Trooper presence in work zones  
22 on the State road system managed by the  
23 department or the Pennsylvania Turnpike  
24 Commission. Funds under this subclause shall be  
25 in addition to any contractual agreement between  
26 the department or the Pennsylvania Turnpike  
27 Commission and the Pennsylvania State Police for  
28 enforcement in work zones on the State road  
29 system managed by the department or the  
30 Pennsylvania Turnpike Commission.

31 (B) Fifteen percent of the fines from violations  
32 occurring in an automated speed enforcement work area  
33 shall be transferred to the department or the  
34 Pennsylvania Turnpike Commission, whichever State  
35 road system utilized the automated speed enforcement  
36 system, for the purpose of work zone safety, traffic  
37 safety and educating the motoring public on work zone  
38 safety, at the discretion of the department or  
39 Pennsylvania Turnpike Commission.

40 (C) Forty percent of the fines from violations  
41 occurring in an automated speed enforcement work area  
42 shall be deposited in the Motor License Fund and  
43 shall be appropriated by the General Assembly.

44 (iv) Remaining fines shall be allocated by the  
45 department or Pennsylvania Turnpike Commission for the  
46 last two years to develop a Work Zone and Highway Safety  
47 Program. At a minimum, funds from the Work Zone and  
48 Highway Safety Program shall be used for improvement  
49 projects and countermeasures to improve the safety in  
50 work zones and on highways. Funds may also be used to  
51 increase awareness of distracted driving and

1 transportation enhancements established under section  
2 3116 (relating to automated red light enforcement systems  
3 in first class cities).

4 (v) If the amount of funds under subparagraph (iii)  
5 (A) is lower than the amount of funds under subparagraph  
6 (iii)(A) for the previous fiscal year, funds from the  
7 Motor License Fund may not be used to supplement the  
8 funds for the current fiscal year. Funding provided for  
9 under subparagraph (iii)(A) shall be supplemental and  
10 shall not prohibit the Pennsylvania State Police from  
11 obtaining additional funding from any other means.

12 (vi) If the five-year program is not extended by the  
13 General Assembly, any remaining fines remitted to the  
14 department or Pennsylvania Turnpike Commission shall be  
15 used as provided under subparagraph (iv).

16 (vii) The system administrator shall provide an  
17 appropriate printed form by which owners may challenge a  
18 notice of violation and convenient hearing hours and  
19 times in each of the following metropolitan areas for  
20 challenges to be heard as provided in this section: Erie,  
21 Harrisburg, Philadelphia, Pittsburgh and Scranton. The  
22 form may be included with or as part of the notice of  
23 violation.] to develop a Work Zone and Highway Safety  
24 Program. At a minimum, funds from the Work Zone and  
25 Highway Safety Program shall be used for improvement  
26 projects, enforcements and countermeasures to improve the  
27 safety in work zones and on highways. Funds may also be  
28 used to increase awareness of distracted driving and  
29 transportation enhancements established under section  
30 3116 (relating to automated red light enforcement systems  
31 in first class cities).

32 (viii) The system administrator shall provide an  
33 appropriate form by which owners of the motor vehicles  
34 may challenge a notice of violation. A hearing to contest  
35 liability may be in person or be conducted through live-  
36 stream synchronous video conferencing or similar virtual  
37 presence technology and shall be only at reasonable times  
38 set by the system administrator. Challenges to be heard  
39 in person shall be conducted in, at least, Erie,  
40 Harrisburg, Philadelphia, Pittsburgh and Scranton. The  
41 form may be included with or as part of the notice of  
42 violation.

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

51 (i) The number of vehicular accidents and related

1 serious bodily injuries and deaths in all work zones and  
2 in automated speed enforcement work areas where the  
3 program operated.

4 (ii) Speed data.

5 (iii) The number of notices of violation issued and  
6 contested.

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

8 (v) Amounts paid under contracts authorized by this  
9 section.

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

13 (vii) Use of funds under paragraph [(3)(iv)] (3)  
14 (iii).

15 (i) Payment of fine.--

16 (1) An owner of a motor vehicle may admit responsibility  
17 for the violation and pay the fine provided in the notice  
18 personally, through an authorized agent, electronically or by  
19 mailing both payment and the notice of violation to the  
20 system administrator.

21 (2) Payment by mail must be made only by money order,  
22 credit card or check made payable to the Commonwealth, the  
23 Pennsylvania Turnpike Commission or the system administrator,  
24 as applicable.

25 (3) Payment of the fine shall operate as a final  
26 disposition of the case.

27 (4) [If payment is not received within 90 days of  
28 original notice, the department or Pennsylvania Turnpike  
29 Commission may turn the matter over to applicable credit  
30 collection agencies.] If payment is not received within 90  
31 days of the mailing of the notice of violation, the  
32 department or Pennsylvania Turnpike Commission may request an  
33 applicable credit collection agency to resolve the payment  
34 amount owed.

35 (j) Contest.--

36 (1) An owner of a motor vehicle may, within 30 days of  
37 the mailing date of the notice, request a hearing to contest  
38 liability by appearing before the system administrator either  
39 personally or by an authorized agent or by [mailing a request  
40 in writing on the prescribed form. Appearances in person  
41 shall be only at the locations and times set by the system  
42 administrator.] sending a request on the prescribed form. A  
43 hearing to contest liability may be in person or be conducted  
44 through live-stream synchronous video conferencing or similar  
45 virtual presence technology as described under subsection (h)  
46 (3)(viii).

47 (2) Upon receipt of a hearing request, the system  
48 administrator shall in a timely manner schedule the matter  
49 before a hearing officer designated by the department or  
50 Pennsylvania Turnpike Commission. Written notice of the date,  
51 time and place of hearing must be presented or sent by first

1 class mail to the owner of the motor vehicle.

2 (3) The hearing shall be informal and the rules of  
3 evidence shall not apply. The decision of the hearing officer  
4 shall be made within 45 days from the hearing date and shall  
5 be final, subject to the right of the owner of the motor  
6 vehicle to appeal the decision under paragraph (4).

7 (4) If, within 45 days of issuance of the decision of  
8 the hearing officer, the owner of the motor vehicle requests  
9 in writing [that the decision of the hearing officer be  
10 appealed, the system administrator] an appeal of the decision  
11 of the hearing officer, the owner of the motor vehicle shall  
12 file the notice of violation and supporting documents with  
13 the office of the magisterial district judge for the  
14 magisterial district where the violation occurred, and [the]  
15 a magisterial district judge shall hear and decide the matter  
16 de novo and shall be restricted to finding an owner liable or  
17 not liable for violating this section.

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

20 Section 2.1. Section 3370 heading, (a), (b), (d) (2) and (4),  
21 (f), (g), (i), (j) (1) and (3), (k), (m) (1), (n) (1) and (2), (o)  
22 and (q) of Title 75 are amended and subsection (d) is amended by  
23 adding a paragraph to read:

24 § 3370. [Pilot program for automated speed enforcement system  
25 on designated highway] Automated speed enforcement  
26 system on designated highways.

27 (a) General rule.--[A pilot program is established to  
28 provide for an automated speed enforcement system on the  
29 designated highway.] A program is established to provide for an  
30 automated speed enforcement system on U.S. Route 1 (Roosevelt  
31 Boulevard) between Ninth Street and the Philadelphia County line  
32 shared with Bucks County in a city of the first class. The  
33 following shall apply:

34 (1) A city of the first class, upon passage of an  
35 ordinance, is authorized to enforce section 3362 (relating to  
36 maximum speed limits) on Roosevelt Boulevard by recording  
37 violations using an automated speed enforcement system  
38 approved by the department.

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

45 (3) A city of the first class may expand the automated  
46 speed enforcement system beyond Roosevelt Boulevard to no  
47 more than five corridors if the following conditions are met:

48 (i) The city of the first class, in consultation  
49 with the department, proposes a new State or local  
50 highway corridor within the borders of the city of the  
51 first class according to speed data and speed-related

1 accidents involving vehicles or pedestrians. Each  
2 proposed corridor must include a beginning segment and an  
3 end segment on the same State or local route within the  
4 borders of the city of the first class.

5 (ii) The city of the first class conducts an  
6 engineering and traffic investigation under section  
7 6109(e) (relating to specific powers of department and  
8 local authorities) on the posted speed limit within a  
9 proposed State or local highway corridor for an automated  
10 speed enforcement system.

11 (iii) The city of the first class provides at least  
12 one opportunity for public comment regarding the proposed  
13 State or local highway corridor.

14 (4) When the conditions under paragraph (3) have been  
15 met, a city of the first class, upon passage of an ordinance  
16 for each new corridor, is authorized to enforce section 3362  
17 (relating to maximum speed limits) by recording violations  
18 using an automated speed enforcement system approved by the  
19 department.

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

27 \* \* \*

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

29 \* \* \*

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

32 (i) At least two appropriate warning signs are  
33 conspicuously placed at the beginning and end and at two-  
34 mile intervals of the designated highway notifying the  
35 public that an automated speed enforcement [device]  
36 system is in use.

37 (ii) A notice identifying the location of the  
38 automated speed enforcement system is posted on the  
39 [department's] city of the first class's or system  
40 administrator's publicly accessible Internet website  
41 throughout the period of use.

42 \* \* \*

43 (4) The system administrator may provide a written  
44 warning to the [registered] owner of a motor vehicle  
45 determined to have violated this section during the first 30  
46 days of operation of the automated speed enforcement system.

47 \* \* \*

48 (7) If a person who has a prior violation of this  
49 section before the effective date of this paragraph commits  
50 another violation of this section after the effective date of  
51 this paragraph, the violation after the effective date of

1 this paragraph shall be deemed a first offense and any  
2 violation occurring after that violation shall constitute an  
3 additional offense.

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

5 (1) No automated speed enforcement system shall be  
6 utilized in such a manner as to take a frontal view recorded  
7 image of the motor vehicle as evidence of having committed a  
8 violation.

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

24 (3) Notwithstanding any other provision of law,  
25 information prepared under this section and information  
26 relating to violations under this section which is kept by  
27 the city of the first class or system administrator, its  
28 authorized agents or its employees, including recorded  
29 images, written records, reports or facsimiles, names,  
30 addresses, motor vehicle information and the number of  
31 violations under this section, shall be for the exclusive use  
32 of the city, its authorized agents, its employees and law  
33 enforcement officials for the purpose of discharging their  
34 duties under this section and under any ordinances and  
35 resolutions of the city. The information shall not be deemed  
36 a public record under the act of February 14, 2008 (P.L.6,  
37 No.3), known as the Right-to-Know Law. The information shall  
38 not be discoverable by court order or otherwise, nor shall it  
39 be offered in evidence in any action or proceeding which is  
40 not directly related to a violation of this section or any  
41 ordinance or resolution of the city. The restrictions set  
42 forth in this paragraph shall not be deemed to preclude a  
43 court of competent jurisdiction from issuing an order  
44 directing that the information be provided to law enforcement  
45 officials if the information is reasonably described and is  
46 requested solely in connection with a criminal law  
47 enforcement action.

48 (4) Recorded images obtained through the use of  
49 automated speed enforcement systems deployed as a means of  
50 promoting traffic safety in a city of the first class shall  
51 be destroyed within one year of final disposition of any

1 recorded event except that images subject to a court order  
2 under paragraph (2) or (3) shall be destroyed within two  
3 years after the date of the order, unless further extended by  
4 court order. The city shall file notice with the [Department  
5 of State] department that the records have been destroyed in  
6 accordance with this section.

7 (5) Notwithstanding any other provision of law,  
8 [registered] motor vehicle owner information obtained as a  
9 result of the operation of an automated speed enforcement  
10 system under this section shall not be the property of the  
11 manufacturer or vendor of the automated speed enforcement  
12 system and may not be used for any purpose other than as  
13 prescribed in this section.

14 (6) [A] An intentional violation of this subsection  
15 shall constitute a misdemeanor of the third degree punishable  
16 by a \$500 fine. Each violation shall constitute a separate  
17 and distinct offense.

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

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

28 (2) If an owner of a motor vehicle receives a notice of  
29 violation pursuant to this section of a time period during  
30 which the motor vehicle was reported to a police department  
31 [of any state or municipality] as having been stolen, it  
32 shall be a defense to a violation under this section that the  
33 motor vehicle has been reported to a police department as  
34 stolen prior to the time the violation occurred and had not  
35 been recovered prior to that time.

36 (3) It shall be a defense to a violation under this  
37 section that the person receiving the notice of violation was  
38 not the owner of the motor vehicle at the time of the  
39 offense.

40 (4) It shall be a defense to a violation under this  
41 section that the [device] automated speed enforcement system  
42 being used to determine speed was not in compliance with  
43 section 3368 (relating to speed timing devices) with respect  
44 to testing for accuracy, certification or calibration.

45 \* \* \*

46 (i) Duty of city.--[If a city of the first class elects to  
47 implement this section, the] The following provisions shall  
48 apply:

49 (1) [The city] A city of the first class may not use an  
50 automated speed enforcement system unless there is posted an  
51 appropriate sign in a conspicuous place before the area in

1 which the automated speed enforcement [device] system is to  
2 be used notifying the public that an automated speed  
3 enforcement [device] system is in use immediately ahead.

4 (2) [The city] A city of the first class shall designate  
5 or appoint the Philadelphia Parking Authority as the system  
6 administrator to supervise and coordinate the administration  
7 of notices of violation issued under this section.

8 Compensation under a contract authorized by this paragraph  
9 shall be based only upon the value of equipment and services  
10 provided or rendered in support of the automated speed  
11 enforcement system program and may not be based on the  
12 quantity of notices of violation issued or amount of fines  
13 imposed or generated.

14 (3) The system administrator shall prepare a notice of  
15 violation to the [registered] owner of a motor vehicle  
16 identified in a recorded image produced by an automated speed  
17 enforcement system as evidence of a violation of section  
18 3362. The notice of violation must be issued by a police  
19 officer employed by the police department with primary  
20 jurisdiction over the area where the violation occurred. The  
21 notice of violation shall have the following attached to it:

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) notice that the violation charged is under  
29 section 3362; and

30 (v) instructions for return of the notice of  
31 violation, which shall read:

32 This notice shall be returned personally, by mail or  
33 by an agent duly authorized in writing, within 30  
34 days of issuance. A hearing may be obtained upon the  
35 written request of the [registered] owner of the  
36 motor vehicle.

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

38 (1) The system administrator may hire and designate  
39 personnel as necessary or contract for services through a  
40 manufacturer or vendor to implement this section.

41 \* \* \*

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

50 (i) The number of violations and fines issued and  
51 data regarding the speeds of motor vehicles in the



enforcement area.

(ii) A compilation of penalties paid and outstanding and violations contested.

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

(iv) The number of vehicular and pedestrian accidents and related serious bodily injuries and deaths along the designated highway.

(k) Notice to owner.--In the case of a violation involving a motor vehicle [registered under] subject to the laws of this Commonwealth, the notice of violation must be mailed within 30 days after the commission of the violation or within 30 days after the discovery of the identity of the [registered] owner of the motor vehicle, whichever is later, and not thereafter to the address of the [registered] owner as listed in the records of the department. In the case of motor vehicles [registered in] from jurisdictions other than this Commonwealth, the notice of violation must be mailed within 30 days after the discovery of the identity of the [registered] owner to the address of the [registered] owner as listed in the records of the official in the jurisdiction having charge of the registration of the motor vehicle. A notice of violation under this section must be provided to [an] the owner of the motor vehicle within 90 days of the commission of the offense.

\* \* \*

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

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

\* \* \*

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

(1) An owner of a motor vehicle to whom a notice of violation has been issued may, within 30 days of the mailing date of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the system administrator during regular office hours either personally or by an authorized agent or by [mailing a request in writing] sending a request on the prescribed form.

(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[.] of the motor vehicle. A hearing to contest liability may be in person or be conducted through live-stream synchronous video conferencing or similar virtual presence technology and shall be only at the locations and times set by the system administrator.

\* \* \*

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

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

11 \* \* \*

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

14 Section 3. Title 75 is amended by adding sections to read:  
15 § 3370.1. Automated speed enforcement study.

16 The Local Government Commission shall conduct a study of  
17 expanding automated speed enforcement on highways and streets  
18 owned by municipalities. No later than two years after the  
19 effective date of this section, the Local Government Commission  
20 shall submit a report to the General Assembly and shall provide  
21 findings and recommendations on the expansion of automated speed  
22 enforcement on highways and streets owned by municipalities.

23 § 3371. Pilot program for automated speed enforcement systems  
24 in designated school zones.

25 (a) General rule.--A pilot program is established to provide  
26 for an automated speed enforcement system in designated school  
27 zones in a city of the first class. The following shall apply:

28 (1) This section shall only be applicable in a city of  
29 the first class in no more than five school zones agreed upon  
30 by the system administrator, on the city's behalf, and the  
31 secretary.

32 (2) A city of the first class shall conduct an  
33 engineering and traffic investigation under section 6109(e)  
34 (relating to specific powers of department and local  
35 authorities) on the posted speed limit within the proposed  
36 school zone for an automated speed enforcement system.

37 (3) A city of the first class shall provide at least one  
38 opportunity for public comment regarding the proposed school  
39 zone.

40 (4) When the requirements under paragraphs (2) and (3)  
41 are met, a city of the first class, upon passage of an  
42 ordinance for the school zones, is authorized to enforce  
43 section 3365(b) (relating to special speed limitations) by  
44 recording violations using an automated speed enforcement  
45 system approved by the department.

46 (b) Owner liability.--For each violation under this section,  
47 the owner of the motor vehicle shall be liable for the penalty  
48 imposed under subsection (d) unless the owner is convicted of  
49 the same violation under another section of this title or has a  
50 defense under subsection (g). For the purposes of this section,  
51 the lessee of a leased vehicle shall be considered the owner of

1 a motor vehicle.

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

13 (d) Penalty.--

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

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

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

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

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

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

34 (4) The system administrator may provide a written  
35 warning to the registered owner of a motor vehicle determined  
36 to have violated this section during the first 30 days of  
37 operation of the automated speed enforcement system.

38 (5) A penalty imposed under this section shall not be  
39 deemed a criminal conviction and shall not be made part of  
40 the operating record under section 1535 (relating to schedule  
41 of convictions and points) of the individual upon whom the  
42 penalty is imposed, nor may the imposition of the penalty be  
43 subject to merit rating for insurance purposes.

44 (6) Surcharge points may not be imposed in the provision  
45 of motor vehicle insurance coverage. Penalties collected  
46 under this section shall not be subject to 42 Pa.C.S. § 3571  
47 (relating to Commonwealth portion of fines, etc.) or 3573  
48 (relating to municipal corporation portion of fines, etc.).

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

1 (f) Limitations.--

2 (1) An automated speed enforcement system may not be  
3 utilized in such a manner as to take a frontal view recorded  
4 image of the motor vehicle as evidence of having committed a  
5 violation.

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

21 (3) Notwithstanding any other provision of law,  
22 information prepared under this section and information  
23 related to violations under this section which is kept by the  
24 city of the first class, its authorized agents or its  
25 employees, including recorded images, written records,  
26 reports or facsimiles, names, addresses, motor vehicle  
27 information and the number of violations under this section,  
28 shall be for the exclusive use of the city, its authorized  
29 agents, its employees and law enforcement officials for the  
30 purpose of discharging their duties under this section and  
31 under any ordinances and resolutions of the city. The  
32 information shall not be deemed a public record under the act  
33 of February 14, 2008 (P.L.6, No.3), known as the Right-to-  
34 Know Law. The information shall not be discoverable by court  
35 order or otherwise, nor shall it be offered in evidence in  
36 any action or proceeding which is not directly related to a  
37 violation of this section or any ordinance or resolution of  
38 the city. The restrictions set forth in this paragraph shall  
39 not be deemed to preclude a court of competent jurisdiction  
40 from issuing an order directing that the information be  
41 provided to law enforcement officials if the information is  
42 reasonably described and is requested solely in connection  
43 with a criminal law enforcement action.

44 (4) Recorded images obtained through the use of  
45 automated speed enforcement systems deployed as a means of  
46 promoting traffic safety in a city of the first class shall  
47 be destroyed within one year of final disposition of any  
48 recorded event, except that images subject to a court order  
49 under paragraph (2) or (3) shall be destroyed within two  
50 years after the date of the order, unless further extended by  
51 court order. A city of the first class shall file notice with

1 the department that the records have been destroyed in  
2 accordance with this section.

3 (5) Notwithstanding any other provision of law,  
4 registered motor vehicle owner information obtained as a  
5 result of the operation of an automated speed enforcement  
6 system under this section shall not be the property of the  
7 manufacturer or vendor of the automated speed enforcement  
8 system and may not be used for any purpose other than as  
9 prescribed in this section.

10 (6) A violation of this subsection shall constitute a  
11 misdemeanor of the third degree punishable by a \$500 fine.  
12 Each violation shall constitute a separate and distinct  
13 offense.

14 (g) Defenses.--

15 (1) It shall be a defense to a violation under this  
16 section that the person named in the notice of the violation  
17 was not driving the motor vehicle at the time of the  
18 violation. The owner may be required to submit evidence that  
19 the owner was not the driver at the time of the alleged  
20 violation. The city of the first class may not require the  
21 owner of the motor vehicle to disclose the identity of the  
22 driver of the motor vehicle at the time of the violation.

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

30 (3) It shall be a defense to a violation under this  
31 section that the person receiving the notice of violation was  
32 not the owner of the motor vehicle at the time of the  
33 offense.

34 (4) It shall be a defense to a violation under this  
35 section that the automated speed enforcement system being  
36 used to determine speed was not in compliance with section  
37 3368 (relating to speed timing devices) with respect to  
38 testing for accuracy, certification or calibration.

39 (h) Department approval.--

40 (1) No automated speed enforcement system may be used  
41 without the approval of the department, which shall have the  
42 authority to promulgate regulations for the certification and  
43 use of the systems, which regulations may include the use of  
44 radio-microwave devices, commonly referred to as electronic  
45 speed meters or radar, or light detection and ranging  
46 devices, commonly referred to as LIDAR, in their operations.

47 (2) Notwithstanding any other provision of law, the  
48 devices identified in paragraph (1) shall be tested for  
49 accuracy at regular intervals as designated by regulation of  
50 the department.

51 (i) Duty of city.--If a city of the first class elects to

1 implement this section, the following provisions shall apply:

2 (1) The city of the first class may not use an automated  
3 speed enforcement system unless there is posted an  
4 appropriate sign in a conspicuous place before the school  
5 zone in which the automated speed enforcement system is to be  
6 used notifying the public that an automated speed enforcement  
7 system is in use immediately ahead.

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

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

27 (i) a copy of the recorded image showing the motor  
28 vehicle;

29 (ii) the registration number and state of issuance  
30 of the motor vehicle registration;

31 (iii) the date, time and place of the alleged  
32 violation;

33 (iv) notice that the violation charged is under  
34 section 3365(b); and

35 (v) instructions for return of the notice of  
36 violation, which shall read:

37 This notice shall be returned personally, by mail  
38 or by an agent duly authorized in writing, within  
39 30 days of issuance. A hearing may be obtained  
40 upon the request of the registered owner of the  
41 motor vehicle.

42 (j) System administrator.--

43 (1) The system administrator may hire and designate  
44 personnel as necessary or contract for services with a  
45 manufacturer or vendor to implement this section.

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

48 (3) Not later than September 1 annually, the system  
49 administrator shall submit an annual report to the  
50 chairperson and minority chairperson of the Transportation  
51 Committee of the Senate and the chairperson and minority

1 chairperson of the Transportation Committee of the House of  
2 Representatives. The report shall be considered a public  
3 record under the Right-to-Know Law and include for the prior  
4 year:

5 (i) The number of violations and fines issued and  
6 data regarding the speeds of motor vehicles in the  
7 enforcement area.

8 (ii) A compilation of penalties paid and outstanding  
9 and violations contested.

10 (iii) The amount of money paid to a system  
11 administrator, vendor or manufacturer under this section.

12 (iv) The number of vehicular and pedestrian  
13 accidents and related serious bodily injuries and deaths  
14 in the designated school zones.

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

31 (l) Mailing of notice and records.--Notice of violation must  
32 be sent by first class mail. A manual or automatic record of  
33 mailing prepared by the system administrator in the ordinary  
34 course of business shall be prima facie evidence of mailing and  
35 shall be admissible in any judicial or administrative proceeding  
36 as to the facts contained in it.

37 (m) Payment of fine.--

38 (1) An owner of the motor vehicle to whom a notice of  
39 violation has been issued may admit responsibility for the  
40 violation and pay the fine provided in the notice.

41 (2) Payment must be made personally, through an  
42 authorized agent, electronically or by mailing both payment  
43 and the notice of violation to the system administrator.  
44 Payment by mail must be made only by money order, credit card  
45 or check made payable to the system administrator. The system  
46 administrator shall remit the fine, less the system  
47 administrator's operation and maintenance costs necessitated  
48 by this section, to the department for deposit into a  
49 restricted receipts account in the Motor License Fund. Fines  
50 deposited into the fund under this paragraph shall be used by  
51 the department for a Transportation Enhancement Grants

1 Program as established by section 3116 (relating to automated  
2 red light enforcement systems in first class cities). The  
3 department shall award transportation enhancement grants on a  
4 competitive basis. The department may pay actual  
5 administrative costs arising from the department's  
6 administration of this section. The department may not  
7 reserve, designate or set aside a specific level of money or  
8 percentage of money to an applicant prior to the completion  
9 of the application process, nor may the department designate  
10 a set percentage of money to an applicant. Grants shall be  
11 awarded by the department based on the majority vote of a  
12 selection committee consisting of four representatives of the  
13 department appointed by the secretary and four members  
14 appointed by the mayor of the city of the first class, with  
15 the secretary or a designee of the secretary serving as  
16 chairperson. Priority shall be given to applications seeking  
17 grant money for transportation enhancements in the  
18 municipality where the automated speed camera system is  
19 operated.

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

22 (n) Hearing.--

23 (1) An owner of the motor vehicle to whom a notice of  
24 violation has been issued may, within 30 days of the mailing  
25 date of the notice, request a hearing to contest the  
26 liability alleged in the notice. A hearing request must be  
27 made by appearing before the system administrator during  
28 regular office hours either personally or by an authorized  
29 agent or by sending a request on the prescribed form.

30 (2) Upon receipt of a hearing request, the system  
31 administrator shall in a timely manner schedule the matter  
32 before a hearing officer. The hearing officer shall be  
33 designated by the city of the first class. Written notice of  
34 the date, time and place of hearing must be sent by first  
35 class mail to the owner of the motor vehicle. A hearing to  
36 contest liability may be in-person or be conducted through  
37 live-stream synchronous video conferencing or similar virtual  
38 presence technology and shall be only at the locations and  
39 times set by the system administrator.

40 (3) The hearing shall be conducted in accordance with 2  
41 Pa.C.S. Ch. 5 (relating to practice and procedure) and shall  
42 be subject to appeal under 2 Pa.C.S. Ch. 7 (relating to  
43 judicial review).

44 (o) Compensation to manufacturer or vendor.--If a city of  
45 the first class has established an automated speed enforcement  
46 system, the compensation paid to the manufacturer or vendor of  
47 the automated speed enforcement system may not be based upon the  
48 number of traffic citations issued or a portion or percentage of  
49 the fine generated by the citations. The compensation paid to  
50 the manufacturer or vendor of the equipment shall be based upon  
51 the value of the equipment and the services provided or rendered



1 in support of the automated speed enforcement system.

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

6 (q) Expiration.--This section shall expire December 31,  
7 2029.

8 Section 4. The Secretary of Transportation shall transmit  
9 notice to the Legislative Reference Bureau for publication in  
10 the next available issue of the Pennsylvania Bulletin that an  
11 automated speed enforcement system is operational in the  
12 designated school zones under 75 Pa.C.S. § 3371.

13 Section 5. This act shall take effect as follows:

14 (1) The following provisions shall take effect  
15 immediately:

16 (i) The amendment of 75 Pa.C.S. § 3345.1(e)(4), (f)  
17 (3), (i.2)(1), (2)(v) and (3)(i), (ii) and (iii), (i.3)  
18 (3) and (i.4)(4).

19 (ii) The amendment of 75 Pa.C.S. §§ 3369(k) and  
20 3370(q).

21 (iii) The addition of 75 Pa.C.S. § 3370.1.

22 (iv) Section 4 of this act.

23 (v) 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 4 of this act.

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