

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1249 Session of 2015

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 PHILLIPS-HILL, MILLARD, CAUSER, FEE, ZIMMERMAN, WARD, ROEBUCK
 AND MILNE, MAY 28, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 28, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
 2 Statutes, in enforcement, providing for automated enforcement
 3 of failure to stop for school bus with flashing red lights.

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

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

8 § 6314. Automated enforcement of failure to stop for school bus
 9 with flashing red lights.

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

14 (b) Applicability.--

15 (1) Except as provided in paragraph (2), this section
 16 shall apply to all drivers of a motor vehicle meeting or
 17 overtaking any school bus stopped on a highway or trafficway
 18 when the red signal lights on the school bus are flashing and

1 the side stop signal arms are activated as described in
2 section 3345(a) and (f.1).

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

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

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

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

11 (1) The penalty for a violation under subsection (a)
12 shall be a civil fine of \$250.

13 (2) Notwithstanding any other provision of law, a
14 violation of section 3345 detected by an automated side stop
15 arm enforcement system pursuant to this section shall not:

16 (i) be considered a moving traffic violation;

17 (ii) be considered in the provision of motor vehicle
18 insurance coverage;

19 (iii) be reported to the department for inclusion on
20 a person's driving record; or

21 (iv) cause the assessment of points against the
22 operator's license of the person found to have violated
23 section 3345.

24 (3) A fine is not authorized for a violation of this
25 section if the exceptions provided in section 3345(g) are
26 met.

27 (4) Fines collected under this section shall not be
28 subject to 42 Pa.C.S. § 3571 (relating to Commonwealth
29 portion of fines, etc.) or 3573 (relating to municipal
30 corporation portion of fines, etc.).

1 (5) Violations resulting in a homicide by vehicle under
2 section 3732 (relating to homicide by vehicle) shall be
3 subject to the penalties provided therein.

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

16 (e) Limitations.--

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

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

27 (iii) The restrictions of this paragraph shall not
28 be deemed to preclude a court of competent jurisdiction
29 from issuing an order directing that the information be
30 provided to law enforcement officials if the information

1 is reasonably described and is requested solely in
2 connection with a criminal law enforcement action.

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

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

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

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

1 (iii) The information may be discoverable by court
2 order or otherwise and may be offered in evidence in any
3 action or proceeding which is directly related to a
4 violation of this section or any other violation in
5 connection with a criminal law enforcement action.

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

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

19 (f) Defenses.--

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

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

30 (3) (i) The owner shall provide to the court or vendor

1 for the governing body a sworn affidavit signed under penalty
2 of perjury containing the name and address of the person who
3 had care, custody or control of the motor vehicle, including
4 an employee of the owner or who was renting or leasing the
5 motor vehicle at the time of the alleged 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 such 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 he or
5 she was the operator and declines responsibility, a new
6 notice shall be issued to the owner stating that the
7 other person declined responsibility and giving the owner
8 the option of paying the civil fine or contesting the
9 violation by a stated date that shall be not less than 20
10 days from the mailing of the new notice.

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

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

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

22 (5) If the owner receives a notice of violation under
23 section 3345 of a time period during which the vehicle was
24 reported to the police department of any state or
25 municipality as having been stolen, it shall be a defense to
26 the violation that the vehicle has been reported to a police
27 department as stolen prior to the time the violation occurred
28 and has not been recovered prior to that time.

29 (6) It shall be a defense to a prosecution using an
30 automated side stop signal arm enforcement system for a

1 violation under section 3345 that the person receiving the
2 notice of violation was not the owner of the vehicle at the
3 time of the offense if the person can provide valid
4 documentation of nonownership.

5 (g) Approval.--

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

11 (2) Wherever an agreement under this section is to take
12 effect upon its acceptance by a school district, or is to be
13 effective in school districts accepting its provisions, the
14 acceptance shall be, except as otherwise provided, in a
15 school district by vote of the board of school directors. The
16 meeting to consider approval of an automated side stop signal
17 arm enforcement system shall be properly noticed under 65
18 Pa.C.S. Ch. 7 (relating to open meetings).

19 (h) Duty of the school district or contracted company to
20 provide school transportation.--

21 (1) A school district or contracted company that
22 provides school transportation shall cooperate with the
23 primary police department with authority to issue violations
24 using an automated side stop signal arm enforcement system to
25 inform the police department of the intent to consider the
26 system so that the police department may make appropriate
27 staff changes to fulfill its duties in enforcing violations
28 of section 3345.

29 (2) A school district operating an automated side stop
30 signal arm enforcement system shall conduct a statistical

1 analysis to assess the safety impact of the system. The
2 statistical analysis, either independently or with a
3 manufacturer or vendor of an automated side stop signal arm
4 enforcement system, shall:

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

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

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

11 (iv) Be made available to the public and published
12 on the publicly accessible Internet website of the school
13 district.

14 (v) Be submitted to the department.

15 (3) Provide a list of all approved bus stop locations to
16 the police officer or department charged with reviewing the
17 violations as well as the manufacturer or vendor.

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

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

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

29 (j) Duty of the manufacturer or vendor.--A manufacturer or
30 vendor of automated side stop signal arm enforcement systems

1 shall:

2 (1) Prepare a notice of violation to the registered
3 owner of a vehicle identified in a recorded image or video
4 link produced by a system as evidence of a violation of
5 section 3345 upon authorization of the police officer
6 employed by the police department with primary jurisdiction
7 over the area where the violation occurred. The notice of
8 violation must have attached to it all of the following:

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

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

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

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

17 (v) Instructions for return of the notice of
18 violation.

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

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

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

28 (3) Process fines issued under this section.

29 (4) Receive affidavits of nonliability in order to
30 update the violation and send to the primary police

1 department with authority to issue violations under section
2 3345 to approve the change.

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

6 (k) Notice to owner.--

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

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

21 (l) Mailing of notice and records.--

22 (1) A notice of violation shall be sent by first class
23 mail.

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

29 (m) Payment of fine.--

30 (1) An owner to whom a notice of violation has been

1 issued may admit responsibility for the violation and pay the
2 fine provided in the notice.

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

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

14 (n) Hearing.--

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

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

23 (o) Compensation to manufacturer or vendor.--The
24 compensation paid to the manufacturer or vendor of the automated
25 side stop signal arm enforcement system may not be based on the
26 number of citations issued. The compensation paid to the
27 manufacturer or vendor of the equipment shall be based upon the
28 value of the equipment and services provided or rendered in
29 support of the automated side stop signal arm enforcement
30 system.

1 (p) Enforcement.--

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

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

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

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

25 (i) Any information known or available to the vendor
26 or governing body concerning the license plate number and
27 year of registration and the name of the owner of the
28 motor vehicle.

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

30 (iii) The date when the notice required under this

1 section was mailed.

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

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

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

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

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

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

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

26 (v) There is a procedure the person may follow to
27 remove the penalties. The procedure shall be briefly
28 explained.

29 (5) The department shall remove the penalties of a
30 vehicle and vehicle owner if any person presents the

1 department with adequate proof that the penalty and any
2 imposed reinstatement fee, if applicable, have been paid.

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

15 (g) School Bus Safety Grant Program.--Fines under subsection
16 (c) (1) shall be deposited into a restricted receipts account in
17 the Motor License Fund. Fines deposited in the fund under this
18 subsection shall be used by the department to implement the
19 School Bus Safety Grant Program, which is hereby established, to
20 promote and increase school bus safety throughout this
21 Commonwealth. Independent school bus contractors are eligible
22 for the grant. The department shall develop a uniform
23 application process and regulations to administer the grant
24 program. Grant money may be used to purchase, maintain, repair,
25 replace, remove or perform administrative services to automated
26 side stop signal arm enforcement systems. Priority shall be
27 given to applications seeking reimbursement for costs of
28 compliance under this section.

29 (r) Contracted companies.--

30 (1) No contracted company that provides school

1 transportation shall be liable if an automated side stop
2 signal arm enforcement system is vandalized or otherwise
3 malfunctions.

4 (2) Nothing in this section shall be construed to
5 require a contracted company that provides school
6 transportation to take a bus out of service due to a
7 nonfunctioning automated side stop signal arm enforcement
8 system.

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

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

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

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

23 "Pupil transportation." The transport of resident pupils of
24 a school district to and from preprimary, primary or secondary
25 schools and students to or from public, private or parochial
26 schools. The term does not include transportation for field
27 trips.

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

30 "Violation certificate." A certificate, or a facsimile of a

1 certificate, based upon inspection of recorded images or video
2 produced by an automated side stop signal arm enforcement system
3 and sworn to or affirmed by a police officer having the
4 authority to exercise police power in the area where the
5 violation occurred as described in section 3345(a.1)(2).

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