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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1223 Session of  
2018

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INTRODUCED BY VULAKOVICH, COSTA AND FONTANA, AUGUST 13, 2018

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REFERRED TO TRANSPORTATION, AUGUST 13, 2018

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in powers of department and local authorities,  
3 further providing for specific powers of department and local  
4 authorities; and, in enforcement, further providing for  
5 prosecutions under local ordinances superseded by title and  
6 for admissibility of department of records.

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

9 Section 1. Section 6109(a)(1) and (h)(3) of Title 75 of the  
10 Pennsylvania Consolidated Statutes are amended and subsection  
11 (h) is amended by adding paragraphs to read:

12 § 6109. Specific powers of department and local authorities.

13 (a) Enumeration of police powers.--The provisions of this  
14 title shall not be deemed to prevent the department on State-  
15 designated highways and local authorities on streets or highways  
16 within their physical boundaries from the reasonable exercise of  
17 their police powers. The following are presumed to be reasonable  
18 exercises of police power:

19 (1) Except as limited by subsections (g) and (h),  
20 regulating or prohibiting stopping, standing or parking[.]\_

1 including, in cities of the second class, regulating or  
2 prohibiting the display of an obscured registration plate on  
3 a parked motor vehicle.

4 \* \* \*

5 (h) Delegation of powers in cities of the second class.--

6 \* \* \*

7 (2.1) The following shall apply to service by mail under  
8 this subsection:

9 (i) Within two business days of the commission of  
10 the violation, the notice of violation or citation must  
11 be mailed to the address of the registered owner as  
12 listed in the records of the official in the jurisdiction  
13 having charge of the registration of the vehicle.

14 (ii) Notice of violation or citation under  
15 subparagraph (i) must be mailed by first class mail. A  
16 manual or automatic record of mailing prepared by the  
17 parking authority in the ordinary course of business  
18 shall be prima facie evidence of mailing and shall be  
19 admissible in any proceeding as to the facts contained in  
20 the notice of violation or citation.

21 (2.2) The parking authority may enforce and administer  
22 each ordinance and resolution enacted or adopted by a city of  
23 the second class under subsection (a)(1) and sections 3351,  
24 3353 and 3354 by means which may include the use of recorded  
25 images provided by registration plate reading cameras.

26 (2.3) If the parking authority elects to record  
27 violations under paragraph (2.2) by using a registration  
28 plate reading camera, the following shall apply:

29 (i) A certificate or a facsimile of a certificate  
30 based on inspection of a recorded image produced by a

1 registration plate reading camera and sworn to or  
2 affirmed by a parking enforcement employee employed by  
3 the parking authority shall be prima facie evidence of  
4 the facts contained in the certificate. A recorded image  
5 evidencing a violation shall be admissible in any  
6 judicial or administrative proceeding to adjudicate the  
7 liability for the violation.

8 (ii) A registration plate reading camera may not  
9 take a frontal view recorded image of the vehicle as  
10 evidence of having committed a violation.

11 (iii) A recorded image collected by a registration  
12 plate reading camera may only be used for purposes  
13 related to the enforcement and administration of parking  
14 laws and may not be used for any other surveillance  
15 purposes.

16 (iv) The following shall apply:

17 (A) Notwithstanding any other provision of law,  
18 information prepared under this paragraph that is  
19 kept by the parking authority or the parking  
20 authority's authorized agents or employees, including  
21 recorded images, written records, reports or  
22 facsimiles or names and addresses, shall be for the  
23 exclusive use of the parking authority, the parking  
24 authority's authorized agents or employees and law  
25 enforcement officials for the purpose of discharging  
26 their duties under this subsection.

27 (B) Information under clause (A) may not be  
28 deemed a public record under the act of February 14,  
29 2008 (P.L.6, No.3), known as the Right-to-Know Law.

30 (C) Information under clause (A) may not be

1 discoverable by a court order and may not be offered  
2 in evidence in an action or proceeding that is not  
3 directly related to a violation.

4 (D) No restrictions under this paragraph may  
5 preclude a court of competent jurisdiction from  
6 issuing an order directing that the information be  
7 provided to a law enforcement official if the  
8 information is reasonably described and is requested  
9 solely in connection with a criminal law enforcement  
10 action.

11 (v) A recorded image obtained through the use of a  
12 registration plate reading camera shall be destroyed  
13 within 30 days following the final disposition of a  
14 recorded event. Notwithstanding any other provision of  
15 law, registered vehicle owner information obtained as a  
16 result of the operation of a registration plate reading  
17 camera under this subsection shall not be the property of  
18 the manufacturer or vendor of the registration plate  
19 reading camera and may not be used for any purpose other  
20 than as provided under this subsection.

21 (vi) Compensation paid to the manufacturer or vendor  
22 of a registration plate reading camera may not be based  
23 on the number of parking citations issued or a portion or  
24 percentage of the fines generated by the citations. The  
25 compensation paid to the manufacturer or vendor of the  
26 cameras shall be based on the value of the cameras and  
27 the services provided or rendered in support of the  
28 cameras.

29 (3) As used in this subsection, the following words and  
30 phrases shall have the meanings given to them in this

1 paragraph:

2 "Administer." To provide any services or materials  
3 necessary to enforce any ordinance or resolution enacted in  
4 order to regulate or prohibit the stopping, standing or  
5 parking of motor vehicles in a city of the second class or  
6 those certain stopping, standing and parking provisions  
7 provided in sections 3351, 3353 and 3354, including, but not  
8 limited to:

9 (i) The installation and maintenance of all  
10 equipment, including parking meters, on and along  
11 highways, streets and roadways.

12 (ii) The installation and maintenance of all  
13 signage, including signage for handicapped parking,  
14 residential permit parking and loading areas, on and  
15 along highways, streets and roadways.

16 (iii) The operation and management of any  
17 handicapped parking, residential parking and loading area  
18 permit programs.

19 (iv) The adjudication of all disputed parking  
20 violation notices or citations issued through enforcement  
21 by the parking authority in a city of the second class.

22 "Enforce." Any of the following for violation of an  
23 ordinance or resolution enacted in order to regulate or  
24 prohibit the stopping, standing or parking of a motor vehicle  
25 in a city of the second class or the obscuring of a  
26 registration plate on a motor vehicle parked in a city of the  
27 second class or violations under sections 3351, 3353 and  
28 3354:

29 (i) The issuance of [parking] stopping, standing,  
30 parking and obscuring of registration plate violation

1 notices or citations[, the].

2 (ii) The serving of notices or citations with  
3 respect to violations by placing the notices or citations  
4 on a vehicle windshield, handing the notices or citations  
5 to the driver or mailing the notices or citations to the  
6 registered owner by first class mail.

7 (iii) The immobilization, towing and impoundment of  
8 motor vehicles [and the].

9 (iv) The collection of fines, penalties and costs,  
10 including independent collection agency fees.[, for  
11 violations of any ordinance or resolution enacted in  
12 order to regulate or prohibit the stopping, standing or  
13 parking of motor vehicles in a city of the second class  
14 and those certain stopping, standing and parking  
15 provisions provided in sections 3351, 3353 and 3354.]

16 \* \* \*

17 Section 2. Sections 6301 and 6328 of Title 75 are amended to  
18 read:

19 § 6301. Prosecutions under local ordinances superseded by  
20 title.

21 Except for parking violations, when the same conduct is  
22 proscribed under this title and a local ordinance, the charge  
23 shall be brought under this title and not under the local  
24 ordinance. Prosecutions brought under any local ordinance, rule  
25 or regulation, which are based on a violation for which there is  
26 a specific penalty provided in this title, except for parking  
27 violations, shall be deemed as having been brought under this  
28 title and the assessment and disposition of the fines and  
29 forfeitures shall be so governed. Local ordinances relating to  
30 parking shall prescribe fines for violations and may authorize

1 the payment of penalties in lieu of fines and costs under  
2 prescribed conditions. The regulation or prohibition of the  
3 display on a parked motor vehicle of an obscured registration  
4 plate in cities of the second class shall be a parking violation  
5 for purposes of this section.

6 § 6328. Admissibility of department records.

7 The department may send to any authorized user by electronic  
8 transmission any certification of record or abstract of records  
9 maintained by the department. Permissible uses shall include,  
10 but not be limited to, certifications of driving records and  
11 motor vehicle records. The department may also certify  
12 electronically any documents certified to it electronically.  
13 Authorized users include State and local police, district  
14 attorneys, employees of the department and the Office of  
15 Attorney General, the parking authority of a city of the second  
16 class with respect to the department's vehicle registration  
17 records only and other persons or entities as determined by the  
18 department and listed by notice in the Pennsylvania Bulletin. In  
19 any proceeding before the courts or administrative bodies of  
20 this Commonwealth, documents certified by the department under  
21 this section and offered into evidence by an authorized user  
22 shall be admissible into evidence. The parking authority of a  
23 city of the second class may use the department's vehicle  
24 registration records only for the purpose of exercising the  
25 powers under subsection 6109(h) (relating to specific powers of  
26 department and local authorities).

27 Section 3. This act shall take effect in 60 days.