

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1646 Session of 2017

INTRODUCED BY B. MILLER, TAYLOR, MILLARD, DRISCOLL, MALONEY, W. KELLER, MENTZER, NEILSON, STURLA, HELM, DIAMOND, RYAN, LONGIETTI AND BARBIN, JULY 7, 2017

SENATOR RAFFERTY, TRANSPORTATION, IN SENATE, AS AMENDED, MAY 23, 2018

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further providing for
3 definitions; in licensing of drivers, further providing for
4 suspension of operating privilege; IN RULES OF THE ROAD IN <--
5 GENERAL, FURTHER PROVIDING FOR SPEED TIMING DEVICES AND
6 PROVIDING FOR AUTOMATED SPEED ENFORCEMENT SYSTEMS; and, in
7 miscellaneous provisions, further providing for careless
8 driving.

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

11 ~~Section 1. Section 102 of Title 75 of the Pennsylvania~~ <--
12 ~~Consolidated Statutes is amended by adding a definition to read:~~

13 SECTION 1. THE DEFINITIONS OF "PEDESTRIAN" AND "SERIOUS <--
14 BODILY INJURY" IN SECTION 102 OF TITLE 75 OF THE PENNSYLVANIA
15 CONSOLIDATED STATUTES ARE AMENDED AND THE SECTION IS AMENDED BY
16 ADDING DEFINITIONS TO READ:

17 § 102. Definitions.

18 Subject to additional definitions contained in subsequent
19 provisions of this title which are applicable to specific

1 provisions of this title, the following words and phrases when  
2 used in this title shall have, unless the context clearly  
3 indicates otherwise, the meanings given to them in this section:

4 \* \* \*

5 ~~"Vulnerable highway user." A pedestrian or a person on~~ <--  
6 ~~roller skates, inline skates, a skateboard, motor driven cycle,~~  
7 ~~motorcycle, pedalcycle, motorized pedalcycle, pedalcycle with~~  
8 ~~electric assist, an animal, an animal drawn vehicle, a farm~~  
9 ~~vehicle or a wheelchair.~~

10 "AUTOMATED SPEED ENFORCEMENT SYSTEM." AN ELECTRONIC TRAFFIC <--  
11 SENSOR SYSTEM THAT:

12 (1) IS ABLE TO AUTOMATICALLY DETECT VEHICLES EXCEEDING  
13 THE POSTED SPEED LIMIT WITH A TYPE OF SPEED TIMING DEVICE;  
14 AND

15 (2) RECORDS THE VEHICLE'S LICENSE PLATE, LOCATION, DATE,  
16 TIME AND SPEED.

17 "AUTOMATED SPEED ENFORCEMENT WORK AREA." THE PORTION OF AN  
18 ACTIVE WORK ZONE WITH TRAFFIC BARRIERS WHERE CONSTRUCTION,  
19 MAINTENANCE OR UTILITY WORKERS ARE LOCATED ON THE ROADWAY, BERM  
20 OR SHOULDER AND WORKERS ARE ADJACENT TO AN ACTIVE TRAVEL LANE  
21 AND WHERE AN AUTOMATED SPEED ENFORCEMENT SYSTEM IS ACTIVE. FOR  
22 THE PURPOSES OF THIS DEFINITION, WORKERS SHALL ALSO BE  
23 CONSIDERED ADJACENT TO AN ACTIVE TRAVEL LANE WHERE WORKERS ARE  
24 PRESENT AND ARE PROTECTED BY A TRAFFIC BARRIER.

25 \* \* \*

26 "BODILY INJURY." AS DEFINED IN 18 PA.C.S. § 2301 (RELATING  
27 TO DEFINITIONS).

28 \* \* \*

29 "PEDESTRIAN." A NATURAL PERSON AFOOT[.] OR IN A SELF-  
30 PROPELLED WHEELCHAIR OR AN ELECTRICAL MOBILITY DEVICE OPERATED

1 BY AND DESIGNED FOR THE EXCLUSIVE USE OF A PERSON WITH A  
2 MOBILITY-RELATED DISABILITY.

3 \* \* \*

4 "SERIOUS BODILY INJURY." [ANY BODILY INJURY WHICH CREATES A  
5 SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT  
6 DISFIGUREMENT OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION  
7 OF ANY BODILY MEMBER OR ORGAN] AS DEFINED IN 18 PA.C.S. § 2301.

8 \* \* \*

9 "VULNERABLE HIGHWAY USER." A NATURAL PERSON AFOOT, ON  
10 WHEELS, DIRECTED BY A FARM OR SERVICE ANIMAL OR OTHER DEVICE AND  
11 IS LAWFULLY ON A HIGHWAY. THIS TERM SHALL INCLUDE A FARM VEHICLE  
12 AND A NATURAL PERSON TRANSPORTED BY ANOTHER NATURAL PERSON.

13 \* \* \*

14 Section 2. ~~Sections~~ SECTION 1532(a) and (b) (1) and (5) and ~~and~~ <--  
15 ~~3714~~ OF TITLE 75 are amended to read: <--

16 § 1532. Suspension of operating privilege.

17 (a) One-year suspension.--The department shall suspend the  
18 operating privilege of any driver for one year upon receiving a  
19 certified record of the driver's conviction of or an  
20 adjudication of delinquency based on any of the following  
21 offenses:

22 (1) Any felony in the commission of which a court  
23 determines that a vehicle was essentially involved.

24 (3) Any violation of the following provisions:

25 Section 3714(b.1) (relating to careless driving).

26 Section 3735.1 (relating to aggravated assault by  
27 vehicle while driving under the influence).

28 Section 3742 (relating to accidents involving death  
29 or personal injury).

30 Section 3742.1 (relating to accidents involving death

1 or personal injury while not properly licensed).

2 Section 7111 (relating to dealing in titles and  
3 plates for stolen vehicles).

4 Section 7121 (relating to false application for  
5 certificate of title or registration).

6 Section 7122 (relating to altered, forged or  
7 counterfeit documents and plates).

8 \* \* \*

9 (b) Suspension.--

10 (1) The department shall suspend the operating privilege  
11 of any driver for six months upon receiving a certified  
12 record of the driver's conviction of or an adjudication of  
13 delinquency based on any offense under the following  
14 provisions:

15 Section 3367 (relating to racing on highways).

16 Section 3714(b) [(relating to careless driving)] or  
17 (c.1).

18 Section 3734 (relating to driving without lights to  
19 avoid identification or arrest).

20 Section 3736 (relating to reckless driving).

21 Section 3743 (relating to accidents involving damage  
22 to attended vehicle or property).

23 \* \* \*

24 (5) The department shall suspend the operating privilege  
25 of any driver for three months upon receiving a certified  
26 record of the driver's conviction of or an adjudication of  
27 delinquency based on section 3714(c) or (c.2).

28 \* \* \*

29 SECTION 3. SECTION 3368(C) (2) OF TITLE 75 IS AMENDED AND THE <--  
30 SUBSECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

1 § 3368. SPEED TIMING DEVICES.--

2 \* \* \*

3 (C) MECHANICAL, ELECTRICAL AND ELECTRONIC DEVICES  
4 AUTHORIZED.--

5 \* \* \*

6 (2) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (3),  
7 ELECTRONIC DEVICES SUCH AS RADIO-MICROWAVE DEVICES  
8 [(COMMONLY], COMMONLY REFERRED TO AS ELECTRONIC SPEED METERS  
9 OR [RADAR)] RADAR, MAY BE USED ONLY AS PART OF AN AUTOMATED  
10 SPEED ENFORCEMENT SYSTEM OR BY MEMBERS OF THE PENNSYLVANIA  
11 STATE POLICE.

12 \* \* \*

13 (5) LIGHT DETECTION AND RANGING DEVICES, COMMONLY  
14 REFERRED TO AS LIDAR, MAY BE USED ONLY AS PART OF AN  
15 AUTOMATED SPEED ENFORCEMENT SYSTEM OR BY MEMBERS OF THE  
16 PENNSYLVANIA STATE POLICE.

17 \* \* \*

18 SECTION 4. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:  
19 § 3369. AUTOMATED SPEED ENFORCEMENT SYSTEMS.

20 (A) ESTABLISHMENT.--A PROGRAM IS ESTABLISHED TO PROVIDE FOR  
21 AUTOMATED SPEED ENFORCEMENT SYSTEMS IN ACTIVE WORK AREAS WITH  
22 TRAFFIC BARRIERS.

23 (B) APPLICABILITY.--THIS SECTION SHALL APPLY ONLY TO  
24 AUTOMATED SPEED ENFORCEMENT WORK AREAS ON INTERSTATE HIGHWAYS  
25 UNDER THE JURISDICTION OF THE DEPARTMENT OR INTERSTATE HIGHWAYS  
26 OR FREEWAYS UNDER THE JURISDICTION OF THE PENNSYLVANIA TURNPIKE  
27 COMMISSION. AN AUTOMATED SPEED ENFORCEMENT SYSTEM SHALL NOT BE  
28 USED UNLESS:

29 (1) AT LEAST TWO APPROPRIATE WARNING SIGNS ARE  
30 CONSPICUOUSLY PLACED BEFORE THE ACTIVE WORK AREA NOTIFYING

1 THE PUBLIC THAT AN AUTOMATED SPEED ENFORCEMENT DEVICE IS IN  
2 USE.

3 (2) A NOTICE IDENTIFYING THE LOCATION OF THE AUTOMATED  
4 SPEED ENFORCEMENT SYSTEM IS POSTED ON THE DEPARTMENT'S OR  
5 PENNSYLVANIA TURNPIKE COMMISSION'S PUBLICLY ACCESSIBLE  
6 INTERNET WEBSITE THROUGHOUT THE PERIOD OF USE.

7 (C) LIABILITY.--DRIVING IN EXCESS OF THE POSTED SPEED LIMIT  
8 IN AN AUTOMATED SPEED ENFORCEMENT WORK AREA BY AT LEAST 11 MILES  
9 PER HOUR IS A VIOLATION OF THIS SECTION.

10 (D) NOTICE OF VIOLATION.--

11 (1) (I) AN ACTION TO ENFORCE THIS SECTION SHALL BE  
12 INITIATED BY AN ADMINISTRATIVE NOTICE OF VIOLATION TO THE  
13 REGISTERED OWNER OF A VEHICLE IDENTIFIED BY AN AUTOMATED  
14 SPEED ENFORCEMENT SYSTEM AS VIOLATING THIS SECTION. A  
15 NOTICE OF VIOLATION BASED UPON INSPECTION OF RECORDED  
16 IMAGES PRODUCED BY AN AUTOMATED SPEED ENFORCEMENT SYSTEM  
17 AND SWORN OR AFFIRMED BY AN AUTHORIZED MEMBER OF THE  
18 PENNSYLVANIA STATE POLICE WITHIN THE AREA COMMAND  
19 LOCATION OF THE AUTOMATED SPEED ENFORCEMENT SYSTEM SHALL  
20 BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN THE  
21 NOTICE.

22 (II) THE NOTICE OF VIOLATION MUST INCLUDE WRITTEN  
23 VERIFICATION THAT THE AUTOMATED SPEED ENFORCEMENT SYSTEM  
24 WAS OPERATING CORRECTLY AT THE TIME OF THE ALLEGED  
25 VIOLATION AND THE DATE OF THE MOST RECENT INSPECTION THAT  
26 CONFIRMS THE AUTOMATED SPEED ENFORCEMENT SYSTEM TO BE  
27 OPERATING PROPERLY.

28 (III) AN AUTOMATED SPEED ENFORCEMENT SYSTEM OPERATOR  
29 SHALL COMPLETE TRAINING OFFERED BY THE MANUFACTURER OF  
30 THE AUTOMATED SPEED ENFORCEMENT SYSTEM, INCLUDING

1 TRAINING ON ANY DEVICES CRITICAL TO THE OPERATION OF THE  
2 SYSTEM, OR THE MANUFACTURER'S REPRESENTATIVE IN THE  
3 PROCEDURES FOR SETTING UP, TESTING AND OPERATING AN  
4 AUTOMATED SPEED ENFORCEMENT SYSTEM. UPON COMPLETION OF  
5 THE TRAINING, THE MANUFACTURER OR MANUFACTURER'S  
6 REPRESENTATIVE SHALL ISSUE A SIGNED CERTIFICATE TO THE  
7 AUTOMATED SPEED ENFORCEMENT SYSTEM DEVICE OPERATOR, WHICH  
8 SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR  
9 A VIOLATION INVOLVING AN AUTOMATED SPEED ENFORCEMENT  
10 SYSTEM DEVICE. AN AUTOMATED SPEED ENFORCEMENT SYSTEM  
11 DEVICE OPERATOR SHALL FILL OUT AND SIGN A DAILY LOG FOR  
12 AN AUTOMATED SPEED ENFORCEMENT SYSTEM, WHICH:

13 (A) STATES THE DATE, TIME AND LOCATION OF THE  
14 DEVICE SETUP;

15 (B) STATES THAT THE AUTOMATED SPEED ENFORCEMENT  
16 SYSTEM DEVICE OPERATOR SUCCESSFULLY PERFORMED AND THE  
17 AUTOMATED SPEED ENFORCEMENT SYSTEM DEVICE PASSED THE  
18 SELF-TESTS SPECIFIED BY THE MANUFACTURER OF THE  
19 AUTOMATED SPEED ENFORCEMENT SYSTEM DEVICE;

20 (C) SHALL BE KEPT ON FILE; AND

21 (D) SHALL BE ADMITTED IN ANY PROCEEDING FOR A  
22 VIOLATION INVOLVING AN AUTOMATED SPEED ENFORCEMENT  
23 SYSTEM DEVICE.

24 (IV) AN AUTOMATED SPEED ENFORCEMENT SYSTEM DEVICE  
25 SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY A  
26 CALIBRATION LABORATORY. THE CALIBRATION LABORATORY SHALL  
27 ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE  
28 ANNUAL CALIBRATION CHECK, WHICH SHALL BE KEPT ON FILE AND  
29 SHALL BE ADMITTED AS EVIDENCE IN ANY PROCEEDING FOR A  
30 VIOLATION INVOLVING AN AUTOMATED SPEED ENFORCEMENT SYSTEM

1           DEVICE.

2           (V) THE FOLLOWING SHALL BE ATTACHED TO THE NOTICE OF  
3 VIOLATION:

4           (A) A COPY OF THE RECORDED IMAGE SHOWING THE  
5 VEHICLE WITH ITS LICENSE PLATE VISIBLE.

6           (B) THE REGISTRATION NUMBER AND STATE OF  
7 ISSUANCE OF THE VEHICLE REGISTRATION.

8           (C) VERIFICATION THAT THE AUTOMATED SPEED  
9 ENFORCEMENT SYSTEM WAS OPERATING CORRECTLY AT THE  
10 TIME OF THE ALLEGED VIOLATION AND THE DATE OF THE  
11 MOST RECENT INSPECTION THAT CONFIRMS THE AUTOMATED  
12 SPEED ENFORCEMENT SYSTEM TO BE OPERATING PROPERLY.

13           (D) THE DATE, TIME AND PLACE OF THE ALLEGED  
14 VIOLATION.

15           (E) NOTICE THAT THE VIOLATION CHARGED IS UNDER  
16 THIS SECTION.

17           (F) INSTRUCTIONS FOR RETURN OF THE NOTICE OF  
18 VIOLATION.

19           (2) IN THE CASE OF A VIOLATION INVOLVING A MOTOR VEHICLE  
20 REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH, THE NOTICE OF  
21 VIOLATION SHALL BE MAILED WITHIN 30 DAYS AFTER THE COMMISSION  
22 OF THE VIOLATION OR WITHIN 30 DAYS AFTER THE DISCOVERY OF THE  
23 IDENTITY OF THE REGISTERED OWNER, WHICHEVER IS LATER, TO THE  
24 ADDRESS OF THE REGISTERED OWNER AS LISTED IN THE RECORDS OF  
25 THE DEPARTMENT.

26           (3) IN THE CASE OF A VIOLATION INVOLVING A MOTOR VEHICLE  
27 REGISTERED IN A JURISDICTION OTHER THAN THIS COMMONWEALTH,  
28 THE NOTICE OF VIOLATION SHALL BE MAILED WITHIN 30 DAYS AFTER  
29 THE DISCOVERY OF THE IDENTITY OF THE REGISTERED OWNER TO THE  
30 ADDRESS OF THE REGISTERED OWNER AS LISTED IN THE RECORDS OF



1 THE OFFICIAL IN THE JURISDICTION HAVING CHARGE OF THE  
2 REGISTRATION OF THE VEHICLE.

3 (4) A NOTICE OF VIOLATION SHALL BE INVALID UNLESS  
4 PROVIDED TO AN OWNER WITHIN 90 DAYS OF THE OFFENSE.

5 (5) THE NOTICE SHALL INCLUDE THE FOLLOWING TEXT:  
6 THIS NOTICE SHALL BE RETURNED PERSONALLY, BY MAIL OR BY  
7 AN AGENT DULY AUTHORIZED IN WRITING, WITHIN 30 DAYS OF  
8 ISSUANCE. A HEARING MAY BE OBTAINED UPON THE WRITTEN  
9 REQUEST OF THE REGISTERED OWNER.

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

16 (E) PENALTY.--

17 (1) THE PENALTY OF A VIOLATION UNDER THIS SECTION SHALL  
18 BE A FINE OF \$100, AND THE FINE SHALL NOT BE SUBJECT TO 42  
19 PA.C.S. § 3571 (RELATING TO COMMONWEALTH PORTION OF FINES,  
20 ETC.) OR 3573 (RELATING TO MUNICIPAL CORPORATION PORTION OF  
21 FINES, ETC.).

22 (2) THE FINE IS NOT AUTHORIZED DURING TIMES WHEN THE  
23 AUTOMATED SPEED ENFORCEMENT WORK AREA IS NOT ACTIVE.

24 (3) A PENALTY IMPOSED UNDER THIS SECTION SHALL NOT:

25 (I) BE DEEMED A CRIMINAL CONVICTION;

26 (II) BE MADE PART OF THE OPERATING RECORD OF THE  
27 INDIVIDUAL UPON WHOM THE PENALTY IS IMPOSED UNDER SECTION  
28 1535 (RELATING TO SCHEDULE OF CONVICTIONS AND POINTS);

29 (III) BE THE SUBJECT OF MERIT RATING FOR INSURANCE  
30 PURPOSES; OR

1           (IV) AUTHORIZE IMPOSITION OF SURCHARGE POINTS IN THE  
2           PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

3           (F) LIMITATIONS.--

4           (1) RECORDED IMAGES COLLECTED AS PART OF THE AUTOMATED  
5           SPEED ENFORCEMENT SYSTEM MAY RECORD ONLY VIOLATIONS OF THIS  
6           SECTION AND MAY NOT BE USED FOR ANY OTHER SURVEILLANCE  
7           PURPOSES. THE RESTRICTIONS PROVIDED IN THIS PARAGRAPH SHALL  
8           NOT PRECLUDE A COURT OF COMPETENT JURISDICTION FROM ISSUING  
9           AN ORDER DIRECTING THAT THE INFORMATION BE PROVIDED TO LAW  
10           ENFORCEMENT OFFICIALS, IF THE INFORMATION IS REQUESTED SOLELY  
11           IN CONNECTION WITH A CRIMINAL LAW ENFORCEMENT ACTION AND IS  
12           REASONABLY DESCRIBED.

13           (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
14           INFORMATION GATHERED AND MAINTAINED UNDER THIS SECTION THAT  
15           IS KEPT BY THE COMMONWEALTH, ITS AUTHORIZED AGENTS OR ITS  
16           EMPLOYEES, INCLUDING RECORDED IMAGES, WRITTEN RECORDS,  
17           REPORTS OR FACSIMILES, NAMES AND ADDRESSES, SHALL BE FOR THE  
18           EXCLUSIVE PURPOSE OF DISCHARGING ITS DUTIES UNDER THIS  
19           SECTION. THE INFORMATION SHALL NOT BE DEEMED A PUBLIC RECORD  
20           UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS  
21           THE RIGHT-TO-KNOW LAW. THE INFORMATION SHALL NOT BE  
22           DISCOVERABLE BY COURT ORDER OR OTHERWISE OR BE ADMISSIBLE AS  
23           EVIDENCE IN A PROCEEDING EXCEPT TO DETERMINE LIABILITY UNDER  
24           THIS SECTION. THE RESTRICTIONS PROVIDED IN THIS PARAGRAPH  
25           SHALL NOT PRECLUDE A COURT OF COMPETENT JURISDICTION FROM  
26           ISSUING AN ORDER DIRECTING THAT THE INFORMATION BE PROVIDED  
27           TO LAW ENFORCEMENT OFFICIALS, IF THE INFORMATION IS REQUESTED  
28           SOLELY IN CONNECTION WITH A CRIMINAL LAW ENFORCEMENT ACTION  
29           AND IS REASONABLY DESCRIBED.

30           (3) RECORDED IMAGES OBTAINED THROUGH THE USE OF

1 AUTOMATED SPEED ENFORCEMENT SYSTEMS DEPLOYED AS A MEANS OF  
2 PROMOTING TRAFFIC SAFETY IN AUTOMATED SPEED ENFORCEMENT WORK  
3 AREAS SHALL BE DESTROYED WITHIN ONE YEAR OF FINAL DISPOSITION  
4 OF A NOTICE OF VIOLATION, EXCEPT THAT IMAGES SUBJECT TO A  
5 COURT ORDER UNDER PARAGRAPH (1) OR (2) SHALL BE DESTROYED  
6 WITHIN TWO YEARS AFTER THE DATE OF THE ORDER, UNLESS FURTHER  
7 EXTENDED BY COURT ORDER. THE DEPARTMENT OR THE PENNSYLVANIA  
8 TURNPIKE COMMISSION SHALL RETAIN EVIDENCE THAT THE RECORDS  
9 HAVE BEEN DESTROYED IN ACCORDANCE WITH THIS SECTION.

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

17 (5) INTENTIONAL MISUSE OF AUTOMATED SPEED ENFORCEMENT  
18 SYSTEM IMAGES AND RECORDS CONTRARY TO THE PROVISIONS OF THIS  
19 SUBSECTION SHALL CONSTITUTE A \$500 FINE.

20 (G) DEFENSES.--

21 (1) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS  
22 SECTION THAT THE VEHICLE WAS REPORTED TO A POLICE DEPARTMENT  
23 AS STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED AND WAS  
24 NOT RECOVERED PRIOR TO THAT TIME.

25 (2) IT SHALL BE A DEFENSE TO A VIOLATION UNDER THIS  
26 SECTION THAT THE PERSON RECEIVING THE NOTICE OF VIOLATION WAS  
27 NOT THE OWNER OF THE VEHICLE AT THE TIME OF THE OFFENSE.

28 (H) AUTHORITY AND DUTIES OF DEPARTMENT AND PENNSYLVANIA  
29 TURNPIKE COMMISSION.--

30 (1) THE DEPARTMENT AND PENNSYLVANIA TURNPIKE COMMISSION

1 SHALL EACH ESTABLISH A THREE-YEAR AUTOMATED SPEED ENFORCEMENT  
2 SYSTEM PROGRAM NOT LATER THAN 18 MONTHS FOLLOWING THE  
3 EFFECTIVE DATE OF THIS SECTION.

4 (2) (I) THE DEPARTMENT AND PENNSYLVANIA TURNPIKE  
5 COMMISSION MAY EACH PROMULGATE REGULATIONS FOR THE  
6 CERTIFICATION AND THE USE OF AUTOMATED SPEED ENFORCEMENT  
7 SYSTEMS.

8 (II) IN ORDER TO FACILITATE THE PROMPT  
9 IMPLEMENTATION OF THIS SECTION, REGULATIONS PROMULGATED  
10 BY THE DEPARTMENT AND PENNSYLVANIA TURNPIKE COMMISSION  
11 UNDER THIS SECTION SHALL BE DEEMED TEMPORARY REGULATIONS  
12 AND NOT SUBJECT TO:

13 (A) SECTIONS 201, 202 AND 203 OF THE ACT OF JULY  
14 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE  
15 COMMONWEALTH DOCUMENTS LAW.

16 (B) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),  
17 KNOWN AS THE REGULATORY REVIEW ACT.

18 (3) (I) THE DEPARTMENT AND PENNSYLVANIA TURNPIKE  
19 COMMISSION SHALL EACH SERVE DIRECTLY OR THROUGH A  
20 CONTRACTED PRIVATE SERVICE AS THE SYSTEM ADMINISTRATOR OF  
21 THE PROGRAM. COMPENSATION UNDER A CONTRACT AUTHORIZED BY  
22 THIS PARAGRAPH SHALL BE BASED ONLY UPON THE VALUE OF  
23 EQUIPMENT AND SERVICES PROVIDED OR RENDERED IN SUPPORT OF  
24 THE AUTOMATED SPEED ENFORCEMENT SYSTEM PROGRAM AND MAY  
25 NOT BE BASED ON THE QUANTITY OF NOTICES OF VIOLATION  
26 ISSUED OR AMOUNT OF FINES IMPOSED OR GENERATED.

27 (II) THE SYSTEM ADMINISTRATOR SHALL PREPARE AND  
28 ISSUE NOTICES OF VIOLATION.

29 (III) TWO RESTRICTED ACCOUNTS ARE ESTABLISHED IN THE  
30 STATE TREASURY FOR FINES REMITTED UNDER THIS SECTION TO

1 THE DEPARTMENT AND PENNSYLVANIA TURNPIKE COMMISSION,  
2 RESPECTIVELY. THE SYSTEM ADMINISTRATOR OF THE DEPARTMENT  
3 OR PENNSYLVANIA TURNPIKE COMMISSION, IF ANY, SHALL SEND  
4 AN INVOICE TO THE DEPARTMENT OR PENNSYLVANIA TURNPIKE  
5 COMMISSION BASED, RESPECTIVELY, ON THE SERVICES UNDER  
6 SUBPARAGRAPH (I). THE DEPARTMENT AND PENNSYLVANIA  
7 TURNPIKE COMMISSION SHALL USE THE APPROPRIATE RESTRICTED  
8 ACCOUNT TO PAY FOR THE ADMINISTRATION OF THE PILOT  
9 PROGRAM AND THE SYSTEM ADMINISTRATOR'S INVOICE COSTS.  
10 REMAINING FINES SHALL BE ALLOCATED BY THE DEPARTMENT OR  
11 PENNSYLVANIA TURNPIKE COMMISSION AS FOLLOWS:

12 (A) FORTY-FIVE PERCENT OF THE FINES OVER THE  
13 DURATION OF THE THREE-YEAR PROGRAM FROM VIOLATIONS  
14 OCCURRING IN AN AUTOMATED SPEED ENFORCEMENT SYSTEM ON  
15 EITHER AN INTERSTATE HIGHWAY MANAGED BY THE  
16 DEPARTMENT OR AN INTERSTATE HIGHWAY OR FREEWAY UNDER  
17 THE JURISDICTION OF THE PENNSYLVANIA TURNPIKE  
18 COMMISSION SHALL BE DEPOSITED INTO A RESTRICTED  
19 ACCOUNT IN THE STATE TREASURY ON A QUARTERLY BASIS.  
20 THE DEPARTMENT OF REVENUE SHALL, WITHIN 90 DAYS OF  
21 THE DATE OF DEPOSIT, TRANSFER TO THE PENNSYLVANIA  
22 STATE POLICE AN AMOUNT EQUIVALENT TO THE PREVIOUS  
23 QUARTERLY DEPOSIT TO BE USED BY THE PENNSYLVANIA  
24 STATE POLICE AS FOLLOWS:

25 (I) FIFTY-FIVE PERCENT OF THE FUNDS SHALL BE  
26 DEDICATED AND USED FOR THE PURPOSE OF RECRUITING,  
27 TRAINING OR EQUIPPING PENNSYLVANIA STATE POLICE  
28 CADETS.

29 (II) FORTY-FIVE PERCENT OF THE FUNDS SHALL  
30 BE DEDICATED AND USED TO PAY FOR AN INCREASED

1 PENNSYLVANIA STATE TROOPER PRESENCE IN WORK ZONES  
2 ON THE STATE ROAD SYSTEM MANAGED BY THE  
3 DEPARTMENT OR THE PENNSYLVANIA TURNPIKE  
4 COMMISSION THAT DO NOT UTILIZE CONCRETE BARRIERS.  
5 THE ASSIGNMENTS SHALL BE MADE ON AN AS-NECESSARY  
6 BASIS AS DETERMINED BY THE PENNSYLVANIA STATE  
7 POLICE. FUNDS UNDER THIS SUBCLAUSE SHALL BE IN  
8 ADDITION TO ANY CONTRACTUAL AGREEMENT BETWEEN THE  
9 DEPARTMENT OR THE PENNSYLVANIA TURNPIKE  
10 COMMISSION AND THE PENNSYLVANIA STATE POLICE FOR  
11 ENFORCEMENT IN WORK ZONES ON THE STATE ROAD  
12 SYSTEM MANAGED BY THE DEPARTMENT OR THE  
13 PENNSYLVANIA TURNPIKE COMMISSION.

14 (B) FIFTEEN PERCENT OF THE FINES OVER THE  
15 DURATION OF THE THREE-YEAR PROGRAM FROM VIOLATIONS  
16 OCCURRING IN AN AUTOMATED SPEED ENFORCEMENT SYSTEM  
17 SHALL BE TRANSFERRED TO THE DEPARTMENT OR THE  
18 PENNSYLVANIA TURNPIKE COMMISSION, WHICHEVER STATE  
19 ROAD SYSTEM UTILIZED THE AUTOMATED SPEED ENFORCEMENT  
20 SYSTEM, FOR THE PURPOSE OF WORK ZONE SAFETY, TRAFFIC  
21 SAFETY AND EDUCATING THE MOTORING PUBLIC ON WORK ZONE  
22 SAFETY, AT THE DISCRETION OF THE DEPARTMENT OR  
23 PENNSYLVANIA TURNPIKE COMMISSION.

24 (C) FORTY PERCENT OF THE FINES OVER THE DURATION  
25 OF THE THREE-YEAR PROGRAM FROM VIOLATIONS OCCURRING  
26 IN AN AUTOMATED SPEED ENFORCEMENT SYSTEM SHALL BE  
27 DEPOSITED IN THE MOTOR LICENSE FUND AND SHALL BE  
28 APPROPRIATED BY THE GENERAL ASSEMBLY.

29 (IV) IF THE AMOUNT OF FUNDS UNDER SUBPARAGRAPH (III)

30 (A) IS LOWER THAN THE AMOUNT OF FUNDS UNDER SUBPARAGRAPH

1       (III) (A) FOR THE PREVIOUS FISCAL YEAR, FUNDS FROM THE  
2       MOTOR LICENSE FUND MAY NOT BE USED TO SUPPLEMENT THE  
3       FUNDS FOR THE CURRENT FISCAL YEAR. FUNDING PROVIDED FOR  
4       UNDER SUBPARAGRAPH (III) (A) SHALL BE SUPPLEMENTAL AND  
5       SHALL NOT PROHIBIT THE PENNSYLVANIA STATE POLICE FROM  
6       OBTAINING ADDITIONAL FUNDING FROM ANY OTHER MEANS.

7           (V) IF THE THREE-YEAR PROGRAM IS NOT EXTENDED BY THE  
8       GENERAL ASSEMBLY, ANY REMAINING FINES REMITTED TO THE  
9       DEPARTMENT OR PENNSYLVANIA TURNPIKE COMMISSION SHALL  
10       REMAIN WITH THE DEPARTMENT OR PENNSYLVANIA TURNPIKE  
11       COMMISSION FOR THE PURPOSE OF WORK ZONE SAFETY, TRAFFIC  
12       SAFETY AND EDUCATING THE MOTORING PUBLIC ON WORK ZONE  
13       SAFETY, AT THE DISCRETION OF THE DEPARTMENT OR  
14       PENNSYLVANIA TURNPIKE COMMISSION.

15           (VI) THE SYSTEM ADMINISTRATOR SHALL PROVIDE AN  
16       APPROPRIATE PRINTED FORM BY WHICH OWNERS MAY CHALLENGE A  
17       NOTICE OF VIOLATION AND CONVENIENT HEARING HOURS AND  
18       TIMES IN EACH OF THE FOLLOWING METROPOLITAN AREAS FOR  
19       CHALLENGES TO BE HEARD AS PROVIDED IN THIS SECTION: ERIE,  
20       HARRISBURG, PHILADELPHIA, PITTSBURGH AND SCRANTON. THE  
21       FORM MAY BE INCLUDED WITH OR AS PART OF THE NOTICE OF  
22       VIOLATION.

23           (4) NOT LATER THAN APRIL 1 ANNUALLY, THE DEPARTMENT AND  
24       PENNSYLVANIA TURNPIKE COMMISSION SHALL SUBMIT A REPORT ON THE  
25       PROGRAM FOR THE PRECEDING CALENDAR YEAR TO THE CHAIRPERSON  
26       AND MINORITY CHAIRPERSON OF THE TRANSPORTATION COMMITTEE OF  
27       THE SENATE AND THE CHAIRPERSON AND MINORITY CHAIRPERSON OF  
28       THE TRANSPORTATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.  
29       THE REPORT SHALL BE A PUBLIC RECORD UNDER THE RIGHT-TO-KNOW  
30       LAW AND INCLUDE:

1           (I) THE NUMBER OF VEHICULAR ACCIDENTS AND RELATED  
2           SERIOUS INJURIES AND DEATHS IN ALL WORK ZONES AND IN  
3           AUTOMATED SPEED ENFORCEMENT WORK AREAS WHERE THE PROGRAM  
4           OPERATED.

5           (II) SPEED DATA.

6           (III) THE NUMBER OF NOTICES OF VIOLATION ISSUED.

7           (IV) THE AMOUNT OF FINES IMPOSED AND COLLECTED.

8           (V) AMOUNTS PAID UNDER CONTRACTS AUTHORIZED BY THIS  
9           SECTION.

10          (VI) THE NUMBER OF HOURS OF PENNSYLVANIA STATE  
11          POLICE PRESENCE THAT WERE PROVIDED AS A RESULT OF THE  
12          FUNDS UNDER PARAGRAPH (3) (III) (A) (II).

13       (I) PAYMENT OF FINE.--

14           (1) AN OWNER MAY ADMIT RESPONSIBILITY FOR THE VIOLATION  
15           AND PAY THE FINE PROVIDED IN THE NOTICE PERSONALLY, THROUGH  
16           AN AUTHORIZED AGENT, ELECTRONICALLY OR BY MAILING BOTH  
17           PAYMENT AND THE NOTICE OF VIOLATION TO THE SYSTEM  
18           ADMINISTRATOR.

19           (2) PAYMENT BY MAIL MUST BE MADE ONLY BY MONEY ORDER,  
20           CREDIT CARD OR CHECK MADE PAYABLE TO THE COMMONWEALTH.

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

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

27       (J) CONTEST.--

28           (1) AN OWNER MAY, WITHIN 30 DAYS OF THE MAILING OF THE  
29           NOTICE, REQUEST A HEARING TO CONTEST LIABILITY BY APPEARING  
30           BEFORE THE SYSTEM ADMINISTRATOR EITHER PERSONALLY OR BY AN



1 AUTHORIZED AGENT OR BY MAILING A REQUEST IN WRITING ON THE  
2 PRESCRIBED FORM. APPEARANCES IN PERSON SHALL BE ONLY AT THE  
3 LOCATIONS AND TIMES SET BY THE SYSTEM ADMINISTRATOR.

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 DESIGNATED BY THE DEPARTMENT OR  
7 PENNSYLVANIA TURNPIKE COMMISSION. WRITTEN NOTICE OF THE DATE,  
8 TIME AND PLACE OF HEARING MUST BE PRESENTED OR SENT BY FIRST  
9 CLASS MAIL TO THE OWNER.

10 (3) THE HEARING SHALL BE INFORMAL AND THE RULES OF  
11 EVIDENCE SHALL NOT APPLY. THE DECISION OF THE HEARING OFFICER  
12 SHALL BE FINAL, SUBJECT TO THE RIGHT OF THE OWNER TO APPEAL  
13 THE DECISION.

14 (4) IF THE OWNER REQUESTS IN WRITING THAT THE DECISION  
15 OF THE HEARING OFFICER BE APPEALED, THE SYSTEM ADMINISTRATOR  
16 SHALL FILE THE NOTICE OF VIOLATION AND SUPPORTING DOCUMENTS  
17 WITH THE OFFICE OF THE MAGISTERIAL DISTRICT JUDGE FOR THE  
18 MAGISTERIAL DISTRICT WHERE THE VIOLATION OCCURRED, AND THE  
19 MAGISTERIAL DISTRICT JUDGE SHALL HEAR AND DECIDE THE MATTER  
20 DE NOVO.

21 (K) EXPIRATION.--THIS SECTION SHALL EXPIRE THREE YEARS FROM  
22 THE EFFECTIVE DATE OF THIS SECTION.

23 (L) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
24 WORDS OR PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
25 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

26 "TRAFFIC BARRIER." A CONCRETE, METAL OR PLASTIC STRUCTURE  
27 THAT ESTABLISHES A TEMPORARY TRAVEL LANE OR PROVIDES FOR A  
28 SEPARATION BETWEEN MOTOR VEHICLES AND AREAS IN WHICH WORKERS ARE  
29 PRESENT. THIS TERM DOES NOT INCLUDE TRAFFIC CONES OR BARRELS.

30 SECTION 5. SECTION 3714 OF TITLE 75 IS AMENDED TO READ:

1 § 3714. Careless driving.

2 (a) General rule.--Any person who drives a vehicle in  
3 careless disregard for the safety of persons or property is  
4 guilty of careless driving, a summary offense.

5 (b) Unintentional death.--[If] Except as provided in  
6 subsection (b.1), if the person who violates this section  
7 unintentionally causes the death of another person as a result  
8 of the violation, the person shall, upon conviction, be  
9 sentenced to pay a fine of \$500.

10 (b.1) Death involving a vulnerable highway user.--If the  
11 person who violates this section causes the death of a  
12 vulnerable highway user as a result of the violation, the person  
13 shall, upon conviction, be sentenced to pay a fine of not more  
14 than \$10,000.

15 (c) Serious bodily injury.--[If] Except as provided in  
16 subsection (c.1), if the person who violates this section  
17 unintentionally causes the serious bodily injury of another  
18 person as a result of the violation, the person shall, upon  
19 conviction, be sentenced to pay a fine of \$250.

20 (c.1) Serious bodily injury to a vulnerable highway user.--  
21 If the person who violates this section causes the serious  
22 bodily injury of a vulnerable highway user as a result of the  
23 violation, the person shall, upon conviction, be sentenced to  
24 pay a fine of not more than \$5,000.

25 (c.2) Bodily injury to a vulnerable highway user.--If a  
26 person who violates this section causes the bodily injury of a  
27 vulnerable highway user as a result of the violation, the person  
28 shall, upon conviction, be sentenced to pay a fine of not more  
29 than \$1,000.

30 ~~Section 3. This act shall take effect in 120 days.~~

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1 SECTION 6. 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 7. 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 6.

9 (2) THE ADDITION OF 75 PA.C.S. § 3369(H) (2) SHALL TAKE  
10 EFFECT IN 45 DAYS.

11 (3) SECTION 6 AND THIS SECTION SHALL TAKE EFFECT  
12 IMMEDIATELY.

13 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 120  
14 DAYS.