

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1098 Session of 2018

INTRODUCED BY BROWNE, RAFFERTY, WHITE, RESCHENTHALER, TARTAGLIONE, SCAVELLO, COSTA, YUDICHAK, BREWSTER, REGAN, AUMENT, BAKER AND KILLION, APRIL 6, 2018

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 25, 2018

AN ACT

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

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

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

10 § 6314 3345.1. Automated enforcement of failure to stop for <--
11 school bus with flashing red lights.

12 (A) MEETING OR OVERTAKING SCHOOL BUS.-- <--

13 (1) EXCEPT AS PROVIDED IN PARAGRAPH (5), THE DRIVER OF A
14 VEHICLE MEETING OR OVERTAKING ANY SCHOOL BUS STOPPED ON A
15 HIGHWAY OR TRAFFICWAY SHALL STOP AT LEAST 10 FEET BEFORE
16 REACHING THE SCHOOL BUS WHEN THE RED SIGNAL LIGHTS ON THE
17 SCHOOL BUS ARE FLASHING AND THE SIDE STOP SIGNAL ARMS ARE
18 ACTIVATED UNDER SECTION 4552 (B.1) (RELATING TO GENERAL
19 REQUIREMENTS FOR SCHOOL BUSES). THE DRIVER SHALL NOT PROCEED

1 UNTIL THE FLASHING RED SIGNAL LIGHTS ARE NO LONGER ACTUATED.
2 IN NO EVENT SHALL A DRIVER OF A VEHICLE RESUME MOTION OF THE
3 VEHICLE UNTIL THE SCHOOL CHILDREN WHO MAY HAVE ALIGHTED FROM
4 THE SCHOOL BUS HAVE REACHED A PLACE OF SAFETY. THE DRIVER OF
5 A VEHICLE APPROACHING AN INTERSECTION AT WHICH A SCHOOL BUS
6 IS STOPPED SHALL STOP HIS VEHICLE AT THAT INTERSECTION UNTIL
7 THE FLASHING RED SIGNAL LIGHTS ARE NO LONGER ACTUATED.

8 (2) THE OPERATOR OF A SCHOOL BUS WHO OBSERVES A
9 VIOLATION OF PARAGRAPH (1) MAY PREPARE A REPORT AS PROVIDED
10 UNDER SECTION 3345(A.1) (RELATING TO MEETING OR OVERTAKING
11 SCHOOL BUS).

12 (3) THE DRIVER OF A VEHICLE MEETING OR OVERTAKING ANY
13 SCHOOL BUS SHALL PROCEED PAST THE SCHOOL BUS WITH CAUTION AND
14 SHALL BE PREPARED TO STOP WHEN THE AMBER SIGNAL LIGHTS ARE
15 FLASHING.

16 (4) WHENEVER A SCHOOL BUS IS BEING USED UPON A HIGHWAY
17 OR TRAFFICWAY FOR THE TRANSPORTATION OF DISABLED PERSONS
18 EXCLUSIVELY AND THE SCHOOL BUS IS EQUIPPED WITH RED SIGNAL
19 LIGHTS, THE DRIVER OF THE SCHOOL BUS MAY ACTUATE THE SIGNAL
20 LIGHTS IN THE SAME MANNER AS SET FORTH IN THIS SECTION
21 REGARDING THE TRANSPORTATION OF SCHOOL CHILDREN. THE DRIVER
22 OF A VEHICLE APPROACHING THE SCHOOL BUS SHALL HAVE THE SAME
23 DUTIES REGARDING STOPPING, PASSING AND OVERTAKING AS HE DOES
24 WITH RESPECT TO A SCHOOL BUS CARRYING SCHOOL CHILDREN.

25 (5) THE DRIVER OF A VEHICLE UPON A HIGHWAY OR TRAFFICWAY
26 WITH SEPARATE ROADWAYS NEED NOT STOP UPON MEETING OR PASSING
27 A SCHOOL BUS WITH ACTUATED RED SIGNAL LIGHTS WHICH IS ON A
28 DIFFERENT ROADWAY.

29 ~~(a)~~ (A.1) General rule.--A school district may install and <--
30 operate an automated side stop signal arm enforcement system for

1 ~~the purpose of enforcing the provisions of section 3345(a)~~ <--
2 ~~(relating to meeting or overtaking school bus)~~ SUBSECTION (A) <--
3 (1).

4 (b) Applicability.--

5 (1) Except as provided in paragraph (2), this section
6 shall apply to a driver of a motor vehicle meeting or
7 overtaking a school bus stopped on a highway or trafficway
8 when the red signal lights on the school bus are flashing and
9 the side stop signal arms are activated as described in
10 ~~section 3345(a) and (f.1)~~ SUBSECTION (A) (1) AND (5). <--

11 (2) Nothing in this section shall supersede the
12 provisions of:

13 (i) Section 3105(h) (relating to drivers of
14 emergency vehicles).

15 (ii) Section 3345 (c) or (d) (RELATING TO MEETING OR <--
16 OVERTAKING SCHOOL BUS).

17 (c) Owner liability.--For each violation under section <--
18 ~~3345(a)~~ SUBSECTION (A) (1), the owner or owners of the motor <--
19 vehicle shall be liable as follows:

20 (1) The penalty for a violation under subsection (a)
21 shall be as provided in section SECTIONS 1535(A) (RELATING TO <--
22 SCHEDULE OF CONVICTIONS AND POINTS) AND 3345.

23 ~~(2) A fine is not authorized for a violation of this~~ <--
24 ~~section if the exceptions provided under section 3345(g) are~~
25 ~~met.~~

26 ~~(3)~~ (2) Fines collected under this section shall be <--
27 subject to 42 Pa.C.S. § 3571 (relating to Commonwealth
28 portion of fines, etc.) or 3573 (relating to municipal
29 corporation portion of fines, etc.).

30 ~~(4) Violations resulting in a homicide by vehicle under~~ <--

1 ~~section 3732 (relating to homicide by vehicle) shall be~~
2 ~~subject to the penalties provided under that section.~~

3 (d) Certificate as evidence.--A certificate, or a facsimile
4 of a certificate, based upon inspection of recorded images
5 produced by an automated side stop signal arm enforcement system
6 and sworn to or affirmed by a police officer shall be prima
7 facie evidence of the facts contained in it. The city of the <--
8 first class SCHOOL DISTRICT OR CONTRACTED COMPANY must include <--
9 written documentation that the automated side stop signal arm
10 enforcement system was operating correctly at the time of the
11 alleged violation. A recorded image evidencing a violation of
12 section 3345(a) shall be admissible in any judicial or
13 administrative proceeding to adjudicate the liability for the
14 violation.

15 (e) Limitations.--

16 (1) (i) Notwithstanding any other provision of law,
17 equipment deployed as part of an automated side stop
18 signal arm enforcement system as provided under this
19 section must be incapable of automated or user-controlled
20 remote intersection surveillance by means of recorded
21 video images.

22 (ii) Recorded images collected as part of the
23 automated side stop signal arm enforcement system may
24 only record traffic violations OF THIS SECTION and may <--
25 not be used for any other surveillance purposes.

26 (iii) Restrictions under this paragraph shall not be
27 deemed to preclude a court of competent jurisdiction from
28 issuing an order directing that the information be
29 provided to law enforcement officials if the information
30 is reasonably described and is requested solely in

1 connection with a criminal law enforcement action.

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

7 (ii) ~~No notice of liability~~ CITATION issued under <--
8 this section may be dismissed solely because a photograph
9 or recorded video image allows for the identification of
10 the operator, passengers or contents of a vehicle as long
11 as a reasonable effort has been made to comply with this
12 paragraph.

13 (3) (i) Notwithstanding any other provision of law,
14 information prepared under this section and information
15 relating to violations under this section which is kept
16 by the POLICE department of the police officer having the <--
17 authority to exercise police power in the area where the
18 violation occurred, its authorized agents or employees,
19 including recorded images, written records, reports or
20 facsimiles, names, addresses and the number of violations
21 under this section, shall be for the exclusive use of the
22 department of the police officer having the authority to
23 exercise police power in the area where the violation
24 occurred, its authorized agents or employees and law
25 enforcement officials for the purpose of discharging
26 their duties under this section.

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

30 (iii) The information may be discoverable by court

1 order or otherwise and may be offered in evidence in any
2 action or proceeding which is directly related to a
3 violation of this section or any other violation in
4 connection with a criminal law enforcement action.

5 (4) Images obtained through the use of an automated side
6 stop signal arm enforcement system shall be destroyed within
7 one year of final disposition of the recorded event. The
8 vendor of an automated side stop signal arm enforcement
9 system shall notify the ~~department~~ SCHOOL DISTRICT by written <--
10 notice in accordance with this section that the records have
11 been destroyed.

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

18 ~~(f) Defenses.~~ <--

19 ~~(1) It shall be a defense to a prosecution using an~~
20 ~~automated side stop signal arm enforcement system for a~~
21 ~~violation under section 3345 that the person named in the~~
22 ~~notice of the violation was not operating the vehicle at the~~
23 ~~time of the violation. The owner shall be required to submit~~
24 ~~evidence that the owner was not the driver at the time of the~~
25 ~~alleged violation.~~

26 ~~(2) The person named in the notice of violation may have~~
27 ~~the opportunity to identify the actual driver of the vehicle~~
28 ~~at the time the violation occurred.~~

29 ~~(3) (i) The owner shall provide to the court or vendor~~
30 ~~for the governing body a sworn affidavit signed under penalty~~

1 ~~of perjury containing the name and address of the person who~~
2 ~~had care, custody or control of the motor vehicle, including~~
3 ~~an employee of the owner or the person who was renting or~~
4 ~~leasing the motor vehicle at the time of the alleged~~
5 ~~violation.~~

6 ~~(ii) The court or vendor for the governing body~~
7 ~~shall mail or electronically transfer a notice of the~~
8 ~~citation to the person identified as having the care,~~
9 ~~custody or control of the motor vehicle at the time of~~
10 ~~the violation. The proof required under this section~~
11 ~~creates a rebuttable presumption that the person having~~
12 ~~the care, custody or control of the motor vehicle at the~~
13 ~~time of the violation was the operator of the motor~~
14 ~~vehicle at the time of the violation.~~

15 ~~(iii) The notice required under this paragraph shall~~
16 ~~contain the following:~~

17 ~~(A) The information described in subsection (j)~~
18 ~~(1).~~

19 ~~(B) A statement that the person receiving the~~
20 ~~notice was identified by the owner of the motor~~
21 ~~vehicle as the person having the care, custody or~~
22 ~~control of the motor vehicle at the time of the~~
23 ~~violation.~~

24 ~~(C) A statement that a person may offer a~~
25 ~~defense as described in this subsection or in~~
26 ~~subsection (d). If the person identified by the owner~~
27 ~~as having care, custody or control of the vehicle~~
28 ~~disclaims having care, custody or control of the~~
29 ~~vehicle at the time of the violation, the~~
30 ~~responsibility shall revert to the owner of the~~

1 ~~vehicle.~~

2 ~~(iv) The owner may not attempt to transfer~~
3 ~~responsibility more than one time using this procedure.~~

4 ~~(v) If a person other than the owner denies the~~
5 ~~person was the operator and declines responsibility, a~~
6 ~~new notice shall be issued to the owner which shall~~
7 ~~include the following:~~

8 ~~(A) a statement that the other person declined~~
9 ~~responsibility; and~~

10 ~~(B) a provision allowing for the option of~~
11 ~~paying the civil fine or contesting the violation by~~
12 ~~a stated date that shall be not less than 20 days~~
13 ~~from the mailing of the new notice.~~

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

16 ~~(i) timely returns a signed statement on a form~~
17 ~~provided with the notice of violation that the person was~~
18 ~~not the operator and declining responsibility, in which~~
19 ~~case responsibility for the violation shall revert to the~~
20 ~~owner; or~~

21 ~~(ii) admits to being the operator but denies~~
22 ~~committing a violation, in which case the person may~~
23 ~~contest the notice of violation in the same manner as the~~
24 ~~owner may contest the violation.~~

25 ~~(5) If the owner receives a notice of violation under~~
26 ~~section 3345 of a time period during which the vehicle was~~
27 ~~reported to the police department of any state or~~
28 ~~municipality as having been stolen, it shall be a defense to~~
29 ~~the violation that the vehicle has been reported to a police~~
30 ~~department as stolen prior to the time the violation occurred~~

1 ~~and has not been recovered prior to that time.~~

2 ~~(6) It shall be a defense to a prosecution using an~~
3 ~~automated side stop signal arm enforcement system for a~~
4 ~~violation under section 3345 that the person receiving the~~
5 ~~notice of violation was not the owner of the vehicle at the~~
6 ~~time of the offense if the person can provide valid~~
7 ~~documentation of nonownership.~~

8 ~~(g) (F) Approval.--~~ <--

9 ~~(1) A school district may enter into an agreement with a~~
10 ~~private vendor or manufacturer to provide an automated side~~
11 ~~stop signal arm enforcement system on each bus within its~~
12 ~~fleet, whether owned or leased, up to and including the~~
13 ~~installation, operation and maintenance of the systems.~~

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

20 ~~(h) Duty of school district or contracted company to provide~~ <--
21 ~~school transportation.--~~

22 ~~(1) A school district or contracted company that~~
23 ~~provides school transportation shall enter into an~~
24 ~~intergovernmental agreement with the primary police~~
25 ~~department with authority to issue violations using an~~
26 ~~automated side stop signal arm enforcement system.~~

27 ~~(2) A school district operating an automated side stop~~
28 ~~signal arm enforcement system shall conduct a statistical~~
29 ~~analysis to assess the safety impact of the system. The~~
30 ~~statistical analysis, notwithstanding whether the analysis is~~

~~completed independently or with a manufacturer or vendor of an automated side stop signal arm enforcement system, shall:~~

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

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

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

~~(iv) Be made available to the public and published on the school district's publicly accessible Internet website.~~

~~(v) Be submitted to the department.~~

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

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

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

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

~~(j) (G) Duty of the manufacturer or vendor.--A manufacturer or vendor of automated side stop signal arm enforcement systems shall:~~ <--

~~(1) Prepare a notice of violation to the registered~~ <--

~~owner of a vehicle identified in a recorded image or video link produced by a system as evidence of a violation of section 3345 upon authorization of the police officer employed by the police department with primary jurisdiction over the area where the violation occurred. The notice of violation must have attached to it all of the following:~~

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

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

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

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

~~(v) Instructions for return of the notice of violation.~~

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

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

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

~~(3) Process fines issued under this section.~~

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

1 ~~(5) Preclude the issuance of any violation occurring in~~
2 ~~a location where the use of the system is not authorized,~~
3 ~~including, but not limited to, emergency vehicles.~~

4 ~~(k) Notice to owner.~~

5 ~~(1) In the case of a violation involving a motor vehicle~~
6 ~~registered under the laws of this Commonwealth, the notice of~~
7 ~~violation shall be mailed within 60 days after the commission~~
8 ~~of the violation or within 60 days after the discovery of the~~
9 ~~identity of the registered owner, whichever is later, to the~~
10 ~~address of the registered owner as listed in the records of~~
11 ~~the department.~~

12 ~~(2) In the case of motor vehicles registered in~~
13 ~~jurisdictions other than this Commonwealth, the notice of~~
14 ~~violation shall be mailed within 60 days after the discovery~~
15 ~~of the identity of the registered owner to the address of the~~
16 ~~registered owner as listed in the records of the official in~~
17 ~~the jurisdiction having charge of the registration of the~~
18 ~~vehicle.~~

19 ~~(l) Mailing of notice and records.~~

20 ~~(1) A notice of violation shall be sent by first class~~
21 ~~mail.~~

22 ~~(2) A manual or automatic record of mailing prepared by~~
23 ~~the manufacturer or vendor in the ordinary course of business~~
24 ~~shall be prima facie evidence of mailing and shall be~~
25 ~~admissible in any judicial or administrative proceeding as to~~
26 ~~the facts contained in it.~~

27 ~~(m) Payment of fine.~~

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

1 ~~(2) (i) Payment must be made personally, through an~~
2 ~~authorized agent, electronically or by mailing both~~
3 ~~payment and the notice of violation to the manufacturer~~
4 ~~or vendor of an automated side stop signal arm~~
5 ~~enforcement system. Payment by mail must be made only by~~
6 ~~money order, credit card or check made payable to the~~
7 ~~court or governing body.~~

8 ~~(ii) The court or the vendor on behalf of the~~
9 ~~governing body shall distribute the fine, less the~~
10 ~~operation and maintenance costs necessitated under this~~
11 ~~section, as provided under 42 Pa.C.S. §§ 3571 and 3573.~~

12 ~~(n) Hearing.~~

13 ~~(1) An owner to whom a notice of violation has been~~
14 ~~issued may, within 30 days of the mailing of the notice,~~
15 ~~request in writing a hearing to contest the liability alleged~~
16 ~~in the notice before a magisterial district judge.~~

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

21 SUBMIT THE FOLLOWING INFORMATION TO THE POLICE DEPARTMENT <--
22 WITH PRIMARY JURISDICTION OVER THE AREA WHERE A VIOLATION OF
23 THIS SECTION OCCURRED:

24 (1) A COPY OF THE RECORDED IMAGE SHOWING THE VEHICLE.

25 (2) THE LICENSE PLATE NUMBER AND STATE OF ISSUANCE OF
26 THE MOTOR VEHICLE.

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

28 ~~(e) (H) Compensation to manufacturer or vendor.--The~~ <--
29 compensation paid to the manufacturer or vendor of the automated
30 side stop signal arm enforcement system may not be based on the

1 number of citations issued. The compensation paid to the
2 manufacturer or vendor of the equipment shall be based upon the
3 value of the equipment and services provided or rendered in
4 support of the automated side stop signal arm enforcement
5 system.

6 ~~(p) Enforcement.~~ <--

7 ~~(1) If a violation has not been contested and the~~
8 ~~assessed penalty has not been paid, the vendor or governing~~
9 ~~body shall send to the person who is the owner of the motor~~
10 ~~vehicle a final notice of any unpaid civil fine authorized by~~
11 ~~law, except in cases where there is an adjudication that no~~
12 ~~violation occurred or there is otherwise a lawful~~
13 ~~determination that no civil penalty shall be imposed. The~~
14 ~~notice shall inform the owner of the following:~~

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

18 ~~(ii) The referral will result in the nonrenewal of~~
19 ~~the registration of the motor vehicle, cause the title of~~
20 ~~the vehicle involved in the violation to not be~~
21 ~~transferred and cause the person held responsible for the~~
22 ~~violation to be ineligible to obtain or renew a driver's~~
23 ~~license if the assessed penalty is not paid.~~

24 ~~(2) The governing body or vendor shall send a referral~~
25 ~~to the department not sooner than 30 days after the final~~
26 ~~notice required under paragraph (1) is mailed if a violation~~
27 ~~of an ordinance or resolution adopted under this act has not~~
28 ~~been contested and the assessed penalty has not been paid.~~
29 ~~The referral to the department shall include the following:~~

30 ~~(i) Any information known or available to the vendor~~

~~or governing body concerning the license plate number and year of registration and the name of the owner of the motor vehicle.~~

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

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

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

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

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

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

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

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

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

1 ~~(v) That there is a procedure to remove the~~
2 ~~penalties and a brief explanation of the procedure.~~

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

7 ~~(6) Any State or county official charged with issuance~~
8 ~~or transfer of vehicle licenses or titles or issuance of~~
9 ~~drivers' licenses may not issue or renew the vehicle license,~~
10 ~~issue or transfer the title of the vehicle or issue or renew~~
11 ~~the driver's license of the responsible person if the~~
12 ~~official has notice that a civil fine authorized by this~~
13 ~~section is unpaid. If the governing body has given a notice~~
14 ~~of nonpayment to the appropriate licensing official under~~
15 ~~paragraph (2) and when thereafter the civil fine has been~~
16 ~~paid, the governing body shall transmit notice of the payment~~
17 ~~to the appropriate licensing official.~~

18 ~~(I) ENFORCEMENT.--UPON RECEIPT OF NOTICE OF CONVICTION OF~~ <--
19 ~~THE VIOLATION, THE DEPARTMENT SHALL SUSPEND THE OPERATING~~
20 ~~PRIVILEGES OF THE PERSON DETERMINED TO HAVE RESPONSIBILITY FOR~~
21 ~~THE VIOLATION OF THIS SECTION AND ASSESS POINTS TO THE DRIVING~~
22 ~~RECORD AS PROVIDED UNDER SECTION 1535(A).~~

23 ~~(g) (J) School Bus Safety Grant Program.--The School Bus~~ <--
24 ~~Safety Grant Program Fund is established as a restricted~~
25 ~~receipts account in the Motor License Fund. Fines FIFTY PERCENT~~ <--
26 ~~OF THE FINES collected under subsection (c)(1) and deposited in~~
27 ~~accordance with 42 Pa.C.S. § 3571 shall be deposited into the~~
28 ~~fund and shall be used by the department to implement the School~~
29 ~~Bus Safety Grant Program, which is established to promote and~~
30 ~~increase school bus safety education and training throughout~~

1 this Commonwealth. THE DEPARTMENT SHALL AWARD SCHOOL BUS SAFETY <--
2 GRANTS ON A COMPETITIVE BASIS. THE DEPARTMENT MAY PAY ANY ACTUAL
3 ADMINISTRATIVE COSTS ARISING FROM THE ADMINISTRATION OF THIS
4 SECTION OUT OF THE FINES DEPOSITED INTO THE FUND. Independent
5 school bus contractors AND SCHOOL DISTRICTS are eligible for the <--
6 grant. The department shall develop a uniform application
7 process and regulations to administer the grant program.

8 ~~(K)~~ (K) Contracted companies.-- <--

9 (1) No contracted company that provides school
10 transportation shall be liable if an automated side stop
11 signal arm enforcement system is vandalized or otherwise
12 malfunctions.

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

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

27 ~~(S)~~ (L) Definitions.--As used in this section, the following <--
28 words and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Automated side stop signal arm enforcement system" or

1 "system." A camera system with two or more camera sensors and
2 computers that produce recorded video and two or more film or
3 digital photographic still images of a motor vehicle being used
4 or operated in a manner that violates section 3345(a).

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

8 ~~"Police officer" or "police department." A State, county or~~ <--
9 ~~municipal full-time law enforcement officer or agency with the~~
10 ~~power to issue citations for violations under this title.~~

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

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

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

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