

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2225 Session of
2018

INTRODUCED BY SCHLOSSBERG, SCHWEYER, D. COSTA, DRISCOLL, HILL-
EVANS, KINSEY, J. McNEILL, NEILSON, PASHINSKI, ROEBUCK,
ROZZI, WATSON, YOUNGBLOOD AND CONKLIN, APRIL 6, 2018

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 6, 2018

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in enforcement, providing for automated enforcement
3 of failure to stop for school bus with flashing red lights
4 and establishing the School Bus Safety Grant Program Fund.

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

7 Section 1. Title 75 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 6314. Automated enforcement of failure to stop for school bus
10 with flashing red lights.

11 (a) General rule.--A school district may install and operate
12 an automated side stop signal arm enforcement system for the
13 purpose of enforcing the provisions of section 3345(a) (relating
14 to meeting or overtaking school bus).

15 (b) Applicability.--

16 (1) Except as provided in paragraph (2), this section
17 shall apply to a driver of a motor vehicle meeting or
18 overtaking a school bus stopped on a highway or trafficway

1 when the red signal lights on the school bus are flashing and
2 the side stop signal arms are activated as described in
3 section 3345(a) and (f.1).

4 (2) Nothing in this section shall supersede the
5 provisions of:

6 (i) Section 3105(h) (relating to drivers of
7 emergency vehicles).

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

9 (c) Owner liability.--For each violation under section
10 3345(a), the owner or owners of the motor vehicle shall be
11 liable as follows:

12 (1) The penalty for a violation under subsection (a)
13 shall be as provided in section 3345.

14 (2) A fine is not authorized for a violation of this
15 section if the exceptions provided under section 3345(g) are
16 met.

17 (3) Fines collected under this section shall be subject
18 to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of
19 finances, etc.) or 3573 (relating to municipal corporation
20 portion of fines, etc.).

21 (4) Violations resulting in a homicide by vehicle under
22 section 3732 (relating to homicide by vehicle) shall be
23 subject to the penalties provided under that section.

24 (d) Certificate as evidence.--A certificate, or a facsimile
25 of a certificate, based upon inspection of recorded images
26 produced by an automated side stop signal arm enforcement system
27 and sworn to or affirmed by a police officer shall be prima
28 facie evidence of the facts contained in it. The city of the
29 first class must include written documentation that the
30 automated side stop signal arm enforcement system was operating

1 correctly at the time of the alleged violation. A recorded image
2 evidencing a violation of section 3345(a) shall be admissible in
3 any judicial or administrative proceeding to adjudicate the
4 liability for the violation.

5 (e) Limitations.--

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

12 (ii) Recorded images collected as part of the
13 automated side stop signal arm enforcement system may
14 only record traffic violations and may not be used for
15 any other surveillance purposes.

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

22 (2) (i) To the extent practicable, an automated side
23 stop signal arm enforcement system shall use necessary
24 technologies to ensure that photographs or recorded video
25 images produced by the system shall not identify the
26 operator, the passengers or the contents of the vehicle.

27 (ii) No notice of liability issued under this
28 section may be dismissed solely because a photograph or
29 recorded video image allows for the identification of the
30 operator, passengers or contents of a vehicle as long as

1 a reasonable effort has been made to comply with this
2 paragraph.

3 (3) (i) Notwithstanding any other provision of law,
4 information prepared under this section and information
5 relating to violations under this section which is kept
6 by the department of the police officer having the
7 authority to exercise police power in the area where the
8 violation occurred, its authorized agents or employees,
9 including recorded images, written records, reports or
10 facsimiles, names, addresses and the number of violations
11 under this section, shall be for the exclusive use of the
12 department of the police officer having the authority to
13 exercise police power in the area where the violation
14 occurred, its authorized agents or employees and law
15 enforcement officials for the purpose of discharging
16 their duties under this section.

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

20 (iii) The information may be discoverable by court
21 order or otherwise and may be offered in evidence in any
22 action or proceeding which is directly related to a
23 violation of this section or any other violation in
24 connection with a criminal law enforcement action.

25 (4) Images obtained through the use of an automated side
26 stop signal arm enforcement system shall be destroyed within
27 one year of final disposition of the recorded event. The
28 vendor of an automated side stop signal arm enforcement
29 system shall notify the department by written notice in
30 accordance with this section that the records have been

1 destroyed.

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

8 (f) Defenses.--

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

16 (2) The person named in the notice of violation may have
17 the opportunity to identify the actual driver of the vehicle
18 at the time the violation occurred.

19 (3) (i) The owner shall provide to the court or vendor
20 for the governing body a sworn affidavit signed under penalty
21 of perjury containing the name and address of the person who
22 had care, custody or control of the motor vehicle, including
23 an employee of the owner or the person who was renting or
24 leasing the motor vehicle at the time of the alleged
25 violation.

26 (ii) The court or vendor for the governing body
27 shall mail or electronically transfer a notice of the
28 citation to the person identified as having the care,
29 custody or control of the motor vehicle at the time of
30 the violation. The proof required under this section

1 creates a rebuttable presumption that the person having
2 the care, custody or control of the motor vehicle at the
3 time of the violation was the operator of the motor
4 vehicle at the time of the violation.

5 (iii) The notice required under this paragraph shall
6 contain the following:

7 (A) The information described in subsection (j)
8 (1).

9 (B) A statement that the person receiving the
10 notice was identified by the owner of the motor
11 vehicle as the person having the care, custody or
12 control of the motor vehicle at the time of the
13 violation.

14 (C) A statement that a person may offer a
15 defense as described in this subsection or in
16 subsection (d). If the person identified by the owner
17 as having care, custody or control of the vehicle
18 disclaims having care, custody or control of the
19 vehicle at the time of the violation, the
20 responsibility shall revert to the owner of the
21 vehicle.

22 (iv) The owner may not attempt to transfer
23 responsibility more than one time using this procedure.

24 (v) If a person other than the owner denies the
25 person was the operator and declines responsibility, a
26 new notice shall be issued to the owner which shall
27 include the following:

28 (A) a statement that the other person declined
29 responsibility; and

30 (B) a provision allowing for the option of

1 paying the civil fine or contesting the violation by
2 a stated date that shall be not less than 20 days
3 from the mailing of the new notice.

4 (4) The person receiving the notice shall be responsible
5 for payment of the civil fine unless the person either:

6 (i) timely returns a signed statement on a form
7 provided with the notice of violation that the person was
8 not the operator and declining responsibility, in which
9 case responsibility for the violation shall revert to the
10 owner; or

11 (ii) admits to being the operator but denies
12 committing a violation, in which case the person may
13 contest the notice of violation in the same manner as the
14 owner may contest the violation.

15 (5) If the owner receives a notice of violation under
16 section 3345 of a time period during which the vehicle was
17 reported to the police department of any state or
18 municipality as having been stolen, it shall be a defense to
19 the violation that the vehicle has been reported to a police
20 department as stolen prior to the time the violation occurred
21 and has not been recovered prior to that time.

22 (6) It shall be a defense to a prosecution using an
23 automated side stop signal arm enforcement system for a
24 violation under section 3345 that the person receiving the
25 notice of violation was not the owner of the vehicle at the
26 time of the offense if the person can provide valid
27 documentation of nonownership.

28 (g) Approval.--

29 (1) A school district may enter into an agreement with a
30 private vendor or manufacturer to provide an automated side

1 stop signal arm enforcement system on each bus within its
2 fleet, whether owned or leased, up to and including the
3 installation, operation and maintenance of the systems.

4 (2) Except as otherwise provided, an agreement under
5 this section shall take effect in a school district by vote
6 of the board of school directors. The meeting to consider
7 approval of an automated side stop signal arm enforcement
8 system shall be properly noticed under 65 Pa.C.S. Ch. 7
9 (relating to open meetings).

10 (h) Duty of school district or contracted company to provide
11 school transportation.--

12 (1) A school district or contracted company that
13 provides school transportation shall enter into an
14 intergovernmental agreement with the primary police
15 department with authority to issue violations using an
16 automated side stop signal arm enforcement system.

17 (2) A school district operating an automated side stop
18 signal arm enforcement system shall conduct a statistical
19 analysis to assess the safety impact of the system. The
20 statistical analysis, notwithstanding whether the analysis is
21 completed independently or with a manufacturer or vendor of
22 an automated side stop signal arm enforcement system, shall:

23 (i) Be based upon the best available crash, traffic
24 and other data.

25 (ii) Include any additional information deemed of
26 interest or importance by the school district.

27 (iii) Be conducted no later than 12 months after the
28 installation of the system.

29 (iv) Be made available to the public and published
30 on the school district's publicly accessible Internet

1 website.

2 (v) Be submitted to the department.

3 (3) Provide a list of all approved bus stop locations to
4 the police officer or department charged with reviewing the
5 violations and the manufacturer or vendor.

6 (i) Duty of police and police department.--Police officers
7 and police departments enforcing violations of section 3345 and
8 using automated side stop signal arm enforcement systems shall:

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

13 (2) Provide information to a school district or
14 contracted company that provides school transportation with
15 information related to the police or police department's
16 capacity to review and authorize the notice of violation.

17 (j) Duty of the manufacturer or vendor.--A manufacturer or
18 vendor of automated side stop signal arm enforcement systems
19 shall:

20 (1) Prepare a notice of violation to the registered
21 owner of a vehicle identified in a recorded image or video
22 link produced by a system as evidence of a violation of
23 section 3345 upon authorization of the police officer
24 employed by the police department with primary jurisdiction
25 over the area where the violation occurred. The notice of
26 violation must have attached to it all of the following:

27 (i) A copy of the recorded image showing the
28 vehicle.

29 (ii) The license plate number and state of issuance
30 of the motor vehicle.

1 (iii) The date, time and place of the alleged
2 violation.

3 (iv) Notice that the violation charged is under
4 section 3345.

5 (v) Instructions for return of the notice of
6 violation.

7 (vi) Instructions for the registered owner to
8 identify the driver of the vehicle at the time of the
9 violation by way of an affidavit of nonliability.

10 (2) The text of the notice must be as follows:

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

16 (3) Process fines issued under this section.

17 (4) Receive affidavits of nonliability in order to
18 update the violation and send to the primary police
19 department with authority to issue violations under section
20 3345 to approve the change.

21 (5) Preclude the issuance of any violation occurring in
22 a location where the use of the system is not authorized,
23 including, but not limited to, emergency vehicles.

24 (k) Notice to owner.--

25 (1) In the case of a violation involving a motor vehicle
26 registered under the laws of this Commonwealth, the notice of
27 violation shall be mailed within 60 days after the commission
28 of the violation or within 60 days after the discovery of the
29 identity of the registered owner, whichever is later, to the
30 address of the registered owner as listed in the records of

1 the department.

2 (2) In the case of motor vehicles registered in
3 jurisdictions other than this Commonwealth, the notice of
4 violation shall be mailed within 60 days after the discovery
5 of the identity of the registered owner to the address of the
6 registered owner as listed in the records of the official in
7 the jurisdiction having charge of the registration of the
8 vehicle.

9 (1) Mailing of notice and records.--

10 (1) A notice of violation shall be sent by first class
11 mail.

12 (2) A manual or automatic record of mailing prepared by
13 the manufacturer or vendor in the ordinary course of business
14 shall be prima facie evidence of mailing and shall be
15 admissible in any judicial or administrative proceeding as to
16 the facts contained in it.

17 (m) Payment of fine.--

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

21 (2) (i) Payment must be made personally, through an
22 authorized agent, electronically or by mailing both
23 payment and the notice of violation to the manufacturer
24 or vendor of an automated side stop signal arm
25 enforcement system. Payment by mail must be made only by
26 money order, credit card or check made payable to the
27 court or governing body.

28 (ii) The court or the vendor on behalf of the
29 governing body shall distribute the fine, less the
30 operation and maintenance costs necessitated under this

1 section, as provided under 42 Pa.C.S. §§ 3571 and 3573.

2 (n) Hearing.--

3 (1) An owner to whom a notice of violation has been
4 issued may, within 30 days of the mailing of the notice,
5 request in writing a hearing to contest the liability alleged
6 in the notice before a magisterial district judge.

7 (2) The manufacturer or vendor of an automated side stop
8 signal arm enforcement system shall file the notice of
9 violation and supporting documents with the magisterial
10 district judge, who shall hear and decide the matter de novo.

11 (o) Compensation to manufacturer or vendor.--The
12 compensation paid to the manufacturer or vendor of the automated
13 side stop signal arm enforcement system may not be based on the
14 number of citations issued. The compensation paid to the
15 manufacturer or vendor of the equipment shall be based upon the
16 value of the equipment and services provided or rendered in
17 support of the automated side stop signal arm enforcement
18 system.

19 (p) Enforcement.--

20 (1) If a violation has not been contested and the
21 assessed penalty has not been paid, the vendor or governing
22 body shall send to the person who is the owner of the motor
23 vehicle a final notice of any unpaid civil fine authorized by
24 law, except in cases where there is an adjudication that no
25 violation occurred or there is otherwise a lawful
26 determination that no civil penalty shall be imposed. The
27 notice shall inform the owner of the following:

28 (i) The governing body or vendor will send a
29 referral to the department if the assessed penalty is not
30 paid within 30 days after the final notice is mailed.

1 (ii) The referral will result in the nonrenewal of
2 the registration of the motor vehicle, cause the title of
3 the vehicle involved in the violation to not be
4 transferred and cause the person held responsible for the
5 violation to be ineligible to obtain or renew a driver's
6 license if the assessed penalty is not paid.

7 (2) The governing body or vendor shall send a referral
8 to the department not sooner than 30 days after the final
9 notice required under paragraph (1) is mailed if a violation
10 of an ordinance or resolution adopted under this act has not
11 been contested and the assessed penalty has not been paid.
12 The referral to the department shall include the following:

13 (i) Any information known or available to the vendor
14 or governing body concerning the license plate number and
15 year of registration and the name of the owner of the
16 motor vehicle.

17 (ii) The date on which the violation occurred.

18 (iii) The date when the notice required under this
19 section was mailed.

20 (iv) The seal, logo, emblem or electronic seal of
21 the governing body.

22 (3) If the department receives a referral under
23 paragraph (2), the referral shall be entered into the motor
24 vehicle database within five days of receipt. The department
25 shall refuse to renew the registration of the motor vehicle
26 and the title of the vehicle involved in the violation may
27 not be transferred. The person held responsible for the
28 violation shall be ineligible to obtain or renew a driver's
29 license, unless and until the civil fine plus any late fee is
30 paid to the governing body.

1 (4) The department shall mail a notice to the person in
2 whose name the vehicle is registered that informs the person
3 of the following:

4 (i) The registration of the vehicle involved in the
5 violation will not be permitted to be renewed.

6 (ii) The title of the vehicle involved in the
7 violation will not be permitted to be transferred.

8 (iii) The person held responsible for the violation
9 will be ineligible to obtain or renew a driver's license.

10 (iv) The penalties under this section are being
11 imposed due to the failure to pay the civil fine for an
12 ordinance violation adopted under the authority of this
13 section.

14 (v) That there is a procedure to remove the
15 penalties and a brief explanation of the procedure.

16 (5) The department shall remove the penalties of a
17 vehicle and vehicle owner if any person presents the
18 department with adequate proof that the penalty and any
19 imposed reinstatement fee, if applicable, have been paid.

20 (6) Any State or county official charged with issuance
21 or transfer of vehicle licenses or titles or issuance of
22 drivers' licenses may not issue or renew the vehicle license,
23 issue or transfer the title of the vehicle or issue or renew
24 the driver's license of the responsible person if the
25 official has notice that a civil fine authorized by this
26 section is unpaid. If the governing body has given a notice
27 of nonpayment to the appropriate licensing official under
28 paragraph (2) and when thereafter the civil fine has been
29 paid, the governing body shall transmit notice of the payment
30 to the appropriate licensing official.

1 (g) School Bus Safety Grant Program.--The School Bus Safety
2 Grant Program Fund is established as a restricted receipts
3 account in the Motor License Fund. Fines collected under
4 subsection (c)(1) and deposited in accordance with 42 Pa.C.S. §
5 3571 shall be deposited into the fund and shall be used by the
6 department to implement the School Bus Safety Grant Program,
7 which is established to promote and increase school bus safety
8 education and training throughout this Commonwealth. Independent
9 school bus contractors are eligible for the grant. The
10 department shall develop a uniform application process and
11 regulations to administer the grant program.

12 (r) Contracted companies.--

13 (1) No contracted company that provides school
14 transportation shall be liable if an automated side stop
15 signal arm enforcement system is vandalized or otherwise
16 malfunctions.

17 (2) Nothing in this section shall be construed to
18 require a contracted company that provides school
19 transportation to take a bus out of service due to a
20 nonfunctioning automated side stop signal arm enforcement
21 system, except that a contracted company shall allow the
22 manufacturer or vendor of the automated side stop signal arm
23 enforcement system access to the bus when the bus is not in
24 service at a time mutually agreeable to the contractor and
25 vendor.

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

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

4 "Automated side stop signal arm enforcement system" or
5 "system." A camera system with two or more camera sensors and
6 computers that produce recorded video and two or more film or
7 digital photographic still images of a motor vehicle being used
8 or operated in a manner that violates section 3345(a).

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

12 "Police officer" or "police department." A State, county or
13 municipal full-time law enforcement officer or agency with the
14 power to issue citations for violations under this title.

15 "Pupil transportation." The transport of resident pupils of
16 a school district to and from preprimary, primary or secondary
17 schools and students to or from public, private or parochial
18 schools. The term does not include transportation for field
19 trips.

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

22 "Violation certificate." A certificate, or a facsimile of a
23 certificate, based upon inspection of recorded images or video
24 produced by an automated side stop signal arm enforcement system
25 and sworn to or affirmed by a police officer having the
26 authority to exercise police power in the area where the
27 violation occurred as described in section 3345(a.1)(2).

28 Section 2. This act shall take effect in 60 days.