

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 172 Session of 2017

INTRODUCED BY ARGALL, SCHWANK, VULAKOVICH, SCAVELLO, BREWSTER, TARTAGLIONE, COSTA, YUDICHAK, RAFFERTY, BARTOLOTTA, BROWNE, REGAN AND BLAKE, JANUARY 23, 2017

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 16, 2017

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in preliminary provisions, further providing for
3 definitions; and, in rules of the road in general, further <--
4 providing for speed timing devices and providing for
5 automated speed enforcement systems. IN RULES OF THE ROAD IN <--
6 GENERAL, PROVIDING FOR PILOT PROGRAM FOR AUTOMATED SPEED
7 ENFORCEMENT SYSTEM IN HIGHWAY WORK ZONES AND FOR PILOT
8 PROGRAM FOR AUTOMATED SPEED ENFORCEMENT SYSTEM ON A
9 DESIGNATED HIGHWAY.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 102 of Title 75 of the Pennsylvania
13 Consolidated Statutes is amended by adding definitions A <--
14 DEFINITION to read:

15 § 102. Definitions.

16 Subject to additional definitions contained in subsequent
17 provisions of this title which are applicable to specific
18 provisions of this title, the following words and phrases when
19 used in this title shall have, unless the context clearly
20 indicates otherwise, the meanings given to them in this section:

1 \* \* \*

2 "Automated speed enforcement system." An electronic traffic  
3 sensor system that:

4 (1) is able to automatically detect vehicles exceeding  
5 the posted speed limit with a type of speed timing device;  
6 and

7 (2) records the vehicle's rear license plate, location,  
8 date, time and speed.

9 ~~"Automated speed enforcement work area." The portion of an~~ <--  
10 ~~active work zone where construction, maintenance or utility~~  
11 ~~workers are located on the roadway, berm or shoulder and workers~~  
12 ~~are adjacent to an active travel lane and where an automated~~  
13 ~~speed enforcement system is active. For the purposes of this~~  
14 ~~definition, workers shall also be considered adjacent to an~~  
15 ~~active travel lane where workers are present and are protected~~  
16 ~~by a traffic barrier.~~

17 \* \* \*

18 ~~Section 2. Section 3368(c)(2) of Title 75 is amended and the~~  
19 ~~subsection is amended by adding a paragraph to read:~~

20 ~~§ 3368. Speed timing devices.~~

21 \* \* \*

22 ~~(c) Mechanical, electrical and electronic devices~~  
23 ~~authorized.~~

24 \* \* \*

25 ~~(2) Except as otherwise provided in paragraph (3),~~  
26 ~~electronic devices such as radio microwave devices~~  
27 ~~{(}) commonly referred to as electronic speed meters or~~  
28 ~~radar{}} may be used only as part of an automated speed~~  
29 ~~enforcement system or by members of the Pennsylvania State~~  
30 ~~Police.~~

1           \* \* \*

2           ~~(5) Light detection and ranging devices, commonly~~  
3           ~~referred to as LIDAR, may be used only as part of an~~  
4           ~~automated speed enforcement system.~~

5           \* \* \*

6           Section 3. Title 75 is amended by adding a section to read:  
7           ~~§ 3369. Automated speed enforcement systems.~~

8           ~~(a) Establishment. A program is established to provide for~~  
9           ~~automated speed enforcement systems in active work areas.~~

10          ~~(b) Applicability. This section shall apply only to~~  
11          ~~automated speed enforcement work areas on interstate highways~~  
12          ~~under the jurisdiction of the department or interstate highways~~  
13          ~~or freeways under the jurisdiction of the Pennsylvania Turnpike~~  
14          ~~Commission. An automated speed enforcement system shall not be~~  
15          ~~used unless:~~

16                 ~~(1) At least two appropriate warning signs are~~  
17                 ~~conspicuously placed before the active work area notifying~~  
18                 ~~the public that an automated speed enforcement device is in~~  
19                 ~~use.~~

20                 ~~(2) A notice identifying the location of the automated~~  
21                 ~~speed enforcement system is posted on the department's or~~  
22                 ~~Pennsylvania Turnpike Commission's publicly accessible~~  
23                 ~~Internet website throughout the period of use.~~

24                 ~~(c) Liability. Driving in excess of the posted speed limit~~  
25                 ~~in an automated speed enforcement work area by at least 11 miles~~  
26                 ~~per hour is a violation of this section.~~

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 vehicle identified by an automated~~

1 ~~speed enforcement system as violating this section. A~~  
2 ~~notice of violation based upon inspection of recorded~~  
3 ~~images produced by an automated speed enforcement system~~  
4 ~~and sworn or affirmed by an authorized employee of the~~  
5 ~~department or the Pennsylvania Turnpike Commission shall~~  
6 ~~be prima facie evidence of the facts contained in the~~  
7 ~~notice. The authorized employee of the department or the~~  
8 ~~Pennsylvania Turnpike Commission must be under contract~~  
9 ~~to the department or the Pennsylvania Turnpike~~  
10 ~~Commission.~~

11 ~~(ii) The notice of violation must include written~~  
12 ~~verification that the automated speed enforcement system~~  
13 ~~was operating correctly at the time of the alleged~~  
14 ~~violation and the date of the most recent inspection that~~  
15 ~~confirms the automated speed enforcement system to be~~  
16 ~~operating properly.~~

17 ~~(iii) The following shall be attached to the notice~~  
18 ~~of violation:~~

19 ~~(A) A copy of the recorded image showing the~~  
20 ~~vehicle with its license plate visible.~~

21 ~~(B) The registration number and state of~~  
22 ~~issuance of the vehicle registration.~~

23 ~~(C) The date, time and place of the alleged~~  
24 ~~violation.~~

25 ~~(D) Notice that the violation charged is under~~  
26 ~~this section.~~

27 ~~(E) Instructions for return of the notice of~~  
28 ~~violation.~~

29 ~~(2) In the case of a violation involving a motor vehicle~~  
30 ~~registered under the laws of this Commonwealth, the notice of~~

~~violation shall 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, whichever is later, to the address of the registered owner as listed in the records of the department.~~

~~(3) In the case of a violation involving a motor vehicle registered in a jurisdiction other than this Commonwealth, the notice of violation shall 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 vehicle.~~

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

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

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

~~(6) Notice of violation must be sent by first class mail. A manual or automatic record of mailing prepared by the system administrator in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in a judicial or administrative proceeding as to the facts contained in the notice.~~

~~(e) Penalty.~~

~~(1) The penalty of a violation under this section shall be a fine of \$100, and the fine shall not be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of fines, etc.) or 3573 (relating to municipal corporation portion of~~

1 ~~finer, etc.).~~

2 ~~(2) The fine is not authorized during times when the~~  
3 ~~automated speed enforcement work area is not active.~~

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

5 ~~(i) be deemed a criminal conviction;~~

6 ~~(ii) be made part of the operating record of the~~  
7 ~~individual upon whom the penalty is imposed under section~~  
8 ~~1535 (relating to schedule of convictions and points);~~

9 ~~(iii) be the subject of merit rating for insurance~~  
10 ~~purposes; or~~

11 ~~(iv) authorize imposition of surcharge points in the~~  
12 ~~provision of motor vehicle insurance coverage.~~

13 ~~(f) Limitations.~~

14 ~~(1) Recorded images collected as part of the automated~~  
15 ~~speed enforcement system may record only violations of this~~  
16 ~~section and may not be used for any other surveillance~~  
17 ~~purposes. The restrictions provided in this paragraph shall~~  
18 ~~not preclude a court of competent jurisdiction from issuing~~  
19 ~~an order directing that the information be provided to law~~  
20 ~~enforcement officials, if the information is requested solely~~  
21 ~~in connection with a criminal law enforcement action and is~~  
22 ~~reasonably described.~~

23 ~~(2) Notwithstanding any other provision of law,~~  
24 ~~information gathered and maintained under this section that~~  
25 ~~is kept by the Commonwealth, its authorized agents or its~~  
26 ~~employees, including recorded images, written records,~~  
27 ~~reports or facsimiles, names and addresses, shall be for the~~  
28 ~~exclusive purpose of discharging its duties under this~~  
29 ~~section. The information shall not be deemed a public record~~  
30 ~~under the act of February 14, 2008 (P.L.6, No.3), known as~~

1 ~~the Right to Know Law. The information shall not be~~  
2 ~~discoverable by court order or otherwise or be admissible as~~  
3 ~~evidence in a proceeding except to determine liability under~~  
4 ~~this section. The restrictions provided in this paragraph~~  
5 ~~shall not preclude a court of competent jurisdiction from~~  
6 ~~issuing an order directing that the information be provided~~  
7 ~~to law enforcement officials, if the information is requested~~  
8 ~~solely in connection with a criminal law enforcement action~~  
9 ~~and is reasonably described.~~

10 ~~(3) Recorded images obtained through the use of~~  
11 ~~automated speed enforcement systems deployed as a means of~~  
12 ~~promoting traffic safety in automated speed enforcement work~~  
13 ~~areas shall be destroyed within one year of final disposition~~  
14 ~~of a notice of violation, except that images subject to a~~  
15 ~~court order under paragraph (1) or (2) shall be destroyed~~  
16 ~~within two years after the date of the order, unless further~~  
17 ~~extended by court order.~~

18 ~~(4) Notwithstanding any other provision of law,~~  
19 ~~registered vehicle owner information obtained as a result of~~  
20 ~~the operation of an automated speed enforcement system shall~~  
21 ~~be the exclusive property of the department or Pennsylvania~~  
22 ~~Turnpike Commission and may not be used for a purpose other~~  
23 ~~than prescribed in this section.~~

24 ~~(5) A violation of this subsection shall constitute a~~  
25 ~~misdemeanor of the third degree punishable by a \$500 fine.~~  
26 ~~Each violation shall constitute a separate and distinct~~  
27 ~~offense.~~

28 ~~(g) Defenses.~~

29 ~~(1) It shall be a defense to a violation under this~~  
30 ~~section that the vehicle was reported to a police department~~

1 ~~as stolen prior to the time the violation occurred and was~~  
2 ~~not recovered prior to that time.~~

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

6 ~~(h) Authority and duties of department and Pennsylvania~~  
7 ~~Turnpike Commission.~~

8 ~~(1) The department and Pennsylvania Turnpike Commission~~  
9 ~~shall each establish a three year automated speed enforcement~~  
10 ~~system program not later than 18 months following the~~  
11 ~~effective date of this section.~~

12 ~~(2) (i) The department and Pennsylvania Turnpike~~  
13 ~~Commission may each promulgate regulations for the~~  
14 ~~certification and the use of automated speed enforcement~~  
15 ~~systems.~~

16 ~~(ii) In order to facilitate the prompt~~  
17 ~~implementation of this section, regulations promulgated~~  
18 ~~by the department and Pennsylvania Turnpike Commission~~  
19 ~~under this section shall be deemed temporary regulations~~  
20 ~~and not subject to:~~

21 ~~(A) Sections 201, 202 and 203 of the act of July~~  
22 ~~31, 1968 (P.L.769, No.240), referred to as the~~  
23 ~~Commonwealth Documents Law.~~

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

26 ~~(3) (i) The department and Pennsylvania Turnpike~~  
27 ~~Commission shall each serve directly or through a~~  
28 ~~contracted private service as the system administrator of~~  
29 ~~the program. Compensation under a contract authorized by~~  
30 ~~this paragraph shall be based only upon the value of~~

~~equipment and services provided or rendered in support of the automated speed enforcement system program and may not be based on the quantity of notices of violation issued or amount of fines imposed or generated.~~

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

~~(iii) Two restricted accounts are established in the State Treasury for fines remitted under this section to the department and Pennsylvania Turnpike Commission, respectively. The system administrator of the department or Pennsylvania Turnpike Commission, if any, shall send an invoice to the department or Pennsylvania Turnpike Commission based, respectively, on the services under subparagraph (i). The department and Pennsylvania Turnpike Commission shall use the appropriate restricted account to pay for the administration of the pilot program and the system administrator's invoice costs. Remaining fines shall be allocated by the department or Pennsylvania Turnpike Commission as follows:~~

~~(A) Forty five percent of the fines over the duration of the three year program from violations occurring in an automated speed enforcement system on either an interstate highway managed by the department or an interstate highway or freeway under the jurisdiction of the Pennsylvania Turnpike Commission shall be deposited into a restricted account in the State Treasury on a quarterly basis. The Department of Revenue shall, within 90 days of the date of deposit, transfer to the Pennsylvania State Police an amount equivalent to the previous~~

1 ~~quarterly deposit to be used by the Pennsylvania~~  
2 ~~State Police as follows:~~

3 ~~(I) Fifty five percent of the funds shall be~~  
4 ~~dedicated and used for the purpose of recruiting,~~  
5 ~~training or equipping Pennsylvania State Police~~  
6 ~~Gadets.~~

7 ~~(II) Forty five percent of the funds shall~~  
8 ~~be dedicated and used to pay for an increased~~  
9 ~~Pennsylvania State Trooper presence in work zones~~  
10 ~~on the State road system managed by the~~  
11 ~~department or the Pennsylvania Turnpike~~  
12 ~~Commission that do not utilize concrete barriers.~~  
13 ~~The assignments shall be made on an as necessary~~  
14 ~~basis as determined by the Pennsylvania State~~  
15 ~~Police. Funds under this subclause shall be in~~  
16 ~~addition to any contractual agreement between the~~  
17 ~~department or the Pennsylvania Turnpike~~  
18 ~~Commission and the Pennsylvania State Police for~~  
19 ~~enforcement in work zones on the State road~~  
20 ~~system managed by the department or the~~  
21 ~~Pennsylvania Turnpike Commission.~~

22 ~~(B) Fifteen percent of the fines over the~~  
23 ~~duration of the three year program from violations~~  
24 ~~occurring in an automated speed enforcement system~~  
25 ~~shall be transferred to the department or the~~  
26 ~~Pennsylvania Turnpike Commission, whichever State~~  
27 ~~road system utilized the automated speed enforcement~~  
28 ~~system, for the purpose of work zone safety, traffic~~  
29 ~~safety and educating the motoring public on work zone~~  
30 ~~safety, at the discretion of the department or~~

1 Pennsylvania Turnpike Commission.

2 (C) Forty percent of the fines over the duration  
3 of the three year program from violations occurring  
4 in an automated speed enforcement system shall be  
5 deposited in the Motor License Fund and shall be  
6 appropriated by the General Assembly.

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

15 (v) If the three year program is not extended by the  
16 General Assembly, any remaining fines remitted to the  
17 department or Pennsylvania Turnpike Commission shall  
18 remain with the department or Pennsylvania Turnpike  
19 Commission for the purpose of work zone safety, traffic  
20 safety and educating the motoring public on work zone  
21 safety, at the discretion of the department or  
22 Pennsylvania Turnpike Commission.

23 (vi) The system administrator shall provide an  
24 appropriate printed form by which owners may challenge a  
25 notice of violation and convenient hearing hours and  
26 times in each of the following metropolitan areas for  
27 challenges to be heard as provided in this section: Erie,  
28 Harrisburg, Philadelphia, Pittsburgh and Scranton. the  
29 form may be included with or as part of the notice of  
30 violation.

1       ~~(4) Not later than April 1 annually, the department and~~  
2 ~~Pennsylvania Turnpike Commission shall submit a report on the~~  
3 ~~program for the preceding calendar year to the chairperson~~  
4 ~~and minority chairperson of the Transportation Committee of~~  
5 ~~the Senate and the chairperson and minority chairperson of~~  
6 ~~the Transportation Committee of the House of Representatives.~~  
7 ~~The report shall be a public record under the Right to Know~~  
8 ~~Law and include:~~

9           ~~(i) The number of vehicular accidents and related~~  
10 ~~serious injuries and deaths in all work zones and in~~  
11 ~~automated speed enforcement work areas where the program~~  
12 ~~operated.~~

13           ~~(ii) Speed data.~~

14           ~~(iii) The number of notices of violation issued.~~

15           ~~(iv) The amount of fines imposed and collected.~~

16           ~~(v) Amounts paid under contracts authorized by this~~  
17 ~~section.~~

18           ~~(vi) The number of hours of Pennsylvania State~~  
19 ~~Police presence that were provided as a result of the~~  
20 ~~funds under paragraph (3)(iii)(A)(II).~~

21 ~~(i) Payment of fine.~~

22           ~~(1) An owner may admit responsibility for the violation~~  
23 ~~and pay the fine provided in the notice personally, through~~  
24 ~~an authorized agent, electronically or by mailing both~~  
25 ~~payment and the notice of violation to the system~~  
26 ~~administrator.~~

27           ~~(2) Payment by mail must be made only by money order,~~  
28 ~~credit card or check made payable to the Commonwealth.~~

29           ~~(3) Payment of the fine shall operate as a final~~  
30 ~~disposition of the case.~~

1 ~~(4) If payment is not received within 90 days of~~  
2 ~~original notice, the department or Pennsylvania Turnpike~~  
3 ~~Commission may turn the matter over to applicable credit~~  
4 ~~collection agencies.~~

5 ~~(j) Contest.~~

6 ~~(1) An owner may, within 30 days of the mailing of the~~  
7 ~~notice, request a hearing to contest liability by appearing~~  
8 ~~before the system administrator either personally or by an~~  
9 ~~authorized agent or by mailing a request in writing on the~~  
10 ~~prescribed form. Appearances in person shall be only at the~~  
11 ~~locations and times set by the system administrator.~~

12 ~~(2) Upon receipt of a hearing request, the system~~  
13 ~~administrator shall in a timely manner schedule the matter~~  
14 ~~before a hearing officer designated by the department or~~  
15 ~~Pennsylvania Turnpike Commission. Written notice of the date,~~  
16 ~~time and place of hearing must be presented or sent by first~~  
17 ~~class mail to the owner.~~

18 ~~(3) The hearing shall be informal and the rules of~~  
19 ~~evidence shall not apply. The decision of the hearing officer~~  
20 ~~shall be final, subject to the right of the owner to appeal~~  
21 ~~the decision.~~

22 ~~(4) If the owner requests in writing that the decision~~  
23 ~~of the hearing officer be appealed, the system administrator~~  
24 ~~shall file the notice of violation and supporting documents~~  
25 ~~with the office of the magisterial district judge for the~~  
26 ~~magisterial district where the violation occurred, and the~~  
27 ~~magisterial district judge shall hear and decide the matter~~  
28 ~~de novo.~~

29 ~~(k) Expiration. This section shall expire three years from~~  
30 ~~the effective date of this section.~~

1     ~~Section 4. The Secretary of Transportation or the Chairman~~  
2 ~~of the Pennsylvania Turnpike Commission shall publish a notice~~  
3 ~~in the Pennsylvania Bulletin when an automated speed enforcement~~  
4 ~~system is operational in this Commonwealth.~~

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

6         ~~(1) The addition of 75 Pa.C.S. § 3369(e) shall take~~  
7 ~~effect 60 days after publication in the Pennsylvania Bulletin~~  
8 ~~of the notice under section 4.~~

9         ~~(2) The addition of 75 Pa.C.S. § 3369(h)(2) shall take~~  
10 ~~effect in 45 days.~~

11         ~~(3) Section 4 and this section shall take effect~~  
12 ~~immediately.~~

13         ~~(4) The remainder of this act shall take effect in 60~~  
14 ~~days.~~

15     \* \* \*

16     SECTION 2. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ: <--

17     § 3369. PILOT PROGRAM FOR AUTOMATED SPEED ENFORCEMENT SYSTEM IN  
18         HIGHWAY WORK ZONES.

19     (A) GENERAL RULE.--A PILOT PROGRAM IS ESTABLISHED TO PROVIDE  
20 FOR AN AUTOMATED SPEED ENFORCEMENT SYSTEM IN ACTIVE WORK ZONES  
21 ON STATE HIGHWAYS. THE FOLLOWING APPLY:

22         (1) THE DEPARTMENT AND PENNSYLVANIA TURNPIKE COMMISSION,  
23 FOLLOWING PROMULGATION OF REGULATIONS, ARE AUTHORIZED TO  
24 ENFORCE SECTION 3362 (RELATING TO MAXIMUM SPEED LIMITS) BY  
25 RECORDING VIOLATIONS USING AN AUTOMATED SPEED ENFORCEMENT  
26 SYSTEM APPROVED BY THE DEPARTMENT.

27         (2) THIS SECTION SHALL ONLY BE APPLICABLE ON FEDERAL AID  
28 HIGHWAYS AND THE PENNSYLVANIA TURNPIKE IN AREAS AGREED UPON  
29 BY THE SECRETARY AND PENNSYLVANIA TURNPIKE COMMISSION,  
30 RESPECTIVELY, USING AN AUTOMATED SPEED ENFORCEMENT SYSTEM.

1 (B) OWNER LIABILITY.--FOR EACH VIOLATION UNDER THIS SECTION,  
2 THE OWNER OF THE VEHICLE SHALL BE LIABLE FOR THE PENALTY IMPOSED  
3 UNLESS THE OWNER IS CONVICTED OF THE SAME VIOLATION UNDER  
4 ANOTHER SECTION OF THIS TITLE OR HAS A DEFENSE UNDER SUBSECTION  
5 (G).

6 (C) CERTIFICATE AS EVIDENCE.--A CERTIFICATE, OR A FACSIMILE  
7 OF A CERTIFICATE, BASED UPON INSPECTION OF RECORDED IMAGES  
8 PRODUCED BY AN AUTOMATED SPEED ENFORCEMENT SYSTEM AND SWORN TO  
9 OR AFFIRMED BY A POLICE OFFICER SHALL BE PRIMA FACIE EVIDENCE OF  
10 THE FACTS CONTAINED IN IT. THE SYSTEM ADMINISTRATOR MUST INCLUDE  
11 WRITTEN DOCUMENTATION THAT THE AUTOMATED SPEED ENFORCEMENT  
12 SYSTEM WAS OPERATING CORRECTLY AT THE TIME OF THE ALLEGED  
13 VIOLATION. A RECORDED IMAGE EVIDENCING A VIOLATION OF SECTION  
14 3362 SHALL BE ADMISSIBLE IN ANY JUDICIAL OR ADMINISTRATIVE  
15 PROCEEDING TO ADJUDICATE THE LIABILITY FOR THE VIOLATION.

16 (D) PENALTY.--THE FOLLOWING SHALL APPLY:

17 (1) THE PENALTY FOR A VIOLATION UNDER SUBSECTION (A)  
18 SHALL BE A FINE OF \$40.

19 (2) THE FINE IS NOT AUTHORIZED DURING TIMES WHEN THE  
20 DESIGNATED HIGHWAY WORK ZONE IS NOT ACTIVE.

21 (3) A PENALTY IS AUTHORIZED ONLY FOR A VIOLATION OF THIS  
22 SECTION IF EACH OF THE FOLLOWING APPLY:

23 (I) AT LEAST TWO APPROPRIATE WARNING SIGNS ARE  
24 CONSPICUOUSLY PLACED AT THE BEGINNING AND END AND AT TWO-  
25 MILE INTERVALS OF THE DESIGNATED HIGHWAY WORK ZONE  
26 NOTIFYING THE PUBLIC THAT AN AUTOMATED SPEED ENFORCEMENT  
27 DEVICE IS IN USE.

28 (II) A NOTICE IDENTIFYING THE LOCATION OF THE  
29 AUTOMATED SPEED ENFORCEMENT SYSTEM IS POSTED ON A  
30 PUBLICLY ACCESSIBLE INTERNET WEBSITE THROUGHOUT THE

1           PERIOD OF USE.

2           (4) A FINE IS NOT AUTHORIZED DURING THE FIRST FIVE DAYS  
3 OF OPERATION OF AN AUTOMATED SPEED ENFORCEMENT SYSTEM IN EACH  
4 SEPARATE HIGHWAY WORK ZONE.

5           (5) THE SYSTEM ADMINISTRATOR MAY PROVIDE A WRITTEN  
6 WARNING TO THE REGISTERED OWNER OF A VEHICLE DETERMINED TO  
7 HAVE VIOLATED THIS SECTION DURING THE FIRST FIVE DAYS OF  
8 OPERATION OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM.

9           (6) A PENALTY IMPOSED UNDER THIS SECTION SHALL NOT BE  
10 DEEMED A CRIMINAL CONVICTION AND SHALL NOT BE MADE PART OF  
11 THE OPERATING RECORD UNDER SECTION 1535 (RELATING TO SCHEDULE  
12 OF CONVICTIONS AND POINTS) OF THE INDIVIDUAL UPON WHOM THE  
13 PENALTY IS IMPOSED, NOR MAY THE IMPOSITION OF THE PENALTY BE  
14 SUBJECT TO MERIT RATING FOR INSURANCE PURPOSES.

15           (7) NO SURCHARGE POINTS MAY BE IMPOSED IN THE PROVISION  
16 OF MOTOR VEHICLE INSURANCE COVERAGE. PENALTIES COLLECTED  
17 UNDER THIS SECTION SHALL NOT BE SUBJECT TO 42 PA.C.S. § 3571  
18 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) OR 3573  
19 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.).

20           (E) LIABILITY.--DRIVING IN EXCESS OF THE POSTED SPEED LIMIT  
21 ALONG THE DESIGNATED HIGHWAY WORK ZONE BY 11 MILES PER HOUR OR  
22 MORE IS A VIOLATION OF THIS SECTION.

23           (F) LIMITATIONS.--THE FOLLOWING SHALL APPLY:

24           (1) NO AUTOMATED SPEED ENFORCEMENT SYSTEM SHALL BE  
25 UTILIZED IN SUCH A MANNER AS TO TAKE A FRONTAL VIEW RECORDED  
26 IMAGE OF THE VEHICLE AS EVIDENCE OF HAVING COMMITTED A  
27 VIOLATION.

28           (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, CAMERA  
29 EQUIPMENT DEPLOYED AS PART OF AN AUTOMATED SPEED ENFORCEMENT  
30 SYSTEM AS PROVIDED IN THIS SECTION MUST BE INCAPABLE OF

1 AUTOMATED OR USER-CONTROLLED REMOTE SURVEILLANCE BY MEANS OF  
2 RECORDED VIDEO IMAGES. RECORDED IMAGES COLLECTED AS PART OF  
3 THE AUTOMATED SPEED ENFORCEMENT SYSTEM MUST ONLY RECORD  
4 TRAFFIC VIOLATIONS AND MAY NOT BE USED FOR ANY OTHER  
5 SURVEILLANCE PURPOSES, BUT MAY INCLUDE VIDEO OF THE  
6 DESIGNATED HIGHWAY WORK ZONE ENFORCED WHEN TRIGGERED BY A  
7 VIOLATION. THE RESTRICTIONS SET FORTH IN THIS PARAGRAPH SHALL  
8 NOT BE DEEMED TO PRECLUDE A COURT OF COMPETENT JURISDICTION  
9 FROM ISSUING AN ORDER DIRECTING THAT THE INFORMATION BE  
10 PROVIDED TO LAW ENFORCEMENT OFFICIALS IF THE INFORMATION IS  
11 REASONABLY DESCRIBED AND IS REQUESTED SOLELY IN CONNECTION  
12 WITH A CRIMINAL LAW ENFORCEMENT ACTION.

13 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
14 INFORMATION PREPARED UNDER THIS SECTION AND INFORMATION  
15 RELATING TO VIOLATIONS UNDER THIS SECTION WHICH IS KEPT BY  
16 THE DEPARTMENT, PENNSYLVANIA TURNPIKE COMMISSION OR SYSTEM  
17 ADMINISTRATOR OR THEIR AUTHORIZED AGENTS OR EMPLOYEES,  
18 INCLUDING RECORDED IMAGES, WRITTEN RECORDS, REPORTS OR  
19 FACSIMILES, NAMES, ADDRESSES AND THE NUMBER OF VIOLATIONS  
20 UNDER THIS SECTION, SHALL BE FOR THE EXCLUSIVE USE OF THE  
21 DEPARTMENT, PENNSYLVANIA TURNPIKE COMMISSION AND SYSTEM  
22 ADMINISTRATOR, THEIR AUTHORIZED AGENTS AND EMPLOYEES AND LAW  
23 ENFORCEMENT OFFICIALS FOR THE PURPOSE OF DISCHARGING THEIR  
24 DUTIES UNDER THIS SECTION. THE INFORMATION SHALL NOT BE  
25 DEEMED A PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008  
26 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW. THE  
27 INFORMATION SHALL NOT BE DISCOVERABLE BY COURT ORDER OR  
28 OTHERWISE, NOR SHALL IT BE OFFERED IN EVIDENCE IN ANY ACTION  
29 OR PROCEEDING WHICH IS NOT DIRECTLY RELATED TO A VIOLATION OF  
30 THIS SECTION. THE RESTRICTIONS SET FORTH IN THIS PARAGRAPH

1 SHALL NOT BE DEEMED TO PRECLUDE A COURT OF COMPETENT  
2 JURISDICTION FROM ISSUING AN ORDER DIRECTING THAT THE  
3 INFORMATION BE PROVIDED TO LAW ENFORCEMENT OFFICIALS IF THE  
4 INFORMATION IS REASONABLY DESCRIBED AND IS REQUESTED SOLELY  
5 IN CONNECTION WITH A CRIMINAL LAW ENFORCEMENT ACTION.

6 (4) RECORDED IMAGES OBTAINED THROUGH THE USE OF  
7 AUTOMATED SPEED ENFORCEMENT SYSTEMS DEPLOYED AS A MEANS OF  
8 PROMOTING TRAFFIC SAFETY IN THIS COMMONWEALTH SHALL BE  
9 DESTROYED WITHIN ONE YEAR OF FINAL DISPOSITION OF ANY  
10 RECORDED EVENT EXCEPT THAT IMAGES SUBJECT TO A COURT ORDER  
11 UNDER PARAGRAPH (2) OR (3) SHALL BE DESTROYED WITHIN TWO  
12 YEARS AFTER THE DATE OF THE ORDER, UNLESS FURTHER EXTENDED BY  
13 COURT ORDER. THE DEPARTMENT SHALL FILE NOTICE WITH THE  
14 DEPARTMENT OF STATE THAT THE RECORDS HAVE BEEN DESTROYED IN  
15 ACCORDANCE WITH THIS SECTION.

16 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
17 REGISTERED VEHICLE OWNER INFORMATION OBTAINED AS A RESULT OF  
18 THE OPERATION OF AN AUTOMATED SPEED ENFORCEMENT SYSTEM UNDER  
19 THIS SECTION SHALL NOT BE THE PROPERTY OF THE SYSTEM  
20 ADMINISTRATOR, MANUFACTURER OR VENDOR OF THE AUTOMATED SPEED  
21 ENFORCEMENT SYSTEM AND MAY NOT BE USED FOR ANY PURPOSE OTHER  
22 THAN PRESCRIBED IN THIS SECTION.

23 (6) A VIOLATION OF THIS SUBSECTION SHALL CONSTITUTE A  
24 MISDEMEANOR OF THE THIRD DEGREE PUNISHABLE BY A \$500 FINE.  
25 EACH VIOLATION SHALL CONSTITUTE A SEPARATE AND DISTINCT  
26 OFFENSE.

27 (G) DEFENSES.--THE FOLLOWING SHALL APPLY:

28 (1) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS  
29 SECTION THAT THE PERSON NAMED IN THE NOTICE OF THE VIOLATION  
30 WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

1 THE OWNER MAY BE REQUIRED TO SUBMIT EVIDENCE THAT THE OWNER  
2 WAS NOT THE DRIVER AT THE TIME OF THE ALLEGED VIOLATION. THE  
3 OWNER OF THE VEHICLE SHALL NOT BE REQUIRED TO DISCLOSE THE  
4 IDENTITY OF THE OPERATOR OF THE VEHICLE AT THE TIME OF THE  
5 VIOLATION.

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

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

16 (4) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS  
17 SECTION THAT THE DEVICE BEING USED TO DETERMINE SPEED WAS NOT  
18 IN COMPLIANCE WITH SECTION 3368 (RELATING TO SPEED TIMING  
19 DEVICES) WITH RESPECT TO TESTING FOR ACCURACY, CERTIFICATION  
20 OR CALIBRATION.

21 (H) DEPARTMENT APPROVAL.--NO AUTOMATED SPEED ENFORCEMENT  
22 SYSTEM MAY BE USED WITHOUT THE APPROVAL OF THE DEPARTMENT. THE  
23 DEPARTMENT SHALL HAVE THE AUTHORITY TO PROMULGATE REGULATIONS  
24 FOR THE CERTIFICATION AND USE OF THE SYSTEMS, WHICH MAY INCLUDE  
25 THE USE OF RADIO-MICROWAVE DEVICES, COMMONLY REFERRED TO AS  
26 ELECTRONIC SPEED METERS OR RADAR, OR LIGHT DETECTION AND RANGING  
27 DEVICES, COMMONLY REFERRED TO AS LIDAR, IN THEIR OPERATIONS.  
28 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THESE DEVICES SHALL  
29 BE TESTED FOR ACCURACY AT REGULAR INTERVALS AS DESIGNATED BY  
30 REGULATION OF THE DEPARTMENT.

1 (I) PROCEDURE.--THE FOLLOWING SHALL APPLY:

2 (1) AN AUTOMATED SPEED ENFORCEMENT SYSTEM MAY NOT BE  
3 USED UNLESS THERE IS POSTED AN APPROPRIATE SIGN IN A  
4 CONSPICUOUS PLACE BEFORE THE DESIGNATED HIGHWAY WORK ZONE IN  
5 WHICH THE AUTOMATED SPEED ENFORCEMENT DEVICE IS TO BE USED  
6 NOTIFYING THE PUBLIC THAT AN AUTOMATED SPEED ENFORCEMENT  
7 DEVICE IS IN USE IMMEDIATELY AHEAD.

8 (2) THE DEPARTMENT AND THE PENNSYLVANIA TURNPIKE  
9 COMMISSION SHALL DESIGNATE OR APPOINT A SYSTEM ADMINISTRATOR  
10 OR SYSTEM ADMINISTRATORS TO SUPERVISE AND COORDINATE THE  
11 ADMINISTRATION OF NOTICES OF VIOLATION ISSUED UNDER THIS  
12 SECTION.

13 (3) A SYSTEM ADMINISTRATOR SHALL PREPARE A NOTICE OF  
14 VIOLATION TO THE REGISTERED OWNER OF A VEHICLE IDENTIFIED IN  
15 A RECORDED IMAGE PRODUCED BY AN AUTOMATED SPEED ENFORCEMENT  
16 SYSTEM AS EVIDENCE OF A VIOLATION OF SECTION 3362. THE NOTICE  
17 OF VIOLATION MUST BE ISSUED BY A POLICE OFFICER EMPLOYED BY  
18 THE POLICE DEPARTMENT WITH PRIMARY JURISDICTION OVER THE AREA  
19 WHERE THE VIOLATION OCCURRED. THE NOTICE OF VIOLATION SHALL  
20 HAVE THE FOLLOWING ATTACHED TO IT:

21 (I) A COPY OF THE RECORDED IMAGE SHOWING THE VEHICLE  
22 WITH LICENSE PLATE VISIBLE;

23 (II) THE REGISTRATION NUMBER AND STATE OF ISSUANCE  
24 OF THE VEHICLE REGISTRATION;

25 (III) THE DATE, TIME AND PLACE OF THE ALLEGED  
26 VIOLATION;

27 (IV) NOTICE THAT THE VIOLATION CHARGED IS UNDER  
28 SECTION 3362; AND

29 (V) INSTRUCTIONS FOR RETURN OF THE NOTICE OF  
30 VIOLATION, WHICH SHALL READ:

1           THIS NOTICE SHALL BE RETURNED PERSONALLY, BY MAIL OR  
2           BY AN AGENT DULY AUTHORIZED IN WRITING, WITHIN 30  
3           DAYS OF ISSUANCE. A HEARING MAY BE OBTAINED UPON THE  
4           WRITTEN REQUEST OF THE REGISTERED OWNER.

5   (J) SYSTEM ADMINISTRATOR.--THE FOLLOWING SHALL APPLY:

6           (1) A SYSTEM ADMINISTRATOR MAY HIRE AND DESIGNATE  
7           PERSONNEL AS NECESSARY OR CONTRACT FOR SERVICES TO IMPLEMENT  
8           THIS SECTION.

9           (2) THE SYSTEM ADMINISTRATOR SHALL PROCESS NOTICES OF  
10          VIOLATION AND PENALTIES ISSUED UNDER THIS SECTION.

11          (3) NOT LATER THAN APRIL 1 ANNUALLY, THE SYSTEM  
12          ADMINISTRATOR, IN COORDINATION WITH THE DEPARTMENT AND THE  
13          PENNSYLVANIA TURNPIKE COMMISSION, SHALL SUBMIT AN ANNUAL  
14          REPORT TO THE CHAIRPERSON AND THE MINORITY CHAIRPERSON OF THE  
15          TRANSPORTATION COMMITTEE OF THE SENATE AND THE CHAIRPERSON  
16          AND MINORITY CHAIRPERSON OF THE TRANSPORTATION COMMITTEE OF  
17          THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL BE CONSIDERED  
18          A PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW AND INCLUDE FOR  
19          THE PRIOR YEAR:

20           (I) THE NUMBER OF VIOLATIONS AND FINES ISSUED AND  
21           DATA REGARDING THE SPEEDS OF VEHICLES IN THE ENFORCEMENT  
22           AREA.

23           (II) A COMPILATION OF PENALTIES PAID AND  
24           OUTSTANDING.

25           (III) THE AMOUNT OF MONEY PAID TO THE SYSTEM  
26           ADMINISTRATOR.

27           (IV) THE AMOUNT OF MONEY PAID TO A VENDOR OR  
28           MANUFACTURER UNDER THIS SECTION.

29           (V) THE NUMBER OF VEHICULAR ACCIDENTS AND RELATED  
30           SERIOUS INJURIES AND DEATHS ALONG THE DESIGNATED HIGHWAY

1           WORK ZONES.

2           (K) NOTICE TO OWNER.--IN THE CASE OF A VIOLATION INVOLVING A  
3 MOTOR VEHICLE REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH,  
4 THE NOTICE OF VIOLATION MUST BE MAILED WITHIN 30 DAYS AFTER THE  
5 COMMISSION OF THE VIOLATION OR WITHIN 30 DAYS AFTER THE  
6 DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER, WHICHEVER IS  
7 LATER, AND NOT THEREAFTER TO THE ADDRESS OF THE REGISTERED OWNER  
8 AS LISTED IN THE RECORDS OF THE DEPARTMENT. IN THE CASE OF MOTOR  
9 VEHICLES REGISTERED IN JURISDICTIONS OTHER THAN THIS  
10 COMMONWEALTH, THE NOTICE OF VIOLATION MUST BE MAILED WITHIN 30  
11 DAYS AFTER THE DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER  
12 TO THE ADDRESS OF THE REGISTERED OWNER AS LISTED IN THE RECORDS  
13 OF THE OFFICIAL IN THE JURISDICTION HAVING CHARGE OF THE  
14 REGISTRATION OF THE VEHICLE. A NOTICE OF VIOLATION UNDER THIS  
15 SECTION MUST BE PROVIDED TO AN OWNER WITHIN 90 DAYS OF THE  
16 COMMISSION OF THE OFFENSE.

17           (L) MAILING OF NOTICE AND RECORDS.--NOTICE OF VIOLATION MUST  
18 BE SENT BY FIRST CLASS MAIL. A MANUAL OR AUTOMATIC RECORD OF  
19 MAILING PREPARED BY THE SYSTEM ADMINISTRATOR IN THE ORDINARY  
20 COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF MAILING AND  
21 SHALL BE ADMISSIBLE IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING  
22 AS TO THE FACTS CONTAINED IN IT.

23           (M) PAYMENT OF FINE.--THE FOLLOWING SHALL APPLY:

24           (1) AN OWNER TO WHOM A NOTICE OF VIOLATION HAS BEEN  
25 ISSUED MAY ADMIT RESPONSIBILITY FOR THE VIOLATION AND PAY THE  
26 FINE PROVIDED IN THE NOTICE.

27           (2) PAYMENT MUST BE MADE PERSONALLY, THROUGH AN  
28 AUTHORIZED AGENT, ELECTRONICALLY OR BY MAILING BOTH PAYMENT  
29 AND THE NOTICE OF VIOLATION TO THE SYSTEM ADMINISTRATOR.  
30 PAYMENT BY MAIL MUST BE MADE ONLY BY MONEY ORDER, CREDIT CARD

1 OR CHECK MADE PAYABLE TO THE SYSTEM ADMINISTRATOR. THE SYSTEM  
2 ADMINISTRATOR SHALL REMIT THE FINE TO THE DEPARTMENT OR  
3 PENNSYLVANIA TURNPIKE COMMISSION. THE DEPARTMENT AND THE  
4 PENNSYLVANIA TURNPIKE COMMISSION SHALL PAY THE  
5 ADMINISTRATOR'S OPERATION AND MAINTENANCE COSTS NECESSITATED  
6 BY THIS SECTION. THE REMAINING FINES SHALL BE DEPOSITED INTO  
7 A RESTRICTED RECEIPTS ACCOUNT IN THE MOTOR LICENSE FUND.  
8 FINES DEPOSITED IN THE FUND UNDER THIS PARAGRAPH SHALL BE  
9 USED BY THE DEPARTMENT FOR A TRANSPORTATION ENHANCEMENT  
10 GRANTS PROGRAM AS ESTABLISHED BY SECTION 3116 (RELATING TO  
11 AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS  
12 CITIES). THE DEPARTMENT SHALL AWARD TRANSPORTATION  
13 ENHANCEMENT GRANTS ON A COMPETITIVE BASIS. THE DEPARTMENT MAY  
14 PAY ACTUAL ADMINISTRATIVE COSTS ARISING FROM THE DEPARTMENT'S  
15 ADMINISTRATION OF THIS SECTION. THE DEPARTMENT MAY NOT  
16 RESERVE, DESIGNATE OR SET ASIDE A SPECIFIC LEVEL OF FUNDS OR  
17 PERCENTAGE OF FUNDS TO AN APPLICANT PRIOR TO THE COMPLETION  
18 OF THE APPLICATION PROCESS, NOR MAY THE DEPARTMENT DESIGNATE  
19 A SET PERCENTAGE OF FUNDS TO AN APPLICANT.

20 (3) PAYMENT OF THE ESTABLISHED FINE AND APPLICABLE  
21 PENALTIES SHALL OPERATE AS A FINAL DISPOSITION OF THE CASE.

22 (4) IF PAYMENT IS NOT MADE WITHIN 90 DAYS OF ORIGINAL  
23 NOTICE, THE DEPARTMENT OR PENNSYLVANIA TURNPIKE COMMISSION  
24 MAY TURN THE MATTER OVER TO THE APPLICABLE CREDIT AGENCIES.

25 (N) HEARING.--THE FOLLOWING SHALL APPLY:

26 (1) AN OWNER TO WHOM A NOTICE OF VIOLATION HAS BEEN  
27 ISSUED MAY, WITHIN 30 DAYS OF THE MAILING OF THE NOTICE,  
28 REQUEST A HEARING TO CONTEST THE LIABILITY ALLEGED IN THE  
29 NOTICE. A HEARING REQUEST MUST BE MADE BY APPEARING BEFORE  
30 THE SYSTEM ADMINISTRATOR DURING REGULAR OFFICE HOURS EITHER

1 PERSONALLY OR BY AN AUTHORIZED AGENT OR BY MAILING A REQUEST  
2 IN WRITING. A HEARING REQUEST FORM MAY BE INCLUDED WITH OR AS  
3 PART OF THE NOTICE OF VIOLATION.

4 (2) UPON RECEIPT OF A HEARING REQUEST, THE SYSTEM  
5 ADMINISTRATOR SHALL IN A TIMELY MANNER SCHEDULE THE MATTER  
6 BEFORE A HEARING OFFICER. THE HEARING OFFICER SHALL BE  
7 DESIGNATED BY THE DEPARTMENT. WRITTEN NOTICE OF THE DATE,  
8 TIME AND PLACE OF HEARING MUST BE SENT BY FIRST CLASS MAIL TO  
9 THE OWNER. THE SYSTEM ADMINISTRATOR SHALL ESTABLISH  
10 CONVENIENT HEARING HOURS AND TIMES IN EACH OF THE FOLLOWING  
11 METROPOLITAN AREAS FOR CHALLENGES TO BE HEARD AS PROVIDED IN  
12 THIS SECTION: ERIE, HARRISBURG, PHILADELPHIA, PITTSBURGH AND  
13 SCRANTON.

14 (3) THE HEARING SHALL BE CONDUCTED PURSUANT TO 2 PA.C.S.  
15 CH. 5 (RELATING TO PRACTICE AND PROCEDURE) AND SHALL BE  
16 SUBJECT TO APPEAL PURSUANT TO 2 PA.C.S. CH. 7 (RELATING TO  
17 JUDICIAL REVIEW).

18 (O) COMPENSATION TO SYSTEM ADMINISTRATOR, MANUFACTURER OR  
19 VENDOR.--COMPENSATION PAID TO THE MANUFACTURER OR VENDOR OF THE  
20 AUTOMATED SPEED ENFORCEMENT SYSTEM MAY NOT BE BASED UPON THE  
21 NUMBER OF TRAFFIC CITATIONS ISSUED OR A PORTION OR PERCENTAGE OF  
22 THE FINE GENERATED BY THE CITATIONS. THE COMPENSATION PAID TO  
23 THE SYSTEM ADMINISTRATOR, MANUFACTURER OR VENDOR OF THE  
24 EQUIPMENT SHALL BE BASED UPON THE VALUE OF THE EQUIPMENT AND THE  
25 SERVICES PROVIDED OR RENDERED IN SUPPORT OF THE AUTOMATED SPEED  
26 ENFORCEMENT SYSTEM.

27 (P) EXPIRATION.--THIS SECTION SHALL EXPIRE FIVE YEARS FROM  
28 THE EFFECTIVE DATE OF REGULATIONS PROMULGATED BY THE DEPARTMENT  
29 UNDER THIS SECTION.

30 (Q) DEFINITION.--FOR THE PURPOSES OF THIS SECTION, THE TERM

1 "DESIGNATED HIGHWAY WORK ZONE" IS THE PORTION OF AN ACTIVE WORK  
2 ZONE AGREED TO BY THE SECRETARY AND PENNSYLVANIA TURNPIKE  
3 COMMISSION WHERE CONSTRUCTION, MAINTENANCE OR UTILITY WORKERS  
4 ARE LOCATED ON THE ROADWAY, BERM OR SHOULDER AND WORKERS ARE  
5 ADJACENT TO AN ACTIVE TRAVEL LANE AND WHERE AN AUTOMATED  
6 ENFORCEMENT SYSTEM IS ACTIVE. FOR THE PURPOSE OF THIS  
7 DEFINITION, WORKERS SHALL ALSO BE CONSIDERED ADJACENT TO AN  
8 ACTIVE TRAVEL LANE WHERE WORKERS ARE PRESENT AND ARE PROTECTED  
9 BY A TRAFFIC BARRIER.

10 § 3370. PILOT PROGRAM FOR AUTOMATED SPEED ENFORCEMENT SYSTEM ON  
11 DESIGNATED HIGHWAY.

12 (A) GENERAL RULE.--A PILOT PROGRAM IS ESTABLISHED TO PROVIDE  
13 FOR AN AUTOMATED SPEED ENFORCEMENT SYSTEM ON THE DESIGNATED  
14 HIGHWAY.

15 (1) A CITY OF THE FIRST CLASS, UPON PASSAGE OF AN  
16 ORDINANCE, IS AUTHORIZED TO ENFORCE SECTION 3362 (RELATING TO  
17 MAXIMUM SPEED LIMITS) BY RECORDING VIOLATIONS USING AN  
18 AUTOMATED SPEED ENFORCEMENT SYSTEM APPROVED BY THE  
19 DEPARTMENT.

20 (2) THIS SECTION SHALL ONLY BE APPLICABLE IN A CITY OF  
21 THE FIRST CLASS IN AREAS AGREED UPON BY THE SYSTEM  
22 ADMINISTRATOR AND THE SECRETARY OF TRANSPORTATION USING THE  
23 AUTOMATED SPEED ENFORCEMENT SYSTEM ON U.S. ROUTE 1 (ROOSEVELT  
24 BOULEVARD) BETWEEN NINTH STREET AND THE PHILADELPHIA COUNTY  
25 LINE SHARED WITH BUCKS COUNTY.

26 (B) OWNER LIABILITY.--FOR EACH VIOLATION UNDER THIS SECTION,  
27 THE OWNER OF THE VEHICLE SHALL BE LIABLE FOR THE PENALTY IMPOSED  
28 UNLESS THE OWNER IS CONVICTED OF THE SAME VIOLATION UNDER  
29 ANOTHER SECTION OF THIS TITLE OR HAS A DEFENSE UNDER SUBSECTION  
30 (G).

1 (C) CERTIFICATE AS EVIDENCE.--A CERTIFICATE, OR A FACSIMILE  
2 OF A CERTIFICATE, BASED UPON INSPECTION OF RECORDED IMAGES  
3 PRODUCED BY AN AUTOMATED SPEED ENFORCEMENT SYSTEM AND SWORN TO  
4 OR AFFIRMED BY A POLICE OFFICER EMPLOYED BY THE CITY OF THE  
5 FIRST CLASS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED  
6 IN IT. THE CITY MUST INCLUDE WRITTEN DOCUMENTATION THAT THE  
7 AUTOMATED SPEED ENFORCEMENT SYSTEM WAS OPERATING CORRECTLY AT  
8 THE TIME OF THE ALLEGED VIOLATION. A RECORDED IMAGE EVIDENCING A  
9 VIOLATION OF SECTION 3362 SHALL BE ADMISSIBLE IN ANY JUDICIAL OR  
10 ADMINISTRATIVE PROCEEDING TO ADJUDICATE THE LIABILITY FOR THE  
11 VIOLATION.

12 (D) PENALTY.--THE FOLLOWING SHALL APPLY:

13 (1) THE PENALTY FOR A VIOLATION UNDER SUBSECTION (A)  
14 SHALL BE A FINE OF \$150 UNLESS A LESSER AMOUNT IS SET BY  
15 ORDINANCE. THE ORDINANCE MAY CREATE FINES FOR FIRST OFFENSE,  
16 SECOND OFFENSE AND THIRD AND SUBSEQUENT OFFENSES, BUT NO  
17 SINGLE FINE SHALL EXCEED \$150.

18 (2) A PENALTY IS AUTHORIZED ONLY FOR A VIOLATION OF THIS  
19 SECTION IF EACH OF THE FOLLOWING APPLY:

20 (I) AT LEAST TWO APPROPRIATE WARNING SIGNS ARE  
21 CONSPICUOUSLY PLACED AT THE BEGINNING AND END AND AT TWO-  
22 MILE INTERVALS OF THE DESIGNATED HIGHWAY NOTIFYING THE  
23 PUBLIC THAT AN AUTOMATED SPEED ENFORCEMENT DEVICE IS IN  
24 USE.

25 (II) A NOTICE IDENTIFYING THE LOCATION OF THE  
26 AUTOMATED SPEED ENFORCEMENT SYSTEM IS POSTED ON THE  
27 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE  
28 THROUGHOUT THE PERIOD OF USE.

29 (3) A FINE IS NOT AUTHORIZED DURING THE FIRST 30 DAYS OF  
30 OPERATION OF AN AUTOMATED SPEED ENFORCEMENT SYSTEM.

1           (4) THE SYSTEM ADMINISTRATOR MAY PROVIDE A WRITTEN  
2 WARNING TO THE REGISTERED OWNER OF A VEHICLE DETERMINED TO  
3 HAVE VIOLATED THIS SECTION DURING THE FIRST 30 DAYS OF  
4 OPERATION OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM.

5           (5) A PENALTY IMPOSED UNDER THIS SECTION SHALL NOT BE  
6 DEEMED A CRIMINAL CONVICTION AND SHALL NOT BE MADE PART OF  
7 THE OPERATING RECORD UNDER SECTION 1535 (RELATING TO SCHEDULE  
8 OF CONVICTIONS AND POINTS) OF THE INDIVIDUAL UPON WHOM THE  
9 PENALTY IS IMPOSED, NOR MAY THE IMPOSITION OF THE PENALTY BE  
10 SUBJECT TO MERIT RATING FOR INSURANCE PURPOSES.

11           (6) NO SURCHARGE POINTS MAY BE IMPOSED IN THE PROVISION  
12 OF MOTOR VEHICLE INSURANCE COVERAGE. PENALTIES COLLECTED  
13 UNDER THIS SECTION SHALL NOT BE SUBJECT TO 42 PA.C.S. § 3571  
14 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) OR 3573  
15 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.).

16           (E) LIABILITY.--DRIVING IN EXCESS OF THE POSTED SPEED LIMIT  
17 ALONG THE DESIGNATED HIGHWAY BY 11 MILES PER HOUR OR MORE IS A  
18 VIOLATION OF THIS SECTION.

19           (F) LIMITATIONS.--THE FOLLOWING SHALL APPLY:

20           (1) NO AUTOMATED SPEED ENFORCEMENT SYSTEM SHALL BE  
21 UTILIZED IN SUCH A MANNER AS TO TAKE A FRONTAL VIEW RECORDED  
22 IMAGE OF THE VEHICLE AS EVIDENCE OF HAVING COMMITTED A  
23 VIOLATION.

24           (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, CAMERA  
25 EQUIPMENT DEPLOYED AS PART OF AN AUTOMATED SPEED ENFORCEMENT  
26 SYSTEM AS PROVIDED IN THIS SECTION MUST BE INCAPABLE OF  
27 AUTOMATED OR USER-CONTROLLED REMOTE SURVEILLANCE BY MEANS OF  
28 RECORDED VIDEO IMAGES. RECORDED IMAGES COLLECTED AS PART OF  
29 THE AUTOMATED SPEED ENFORCEMENT SYSTEM MUST ONLY RECORD  
30 TRAFFIC VIOLATIONS AND MAY NOT BE USED FOR ANY OTHER

1 SURVEILLANCE PURPOSES, BUT MAY INCLUDE VIDEO OF THE AREA  
2 ENFORCED WHEN TRIGGERED BY A VIOLATION. THE RESTRICTIONS SET  
3 FORTH IN THIS PARAGRAPH SHALL NOT BE DEEMED TO PRECLUDE A  
4 COURT OF COMPETENT JURISDICTION FROM ISSUING AN ORDER  
5 DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT  
6 OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND IS  
7 REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW  
8 ENFORCEMENT ACTION.

9 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
10 INFORMATION PREPARED UNDER THIS SECTION AND INFORMATION  
11 RELATING TO VIOLATIONS UNDER THIS SECTION WHICH IS KEPT BY  
12 THE CITY OF THE FIRST CLASS, ITS AUTHORIZED AGENTS OR ITS  
13 EMPLOYEES, INCLUDING RECORDED IMAGES, WRITTEN RECORDS,  
14 REPORTS OR FACSIMILES, NAMES, ADDRESSES AND THE NUMBER OF  
15 VIOLATIONS UNDER THIS SECTION, SHALL BE FOR THE EXCLUSIVE USE  
16 OF THE CITY, ITS AUTHORIZED AGENTS, ITS EMPLOYEES AND LAW  
17 ENFORCEMENT OFFICIALS FOR THE PURPOSE OF DISCHARGING THEIR  
18 DUTIES UNDER THIS SECTION AND UNDER ANY ORDINANCES AND  
19 RESOLUTIONS OF THE CITY. THE INFORMATION SHALL NOT BE DEEMED  
20 A PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6,  
21 NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW. THE INFORMATION SHALL  
22 NOT BE DISCOVERABLE BY COURT ORDER OR OTHERWISE, NOR SHALL IT  
23 BE OFFERED IN EVIDENCE IN ANY ACTION OR PROCEEDING WHICH IS  
24 NOT DIRECTLY RELATED TO A VIOLATION OF THIS SECTION OR ANY  
25 ORDINANCE OR RESOLUTION OF THE CITY. THE RESTRICTIONS SET  
26 FORTH IN THIS PARAGRAPH SHALL NOT BE DEEMED TO PRECLUDE A  
27 COURT OF COMPETENT JURISDICTION FROM ISSUING AN ORDER  
28 DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT  
29 OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND IS  
30 REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW

1 ENFORCEMENT ACTION.

2 (4) RECORDED IMAGES OBTAINED THROUGH THE USE OF  
3 AUTOMATED SPEED ENFORCEMENT SYSTEMS DEPLOYED AS A MEANS OF  
4 PROMOTING TRAFFIC SAFETY IN A CITY OF THE FIRST CLASS SHALL  
5 BE DESTROYED WITHIN ONE YEAR OF FINAL DISPOSITION OF ANY  
6 RECORDED EVENT EXCEPT THAT IMAGES SUBJECT TO A COURT ORDER  
7 UNDER PARAGRAPH (2) OR (3) SHALL BE DESTROYED WITHIN TWO  
8 YEARS AFTER THE DATE OF THE ORDER, UNLESS FURTHER EXTENDED BY  
9 COURT ORDER. THE CITY SHALL FILE NOTICE WITH THE DEPARTMENT  
10 OF STATE THAT THE RECORDS HAVE BEEN DESTROYED IN ACCORDANCE  
11 WITH THIS SECTION.

12 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
13 REGISTERED VEHICLE OWNER INFORMATION OBTAINED AS A RESULT OF  
14 THE OPERATION OF AN AUTOMATED SPEED ENFORCEMENT SYSTEM UNDER  
15 THIS SECTION SHALL NOT BE THE PROPERTY OF THE MANUFACTURER OR  
16 VENDOR OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM AND MAY NOT  
17 BE USED FOR ANY PURPOSE OTHER THAN PRESCRIBED IN THIS  
18 SECTION.

19 (6) A VIOLATION OF THIS SUBSECTION SHALL CONSTITUTE A  
20 MISDEMEANOR OF THE THIRD DEGREE PUNISHABLE BY A \$500 FINE.  
21 EACH VIOLATION SHALL CONSTITUTE A SEPARATE AND DISTINCT  
22 OFFENSE.

23 (G) DEFENSES.--THE FOLLOWING SHALL APPLY:

24 (1) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS  
25 SECTION THAT THE PERSON NAMED IN THE NOTICE OF THE VIOLATION  
26 WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.  
27 THE OWNER MAY BE REQUIRED TO SUBMIT EVIDENCE THAT THE OWNER  
28 WAS NOT THE DRIVER AT THE TIME OF THE ALLEGED VIOLATION. THE  
29 CITY OF THE FIRST CLASS MAY NOT REQUIRE THE OWNER OF THE  
30 VEHICLE TO DISCLOSE THE IDENTITY OF THE OPERATOR OF THE

1 VEHICLE AT THE TIME OF THE VIOLATION.

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

9 (3) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS  
10 SECTION THAT THE PERSON RECEIVING THE NOTICE OF VIOLATION WAS  
11 NOT THE OWNER OF THE VEHICLE AT THE TIME OF THE OFFENSE.

12 (4) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS  
13 SECTION THAT THE DEVICE BEING USED TO DETERMINE SPEED WAS NOT  
14 IN COMPLIANCE WITH SECTION 3368 (RELATING TO SPEED TIMING  
15 DEVICES) WITH RESPECT TO TESTING FOR ACCURACY, CERTIFICATION  
16 OR CALIBRATION.

17 (H) DEPARTMENT APPROVAL.--

18 (1) NO AUTOMATED SPEED ENFORCEMENT SYSTEM MAY BE USED  
19 WITHOUT THE APPROVAL OF THE DEPARTMENT, WHICH SHALL HAVE THE  
20 AUTHORITY TO PROMULGATE REGULATIONS FOR THE CERTIFICATION AND  
21 USE OF THE SYSTEMS WHICH REGULATIONS MAY INCLUDE THE USE OF  
22 RADIO-MICROWAVE DEVICES, COMMONLY REFERRED TO AS ELECTRONIC  
23 SPEED METERS OR RADAR, OR LIGHT DETECTION AND RANGING  
24 DEVICES, COMMONLY REFERRED TO AS LIDAR, IN THEIR OPERATIONS.

25 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
26 DEVICES IDENTIFIED IN PARAGRAPH (1) SHALL BE TESTED FOR  
27 ACCURACY AT REGULAR INTERVALS AS DESIGNATED BY REGULATION OF  
28 THE DEPARTMENT.

29 (I) DUTY OF CITY.--IF A CITY OF THE FIRST CLASS ELECTS TO  
30 IMPLEMENT THIS SECTION, THE FOLLOWING PROVISIONS SHALL APPLY:

1           (1) THE CITY MAY NOT USE AN AUTOMATED SPEED ENFORCEMENT  
2 SYSTEM UNLESS THERE IS POSTED AN APPROPRIATE SIGN IN A  
3 CONSPICUOUS PLACE BEFORE THE AREA IN WHICH THE AUTOMATED  
4 SPEED ENFORCEMENT DEVICE IS TO BE USED NOTIFYING THE PUBLIC  
5 THAT AN AUTOMATED SPEED ENFORCEMENT DEVICE IS IN USE  
6 IMMEDIATELY AHEAD.

7           (2) THE CITY SHALL DESIGNATE OR APPOINT THE PHILADELPHIA  
8 PARKING AUTHORITY AS THE SYSTEM ADMINISTRATOR TO SUPERVISE  
9 AND COORDINATE THE ADMINISTRATION OF NOTICES OF VIOLATION  
10 ISSUED UNDER THIS SECTION.

11           (3) THE SYSTEM ADMINISTRATOR SHALL PREPARE A NOTICE OF  
12 VIOLATION TO THE REGISTERED OWNER OF A VEHICLE IDENTIFIED IN  
13 A RECORDED IMAGE PRODUCED BY AN AUTOMATED SPEED ENFORCEMENT  
14 SYSTEM AS EVIDENCE OF A VIOLATION OF SECTION 3362. THE NOTICE  
15 OF VIOLATION MUST BE ISSUED BY A POLICE OFFICER EMPLOYED BY  
16 THE POLICE DEPARTMENT WITH PRIMARY JURISDICTION OVER THE AREA  
17 WHERE THE VIOLATION OCCURRED. THE NOTICE OF VIOLATION SHALL  
18 HAVE THE FOLLOWING ATTACHED TO IT:

19           (I) A COPY OF THE RECORDED IMAGE SHOWING THE  
20 VEHICLE;

21           (II) THE REGISTRATION NUMBER AND STATE OF ISSUANCE  
22 OF THE VEHICLE REGISTRATION;

23           (III) THE DATE, TIME AND PLACE OF THE ALLEGED  
24 VIOLATION;

25           (IV) NOTICE THAT THE VIOLATION CHARGED IS UNDER  
26 SECTION 3362; AND

27           (V) INSTRUCTIONS FOR RETURN OF THE NOTICE OF  
28 VIOLATION, WHICH SHALL READ:

29           THIS NOTICE SHALL BE RETURNED PERSONALLY, BY MAIL OR  
30 BY AN AGENT DULY AUTHORIZED IN WRITING, WITHIN 30

1 DAYS OF ISSUANCE. A HEARING MAY BE OBTAINED UPON THE  
2 WRITTEN REQUEST OF THE REGISTERED OWNER.

3 (J) SYSTEM ADMINISTRATOR.--THE FOLLOWING SHALL APPLY:

4 (1) THE SYSTEM ADMINISTRATOR MAY HIRE AND DESIGNATE  
5 PERSONNEL AS NECESSARY OR CONTRACT FOR SERVICES TO IMPLEMENT  
6 THIS SECTION.

7 (2) THE SYSTEM ADMINISTRATOR SHALL PROCESS NOTICES OF  
8 VIOLATION AND PENALTIES ISSUED UNDER THIS SECTION.

9 (3) NOT LATER THAN APRIL 1 ANNUALLY, THE SYSTEM  
10 ADMINISTRATOR SHALL SUBMIT AN ANNUAL REPORT TO THE  
11 CHAIRPERSON AND THE MINORITY CHAIRPERSON OF THE  
12 TRANSPORTATION COMMITTEE OF THE SENATE AND THE CHAIRPERSON  
13 AND MINORITY CHAIRPERSON OF THE TRANSPORTATION COMMITTEE OF  
14 THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL BE CONSIDERED  
15 A PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW AND INCLUDE FOR  
16 THE PRIOR YEAR:

17 (I) THE NUMBER OF VIOLATIONS AND FINES ISSUED AND  
18 DATA REGARDING THE SPEEDS OF VEHICLES IN THE ENFORCEMENT  
19 AREA.

20 (II) A COMPILATION OF PENALTIES PAID AND  
21 OUTSTANDING.

22 (III) THE AMOUNT OF MONEY PAID TO A VENDOR OR  
23 MANUFACTURER UNDER THIS SECTION.

24 (IV) THE NUMBER OF VEHICULAR ACCIDENTS AND RELATED  
25 SERIOUS INJURIES AND DEATHS ALONG THE DESIGNATED HIGHWAY.

26 (K) NOTICE TO OWNER.--IN THE CASE OF A VIOLATION INVOLVING A  
27 MOTOR VEHICLE REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH,  
28 THE NOTICE OF VIOLATION MUST BE MAILED WITHIN 30 DAYS AFTER THE  
29 COMMISSION OF THE VIOLATION OR WITHIN 30 DAYS AFTER THE  
30 DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER, WHICHEVER IS

1 LATER, AND NOT THEREAFTER TO THE ADDRESS OF THE REGISTERED OWNER  
2 AS LISTED IN THE RECORDS OF THE DEPARTMENT. IN THE CASE OF MOTOR  
3 VEHICLES REGISTERED IN JURISDICTIONS OTHER THAN THIS  
4 COMMONWEALTH, THE NOTICE OF VIOLATION MUST BE MAILED WITHIN 30  
5 DAYS AFTER THE DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER  
6 TO THE ADDRESS OF THE REGISTERED OWNER AS LISTED IN THE RECORDS  
7 OF THE OFFICIAL IN THE JURISDICTION HAVING CHARGE OF THE  
8 REGISTRATION OF THE VEHICLE. A NOTICE OF VIOLATION UNDER THIS  
9 SECTION MUST BE PROVIDED TO AN OWNER WITHIN 90 DAYS OF THE  
10 COMMISSION OF THE OFFENSE.

11 (L) MAILING OF NOTICE AND RECORDS.--NOTICE OF VIOLATION MUST  
12 BE SENT BY FIRST CLASS MAIL. A MANUAL OR AUTOMATIC RECORD OF  
13 MAILING PREPARED BY THE SYSTEM ADMINISTRATOR IN THE ORDINARY  
14 COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF MAILING AND  
15 SHALL BE ADMISSIBLE IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING  
16 AS TO THE FACTS CONTAINED IN IT.

17 (M) PAYMENT OF FINE.--THE FOLLOWING SHALL APPLY:

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) PAYMENT MUST BE MADE PERSONALLY, THROUGH AN  
22 AUTHORIZED AGENT, ELECTRONICALLY OR BY MAILING BOTH PAYMENT  
23 AND THE NOTICE OF VIOLATION TO THE SYSTEM ADMINISTRATOR.  
24 PAYMENT BY MAIL MUST BE MADE ONLY BY MONEY ORDER, CREDIT CARD  
25 OR CHECK MADE PAYABLE TO THE SYSTEM ADMINISTRATOR. THE SYSTEM  
26 ADMINISTRATOR SHALL REMIT THE FINE, LESS THE SYSTEM  
27 ADMINISTRATOR'S OPERATION AND MAINTENANCE COSTS NECESSITATED  
28 BY THIS SECTION, TO THE DEPARTMENT FOR DEPOSIT INTO A  
29 RESTRICTED RECEIPTS ACCOUNT IN THE MOTOR LICENSE FUND. FINES  
30 DEPOSITED IN THE FUND UNDER THIS PARAGRAPH SHALL BE USED BY

1 THE DEPARTMENT FOR A TRANSPORTATION ENHANCEMENT GRANTS  
2 PROGRAM AS ESTABLISHED BY SECTION 3116 (RELATING TO AUTOMATED  
3 RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS CITIES). THE  
4 DEPARTMENT SHALL AWARD TRANSPORTATION ENHANCEMENT GRANTS ON A  
5 COMPETITIVE BASIS. THE DEPARTMENT MAY PAY ACTUAL  
6 ADMINISTRATIVE COSTS ARISING FROM THE DEPARTMENT'S  
7 ADMINISTRATION OF THIS SECTION. THE DEPARTMENT MAY NOT  
8 RESERVE, DESIGNATE OR SET ASIDE A SPECIFIC LEVEL OF FUNDS OR  
9 PERCENTAGE OF FUNDS TO AN APPLICANT PRIOR TO THE COMPLETION  
10 OF THE APPLICATION PROCESS, NOR MAY THE DEPARTMENT DESIGNATE  
11 A SET PERCENTAGE OF FUNDS TO AN APPLICANT. GRANTS SHALL BE  
12 AWARDED BY THE DEPARTMENT BASED ON THE MAJORITY VOTE OF A  
13 SELECTION COMMITTEE CONSISTING OF FOUR REPRESENTATIVES OF THE  
14 DEPARTMENT APPOINTED BY THE SECRETARY AND FOUR MEMBERS  
15 APPOINTED BY THE MAYOR OF THE CITY OF THE FIRST CLASS, WITH  
16 THE SECRETARY OR A DESIGNEE OF THE SECRETARY SERVING AS  
17 CHAIRPERSON. PRIORITY SHALL BE GIVEN TO APPLICATIONS SEEKING  
18 GRANT FUNDS FOR TRANSPORTATION ENHANCEMENTS IN THE  
19 MUNICIPALITY WHERE THE AUTOMATED SPEED CAMERA SYSTEM IS  
20 OPERATED.

21 (3) PAYMENT OF THE ESTABLISHED FINE AND APPLICABLE  
22 PENALTIES SHALL OPERATE AS A FINAL DISPOSITION OF THE CASE.

23 (N) HEARING.--THE FOLLOWING SHALL APPLY:

24 (1) AN OWNER TO WHOM A NOTICE OF VIOLATION HAS BEEN  
25 ISSUED MAY, WITHIN 30 DAYS OF THE MAILING OF THE NOTICE,  
26 REQUEST A HEARING TO CONTEST THE LIABILITY ALLEGED IN THE  
27 NOTICE. A HEARING REQUEST MUST BE MADE BY APPEARING BEFORE  
28 THE SYSTEM ADMINISTRATOR DURING REGULAR OFFICE HOURS EITHER  
29 PERSONALLY OR BY AN AUTHORIZED AGENT OR BY MAILING A REQUEST  
30 IN WRITING.

1           (2) UPON RECEIPT OF A HEARING REQUEST, THE SYSTEM  
2           ADMINISTRATOR SHALL IN A TIMELY MANNER SCHEDULE THE MATTER  
3           BEFORE A HEARING OFFICER. THE HEARING OFFICER SHALL BE  
4           DESIGNATED BY THE CITY OF THE FIRST CLASS. WRITTEN NOTICE OF  
5           THE DATE, TIME AND PLACE OF HEARING MUST BE SENT BY FIRST  
6           CLASS MAIL TO THE OWNER.

7           (3) THE HEARING SHALL BE CONDUCTED PURSUANT TO 2 PA.C.S.  
8           CH. 5 (RELATING TO PRACTICE AND PROCEDURE) AND SHALL BE  
9           SUBJECT TO APPEAL PURSUANT TO 2 PA.C.S. CH. 7 (RELATING TO  
10          JUDICIAL REVIEW).

11          (O) COMPENSATION TO MANUFACTURER OR VENDOR.--IF A CITY OF  
12          THE FIRST CLASS HAS ESTABLISHED AN AUTOMATED SPEED ENFORCEMENT  
13          SYSTEM DEPLOYED AS A MEANS OF PROMOTING TRAFFIC SAFETY AND THE  
14          ENFORCEMENT OF THE TRAFFIC LAWS OF THIS COMMONWEALTH OR THE  
15          CITY, THE COMPENSATION PAID TO THE MANUFACTURER OR VENDOR OF THE  
16          AUTOMATED SPEED ENFORCEMENT SYSTEM MAY NOT BE BASED UPON THE  
17          NUMBER OF TRAFFIC CITATIONS ISSUED OR A PORTION OR PERCENTAGE OF  
18          THE FINE GENERATED BY THE CITATIONS. THE COMPENSATION PAID TO  
19          THE MANUFACTURER OR VENDOR OF THE EQUIPMENT SHALL BE BASED UPON  
20          THE VALUE OF THE EQUIPMENT AND THE SERVICES PROVIDED OR RENDERED  
21          IN SUPPORT OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM.

22          (P) REVENUE LIMITATION.--A CITY OF THE FIRST CLASS MAY NOT  
23          COLLECT AN AMOUNT EQUAL TO OR GREATER THAN 2% OF ITS ANNUAL  
24          BUDGET FROM THE COLLECTION OF REVENUE FROM THE ISSUANCE AND  
25          PAYMENT OF VIOLATIONS UNDER THIS SECTION.

26          (Q) EXPIRATION.--THIS SECTION SHALL EXPIRE FIVE YEARS FROM  
27          ITS EFFECTIVE DATE.

28          SECTION 3. THE SECRETARY OF TRANSPORTATION AND THE CHIEF  
29 EXECUTIVE OFFICER OF THE PENNSYLVANIA TURNPIKE COMMISSION SHALL  
30 PUBLISH A NOTICE IN THE PENNSYLVANIA BULLETIN WHEN THE AUTOMATED

1 SPEED ENFORCEMENT SYSTEM IS OPERATIONAL ALONG THE DESIGNATED  
2 HIGHWAY WORK ZONES UNDER 75 PA.C.S. § 3369.

3 SECTION 4. THE SECRETARY OF TRANSPORTATION SHALL PUBLISH A  
4 NOTICE IN THE PENNSYLVANIA BULLETIN WHEN THE AUTOMATED SPEED  
5 ENFORCEMENT SYSTEM IS OPERATIONAL ALONG THE DESIGNATED HIGHWAY  
6 UNDER 75 PA.C.S. § 3370.

7 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

8 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), THE ADDITION  
9 OF 75 PA.C.S. § 3369 SHALL TAKE EFFECT IN 120 DAYS.

10 (2) THE ADDITION OF 75 PA.C.S. § 3369(E) SHALL TAKE  
11 EFFECT 60 DAYS AFTER PUBLICATION IN THE PENNSYLVANIA BULLETIN  
12 OF THE NOTICE UNDER SECTION 3.

13 (3) EXCEPT AS SET FORTH IN PARAGRAPH (4), THE ADDITION  
14 OF 75 PA.C.S. § 3370 SHALL TAKE EFFECT IN 60 DAYS.

15 (4) THE ADDITION OF 75 PA.C.S. § 3370(E) SHALL TAKE  
16 EFFECT 60 DAYS AFTER PUBLICATION IN THE PENNSYLVANIA BULLETIN  
17 OF THE NOTICE UNDER SECTION 4.

18 (5) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
19 IMMEDIATELY.