

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 364 Session of 2019

INTRODUCED BY GABLER, BERNSTINE, BROWN, CIRESI, HELM, HILL- EVANS, IRVIN, JAMES, KORTZ, McNEILL, MILLARD, MURT, OWLETT, PICKETT, GILLEN AND HENNESSEY, FEBRUARY 4, 2019

SENATOR K. WARD, TRANSPORTATION, IN SENATE, AS AMENDED, JUNE 9, 2020

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, IN RULES OF THE ROAD IN GENERAL, FURTHER PROVIDING <--
3 FOR ENFORCEMENT OF FAILURE TO STOP FOR SCHOOL BUS WITH
4 FLASHING RED LIGHTS; AND, in other required equipment,
5 further providing for visual signals on authorized vehicles.

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

8 ~~Section 1. Section 4572 of Title 75 of the Pennsylvania <--
9 Consolidated Statutes is amended by adding a subsection to read:~~

10 SECTION 1. SECTION 3345.1(B)(1), (C), (F)(2), (H) <--

11 INTRODUCTORY PARAGRAPH, (I) AND (M) OF TITLE 75 OF THE
12 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED, SUBSECTION (E)
13 IS AMENDED BY ADDING A PARAGRAPH AND THE SECTION IS AMENDED BY
14 ADDING SUBSECTIONS TO READ:

15 § 3345.1. ENFORCEMENT OF FAILURE TO STOP FOR SCHOOL BUS WITH
16 FLASHING RED LIGHTS.

17 \* \* \*

18 (B) APPLICABILITY.--

1 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THIS SECTION  
2 SHALL APPLY TO [A DRIVER] AN OWNER OF A MOTOR VEHICLE MEETING  
3 OR OVERTAKING A SCHOOL BUS STOPPED ON A HIGHWAY OR TRAFFICWAY  
4 WHEN THE RED SIGNAL LIGHTS ON THE SCHOOL BUS ARE FLASHING AND  
5 THE SIDE STOP SIGNAL ARMS ARE ACTIVATED AS DESCRIBED IN  
6 SECTION 3345.

7 \* \* \*

8 (C) LIABILITY.--FOR EACH VIOLATION OF SECTION 3345 ENFORCED  
9 UNDER THIS SECTION, THE DRIVER OF THE MOTOR VEHICLE SHALL BE  
10 LIABLE AS FOLLOWS:

11 (1) THE PENALTY FOR THE VIOLATION SHALL BE [AS PROVIDED  
12 IN SECTIONS 1535(A) (RELATING TO SCHEDULE OF CONVICTIONS AND  
13 POINTS) AND 3345.] A CIVIL VIOLATION AND A FINE SHALL BE  
14 IMPOSED IN THE AMOUNT OF \$300. THE FINE SHALL BE DISTRIBUTED  
15 AS FOLLOWS AFTER ADMINISTRATIVE COSTS:

16 (I) \$250 TO THE SCHOOL DISTRICT WHERE THE VIOLATION  
17 OCCURRED;

18 (II) \$25 TO THE POLICE DEPARTMENT THAT REVIEWED THE  
19 EVIDENCE PACKAGE TO DETERMINE THE VIOLATION OCCURRED; AND

20 (III) \$25 TO THE SCHOOL BUS SAFETY GRANT PROGRAM  
21 ACCOUNT.

22 (1.1) THE FINE UNDER PARAGRAPH (1) SHALL NOT BE SUBJECT  
23 TO 42 PA.C.S. § 3571 (RELATING TO COMMONWEALTH PORTION OF  
24 FINES, ETC.) OR 3573 (RELATING TO MUNICIPAL CORPORATION  
25 PORTION OF FINES, ETC.).

26 (2) [(RESERVED).] A REBUTTABLE PRESUMPTION SHALL EXIST  
27 THAT THE OWNER OF THE VEHICLE WAS THE OPERATOR AT THE TIME OF  
28 THE ALLEGED VIOLATION.

29 \* \* \*

30 (E) LIMITATIONS.--

1 \* \* \*

2 (1.1) (I) TO THE EXTENT PRACTICAL, AN AUTOMATED SIDE  
3 STOP SIGNAL ARM ENFORCEMENT SYSTEM SHALL USE NECESSARY  
4 TECHNOLOGIES TO ENSURE THAT PHOTOGRAPHS OR RECORDED VIDEO  
5 IMAGES PRODUCED BY THE SYSTEM SHALL NOT IDENTIFY THE  
6 OPERATOR, THE PASSENGERS OR THE CONTENTS OF THE VEHICLE.

7 (II) NO NOTICE OF LIABILITY ISSUED UNDER THIS  
8 SECTION MAY BE DISMISSED SOLELY BECAUSE A PHOTOGRAPH OR  
9 RECORDED VIDEO IMAGE ALLOWS FOR THE IDENTIFICATION OF THE  
10 OPERATOR, PASSENGERS OR CONTENTS OF THE VEHICLE AS LONG  
11 AS A REASONABLE EFFORT HAS BEEN MADE TO COMPLY WITH THIS  
12 PARAGRAPH.

13 \* \* \*

14 (F) DEFENSES.--

15 \* \* \*

16 (2) (I) THE PERSON NAMED IN THE CITATION SHALL NOT BE  
17 REQUIRED TO IDENTIFY THE ACTUAL DRIVER OF THE VEHICLE AT THE  
18 TIME THE VIOLATION OCCURRED.

19 (II) THE OWNER SHALL PROVIDE TO THE COURT OR VENDOR  
20 FOR THE SCHOOL ENTITY A SWORN AFFIDAVIT SIGNED UNDER  
21 PENALTY OF PERJURY CONTAINING THE NAME AND ADDRESS OF THE  
22 PERSON WHO HAD CARE, CUSTODY OR CONTROL OF THE MOTOR  
23 VEHICLE, INCLUDING AN EMPLOYEE OF THE OWNER OR THE PERSON  
24 WHO WAS RENTING OR LEASING THE MOTOR VEHICLE AT THE TIME  
25 OF THE ALLEGED VIOLATION.

26 (III) THE PRIMARY POLICE DEPARTMENT FOR THE SCHOOL  
27 ENTITY SHALL MAIL OR ELECTRONICALLY TRANSFER A NOTICE OF  
28 THE CITATION TO THE PERSON IDENTIFIED AS HAVING THE CARE,  
29 CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF  
30 THE VIOLATION. THE PROOF REQUIRED UNDER THIS SECTION

1 CREATES A REBUTTABLE PRESUMPTION THAT THE PERSON HAVING  
2 THE CARE, CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE  
3 TIME OF THE VIOLATION WAS THE OPERATOR OF THE MOTOR  
4 VEHICLE AT THE TIME OF THE VIOLATION.

5 (IV) THE NOTICE REQUIRED UNDER THIS PARAGRAPH SHALL  
6 CONTAIN THE FOLLOWING:

7 (A) THE INFORMATION DESCRIBED IN THE ORIGINAL  
8 NOTICE OF VIOLATION.

9 (B) A STATEMENT THAT THE PERSON RECEIVING THE  
10 NOTICE WAS IDENTIFIED BY THE OWNER OF THE MOTOR  
11 VEHICLE AS THE PERSON HAVING THE CARE, CUSTODY OR  
12 CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE  
13 VIOLATION.

14 (C) A STATEMENT THAT THE PERSON MAY OFFER A  
15 DEFENSE AS DESCRIBED IN THIS SUBSECTION. IF A PERSON  
16 IDENTIFIED BY THE OWNER AS HAVING CARE, CUSTODY OR  
17 CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE  
18 VIOLATION, THE RESPONSIBILITY SHALL REVERT TO THE  
19 OWNER OF THE VEHICLE.

20 (V) THE OWNER MAY NOT ATTEMPT TO TRANSFER  
21 RESPONSIBILITY MORE THAN ONE TIME USING THIS PROCEDURE.

22 (VI) IF A PERSON OTHER THAN THE OWNER DENIES THE  
23 PERSON WAS THE OPERATOR AND DECLINES RESPONSIBILITY, A  
24 NEW NOTICE SHALL BE ISSUED TO THE OWNER WHICH SHALL  
25 INCLUDE THE FOLLOWING:

26 (A) A STATEMENT THAT THE OTHER PERSON DECLINED  
27 RESPONSIBILITY; AND

28 (B) A PROVISION ALLOWING FOR THE OPTION OF  
29 PAYING THE CIVIL FINE OR CONTESTING THE VIOLATION BY  
30 A STATED DATE THAT SHALL NOT BE LESS THAN 20 DAYS

1 FROM THE MAILING OF THE NEW NOTICE.

2 (VII) THE PERSON RECEIVING THE NOTICE SHALL BE  
3 RESPONSIBLE FOR PAYMENT OF THE CIVIL FINE UNLESS THE  
4 PERSON EITHER:

5 (A) RETURNS A SIGNED STATEMENT ON A FORM  
6 PROVIDED WITH THE NOTICE OF VIOLATION THAT THE PERSON  
7 WAS NOT THE OPERATOR AND DECLINING RESPONSIBILITY, IN  
8 WHICH CASE RESPONSIBILITY FOR THE VIOLATION SHALL  
9 REVERT TO THE OWNER; OR

10 (B) ADMITS TO BEING THE OPERATOR BUT DENIES  
11 COMMITTING THE VIOLATION, IN WHICH CASE THE PERSON  
12 MAY CONTEST THE NOTICE OF VIOLATION IN THE SAME  
13 MANNER AS THE OWNER MAY CONTEST THE VIOLATION.

14 \* \* \*

15 (G.1) DUTY OF SCHOOL DISTRICT.--A SCHOOL DISTRICT MAY ENTER  
16 INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE PRIMARY POLICE  
17 DEPARTMENT WITH AUTHORITY TO ISSUE VIOLATIONS USING AN AUTOMATED  
18 SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM. THE PRIMARY POLICE  
19 DEPARTMENT IS THE POLICE DEPARTMENT IN ANY MUNICIPALITY IN WHICH  
20 THE SCHOOL DISTRICT IS LOCATED. IF A MUNICIPALITY IN WHICH THE  
21 SCHOOL DISTRICT WHERE THE VIOLATION OCCURRED IS LOCATED DOES NOT  
22 HAVE ITS OWN POLICE DEPARTMENT, THE SCHOOL DISTRICT MAY PETITION  
23 THE STATE POLICE FOR REVIEW OF THE EVIDENCE PACKAGE FROM THE  
24 AUTOMATED SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM.

25 (G.2) DUTY OF POLICE AND POLICE DEPARTMENT.--POLICE OFFICERS  
26 AND POLICE DEPARTMENTS ENFORCING VIOLATIONS OF SECTION 3345 AND  
27 USING AUTOMATED SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEMS SHALL:

28 (1) REVIEW SUBMITTED EVIDENCE FROM THE MANUFACTURER OR  
29 VENDOR OF A SYSTEM TO DETERMINE IF THERE IS SUFFICIENT  
30 EVIDENCE THAT A VIOLATION UNDER SECTION 3345 OCCURRED AND

1 ELECTRONICALLY CERTIFY THE NOTICE OF VIOLATION.

2 (2) PROVIDE INFORMATION TO A SCHOOL DISTRICT OR  
3 CONTRACTED COMPANY THAT PROVIDES SCHOOL TRANSPORTATION WITH  
4 INFORMATION RELATED TO THE POLICE OR POLICE DEPARTMENT'S  
5 CAPACITY TO VIEW AND AUTHORIZE THE NOTICE OF VIOLATION.

6 (H) DUTY OF MANUFACTURER OR VENDOR.--A MANUFACTURER OR  
7 VENDOR OF SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEMS SHALL SUBMIT  
8 THE FOLLOWING INFORMATION TO THE [SCHOOL ENTITY] POLICE OR  
9 POLICE DEPARTMENT:

10 \* \* \*

11 (I) [COMPENSATION TO MANUFACTURER OR VENDOR.--THE  
12 COMPENSATION PAID TO THE MANUFACTURER OR VENDOR OF THE SIDE STOP  
13 SIGNAL ARM ENFORCEMENT SYSTEM MAY NOT BE BASED ON THE NUMBER OF  
14 CITATIONS ISSUED. THE COMPENSATION PAID TO THE MANUFACTURER OR  
15 VENDOR OF THE EQUIPMENT SHALL BE BASED UPON THE VALUE OF THE  
16 EQUIPMENT AND SERVICES PROVIDED OR RENDERED IN SUPPORT OF THE  
17 SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM.] (RESERVED).

18 \* \* \*

19 (M) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
20 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
21 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

22 "LOCAL BOARD OF SCHOOL DIRECTORS." A BOARD OF DIRECTORS OR  
23 OTHER GOVERNING AUTHORITY OF A SCHOOL ENTITY.

24 "MANUFACTURER" OR "VENDOR." A COMPANY THAT CREATES, OWNS OR  
25 HAS A LICENSE OR PERMISSION TO SELL, LEASE OR DISTRIBUTE A SIDE  
26 STOP SIGNAL ARM ENFORCEMENT SYSTEM.

27 "PUPIL TRANSPORTATION." THE TRANSPORT OF RESIDENT PUPILS OF  
28 A SCHOOL DISTRICT TO AND FROM PREPRIMARY, PRIMARY OR SECONDARY  
29 SCHOOLS AND STUDENTS TO OR FROM PUBLIC, PRIVATE OR PAROCHIAL  
30 SCHOOLS. THE TERM DOES NOT INCLUDE TRANSPORTATION FOR FIELD

1 TRIPS.

2 "SCHOOL ENTITY." A SCHOOL DISTRICT, AREA [VOCATIONAL-  
3 TECHNICAL] CAREER AND TECHNICAL SCHOOL, INTERMEDIATE UNIT,  
4 CHARTER SCHOOL, REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

5 "SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEM" OR "SYSTEM." A  
6 CAMERA SYSTEM WITH TWO OR MORE CAMERA SENSORS AND COMPUTERS THAT  
7 PRODUCE RECORDED VIDEO AND TWO OR MORE FILM OR DIGITAL  
8 PHOTOGRAPHIC STILL IMAGES OF A MOTOR VEHICLE BEING USED OR  
9 OPERATED IN A MANNER THAT VIOLATES SECTION 3345.

10 "SIDE STOP SIGNAL ARMS." AS DESCRIBED IN SECTION 4552(B.1)  
11 (RELATING TO GENERAL REQUIREMENTS FOR SCHOOL BUSES).

12 SECTION 2. SECTION 4572 OF TITLE 75 IS AMENDED BY ADDING A  
13 SUBSECTION TO READ:

14 § 4572. Visual signals on authorized vehicles.

15 \* \* \*

16 (b.1) Yellow flashing or revolving lights on school  
17 vehicles.--School vehicles may be equipped with a permanently  
18 affixed or removable yellow flashing or revolving light, as  
19 determined by regulation of the department. The light shall only  
20 be activated when the vehicle is preparing to stop or is stopped  
21 to load and unload students. NOTHING UNDER THIS SUBSECTION SHALL <--  
22 BE CONSTRUED TO PERMIT AN ACTIVITY BY A DRIVER OF A SCHOOL  
23 VEHICLE PROHIBITED UNDER SECTION 3351 (RELATING TO STOPPING,  
24 STANDING AND PARKING OUTSIDE BUSINESS AND RESIDENCE DISTRICTS)  
25 OR 3353 (RELATING TO PROHIBITIONS IN SPECIFIED PLACES).

26 \* \* \*

27 Section 2 3. This act shall take effect in 60 days. <--