

§ 3117. Automated red light enforcement systems in certain municipalities.

(a) **General rule.**--A municipality, upon passage of an ordinance, is authorized to enforce section 3112(a)(3) (relating to traffic-control signals) by recording violations using an automated red light enforcement system approved by the department.

(b) **Applicability.**--

(1) This section shall only be applicable at intersections in a municipality designated by the municipality with the approval of the secretary under the requirements of paragraph (2).

(2) No automated red light system shall be installed until the municipality provides notice to the department of the location of each intersection. After receiving notice and before the system may be installed, the department shall have 60 days to review each proposed intersection and to issue a recommendation to the municipality which shall include all of the following:

(i) A statement on whether the proposed intersection is an appropriate location for an automated red light enforcement system.

(ii) The data on which the department based the recommendation.

(3) No system shall be installed if the department does not issue a recommendation approving the location to the municipality.

(4) The department may identify the location of an alternate intersection in the municipality that it determines is appropriate for an automated red light enforcement system.

(c) **Owner liability.**--For each violation under this section, the owner of the vehicle shall be liable for the penalty imposed unless the owner is convicted of the same violation under another section of this title or has a defense under subsection (g).

(d) **Certificate as evidence.**--A certificate, or a facsimile of a certificate, based upon inspection of recorded images produced by an automated red light enforcement system and sworn to or affirmed by a police officer employed by the municipality shall be prima facie evidence of the facts contained in it. The municipality must include a written statement that the automated red light enforcement system was operating correctly at the time of the alleged violation. A recorded image evidencing a violation of section 3112(a)(3) shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation.

(e) **Penalty.**--

(1) The penalty for a violation under subsection (a) shall be a fine of \$100 unless a lesser amount is set by ordinance.

(2) A fine is not authorized for a violation of this section if any of the following apply:

(i) The intersection is being manually controlled.

(ii) The signal is in the mode described in section 3114 (relating to flashing signals).

(3) A fine is not authorized during any of the following:

(i) The first 60 days of operation of the automated system at the initial intersection.

(ii) The first 30 days for each additional intersection selected for the automated system.

(4) A warning may be sent to the violator under paragraph (3).

(5) A penalty imposed under this section shall not be deemed a criminal conviction and shall not be made part of the operating record under section 1535 (relating to schedule of convictions and points) of the individual upon whom the penalty is imposed, nor may the imposition of the penalty be subject to merit rating for insurance purposes.

(6) No surcharge points may be imposed in the provision of motor vehicle insurance coverage. Fines collected under this section 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 fines, etc.).

(f) Limitations.--

(1) No automated red light enforcement system shall be utilized in such a manner as to take a frontal view recorded image of the vehicle as evidence of having committed a violation.

(2) Notwithstanding any other provision of law, camera equipment deployed as part of an automated red light enforcement system as provided under this section must be incapable of automated or user-controlled remote intersection surveillance by means of recorded video images. Recorded images collected as part of the automated red light enforcement system may only record traffic violations and may not be used for any other surveillance purposes. The restrictions set forth under this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(3) Notwithstanding any other provision of law, information prepared under this section and information relating to violations under this section which is kept by the municipality, its authorized agents or employees, including recorded images, written records, reports or facsimiles, names and addresses, shall be for the exclusive use of the municipality, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties under this section and under any ordinances and resolutions of the municipality. The information shall not be deemed a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section or any ordinance or resolution of the municipality. The restrictions set forth under this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(4) Recorded images obtained through the use of automated red light enforcement systems deployed as a means of promoting traffic safety in a municipality shall be destroyed within 30 days following the final disposition of any recorded event. The municipality shall file notice with the Department of State

that the records have been destroyed in accordance with this section.

(5) Notwithstanding any other provision of law, registered vehicle owner information obtained as a result of the operation of an automated red light enforcement system under this section shall not be the property of the manufacturer or vendor of the automated red light enforcement system and may not be used for any purpose other than prescribed in this section.

(g) Defenses.--

(1) It shall be a defense to a violation under this section that the person named in the notice of the violation was not operating the vehicle at the time of the violation. The owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation. The municipality may not require the owner of the vehicle to disclose the identity of the operator of the vehicle at the time of the violation.

(2) If an owner receives a notice of violation under this section of a time period during which the vehicle was reported to a police department of any state or municipality as having been stolen, it shall be a defense to a violation under this section that the vehicle has been reported to a police department as stolen prior to the time the violation occurred and had not been recovered prior to that time.

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

(h) Department approval.--No automated red light enforcement system may be used without the approval of the department, which shall have the authority to promulgate regulations for the certification and use of such systems.

(i) Duty of municipality.--If a municipality elects to implement this section, the following provisions shall apply:

(1) The municipality may not use an automated red light enforcement system unless an appropriate sign is posted in a conspicuous place before the area in which the automated red light enforcement device is to be used notifying the public that an automated red light enforcement device is in use immediately ahead.

(2) The municipality or its designee shall serve as the system administrator to supervise and coordinate the administration of notices of violations issued under this section.

(3) The following apply:

(i) The system administrator shall prepare a notice of violation to the registered owner of a vehicle identified in a recorded image produced by an automated red light enforcement system as evidence of a violation of section 3112(a)(3). The issuance of the notice of violation must be done by a police officer employed by the police department with primary jurisdiction over the area where the violation occurred. The notice of violation must have attached to it all of the following:

(A) A copy of the recorded image showing the vehicle.

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

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

(D) Notice that the violation charged is under section 3112(a)(3).

(E) Instructions for return of the notice of violation.

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

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.

(j) System administrator.--

(1) The system administrator may hire and designate personnel as necessary or contract for services to implement this section.

(2) The system administrator shall process fines issued under this section.

(3) The system administrator shall submit an annual report to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives. The report shall be considered a public record under the Right-to-Know Law and include for the prior year:

(i) The number of violations and fines issued.

(ii) A compilation of fines paid and outstanding.

(iii) The amount of money paid to a vendor or manufacturer under this section.

(k) Notice to owner.--In the case of a violation involving a motor vehicle registered under the laws of this Commonwealth, the notice of violation must 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. In the case of motor vehicles registered in jurisdictions other than this Commonwealth, the notice of violation must 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. A notice of violation under this section must be provided to an owner within 90 days of the commission of the offense.

(l) Mailing of notice and records.--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 any judicial or administrative proceeding as to the facts contained in it.

(m) Payment of fine.--

(1) An owner to whom a notice of violation has been issued may admit responsibility for the violation and pay the fine provided in the notice.

(2) Except as provided in paragraph (2.1), payment must be made personally, through an authorized agent, electronically or by mailing both payment and the notice of violation to the system administrator. Payment by mail must be made only by money order, credit card or check made payable to the system administrator. The system administrator shall remit the fine, less the system administrator's operation and maintenance costs necessitated under this section, to the department for deposit

into a restricted receipts account in the Motor License Fund. Fines deposited in the fund under this paragraph shall be used by the department for a Transportation Enhancements Grant Program. The department shall award transportation enhancement grants on a competitive basis subject to a selection committee established by the secretary. The department may pay any actual administrative costs arising from its administration of this section. The department may not reserve, designate or set aside any specific level of funds or percentage of funds to an applicant prior to the completion of the application process, nor may the department designate a set percentage of funds to an applicant. Priority shall be given to applications seeking grant funds for transportation enhancements in the municipality where the automated red light camera system is operated.

(2.1) In a city of the second class, payment must be made personally, through an authorized agent, electronically or by mailing both payment and the notice of violation to the system administrator. Payment by mail must be made only by money order, credit card or check payable to the system administrator. The system administrator shall remit the fine, less the system's operation and maintenance costs necessitated under this section, to the department for deposit into a restricted receipts account in the Motor License Fund. Fines deposited in the fund under this paragraph shall be used by the department for a Transportation Enhancement Grants Program. The department shall award transportation enhancement grants on a competitive basis. The department may pay any actual administrative costs arising from its administration of this section. The department may not reserve, designate or set aside any specific level of funds or percentage of funds to an applicant prior to the completion of the application process, nor may the department designate a set percentage of funds to an applicant. Grants shall be awarded by the department based on the majority vote of a selection committee consisting of four representatives of the department appointed by the secretary and four members appointed by the mayor of the city of the second class, with the secretary or his designee serving as chairman. Priority shall be given to applications seeking grant funds for transportation enhancements in the municipality where the automated red light camera system is operated.

(3) Payment of the established fine and applicable penalties shall operate as a final disposition of the case.

(n) Hearing.--

(1) An owner to whom a notice of violation has been issued may, within 30 days of the mailing of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the system administrator during regular office hours either personally or by an authorized agent or by mailing a request in writing.

(2) Upon receipt of a hearing request, the system administrator shall in a timely manner schedule the matter before a hearing officer. The hearing officer shall be designated by the municipality. Written notice of the date, time and place of hearing must be sent by first class mail to the owner.

(3) The hearing shall be informal, the rules of evidence shall not apply and the decision of the hearing officer shall be final, subject to the right of the owner to appeal the decision to the magisterial district judge.

(4) If the owner requests in writing that the decision of the hearing officer be appealed to the magisterial district judge, the system administrator shall file the notice of violation and supporting documents with the magisterial district judge, who shall hear and decide the matter de novo.

(o) Compensation to manufacturer or vendor.--If a municipality has established an automated red light enforcement system deployed as a means of promoting traffic safety and the enforcement of the traffic laws of this Commonwealth or the municipality, the compensation paid to the manufacturer or vendor of the automated red light enforcement system may not be based upon the number of traffic citations issued or a portion or percentage of the fine generated by the citations. The compensation paid to the manufacturer or vendor of the equipment shall be based upon the value of the equipment and the services provided or rendered in support of the automated red light enforcement system.

(p) Duration of yellow light change interval.--The duration of the yellow light change interval at intersections where automated red light enforcement systems are in use shall conform to the yellow light change interval duration specified on the traffic signal permit issued by the department or municipality.

(q) Revenue limit.--A municipality may not collect an amount equal to or greater than 5% of its annual budget from the collection of revenue from the issuance and payment of violations under this section.

(r) Expiration.--This section shall expire July 15, 2017.

(s) Definitions.--As used in this section:

(1) The term "designee" shall include a person, business entity or governmental entity, including the department.

(2) The term "municipality" means:

(i) A city, borough or township with a population under the 2010 Federal Decennial Census exceeding 20,000 with a police agency accredited by the Pennsylvania Chiefs of Police Association in a county of the second class A.

(ii) A city, borough or township with a population under the 2010 Federal Decennial Census exceeding 20,000 with a police agency accredited by the Pennsylvania Chiefs of Police Association in a county of the third class with a population between 490,000 and 510,000.

(iii) A city of the second class.

(July 2, 2012, P.L.735, No.84, eff. 90 days)

2012 Amendment. Act 84 added section 3117.

Cross References. Section 3117 is referred to in section 1332 of this title.