

No. 2007-67

## AN ACT

HB 17

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "automated red light enforcement system," "recorded images" and "serious traffic violation"; and further providing for period of registration, for person with disability plate and placard, for weight restriction relating to special registration plates, for use and display of illuminated signs, for automated red light enforcement systems in first class cities, for employer responsibilities and for unlawful activities related to equipment standards.

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

Section 1. The definitions of "automated red light enforcement system" and "recorded images" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 102. Definitions.

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

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"Automated red light enforcement system." A vehicle sensor installed to work in conjunction with a traffic-control signal which automatically produces one or more **[photographs] recorded images** of a vehicle at the time the vehicle is used or operated in a manner which is a violation under this title.

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"Recorded **[images] image.**" **[Images] An image** recorded by an automated red light enforcement system on **[two or more photographs] a photograph, a digital image or any other image-capture technology.**

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Section 2. Sections 1307(a.1), 1338(a)(9), 1341, 1342(a), (c) and (d), 1346, 1348, 1350, 1351, 1352, 1353, 1354(a), 1355, 1356, 1357, 1358, 1359(a), 1360, 1362, 1363 and 1364 of Title 75 are amended to read:

§ 1307. Period of registration.

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(a.1) Seasonal registration.—Upon application on a form prescribed by the department, the owner or lessee of a passenger car, recreational motor vehicle, motorcycle, truck or farm vehicle which does not have a gross vehicle weight rating of more than **[9,000] 10,000** pounds may register the vehicle with the department for a period of successive months of less than one year. The applicant shall specify the period of months during which the vehicle shall be registered. Except when the department initially converts a

currently valid annual registration to a seasonal registration, the annual fee prescribed for the vehicle by Chapter 19 (relating to fees) shall be paid in full by the applicant regardless of the number of months chosen for registration by the applicant. Upon receipt of the appropriate fee and the properly completed form, including all information required by this chapter, the department shall issue a seasonal registration that shall expire on the last day of the expiration month chosen by the registrant. No insurer of a vehicle belonging to any owner or lessee who obtains a seasonal registration and who applies for or receives a reduced automobile insurance premium on account thereof shall be required to provide any contractual coverage, whether in the form of the provision of a defense or the payment of first-party or third-party benefits or otherwise, to the owner or lessee in connection with any event occurring during that part of the year in which the vehicle is not registered; and such owner or lessee shall be treated for all purposes, including, without limitation, ascertaining rights to stack coverages and to uninsured and underinsured motorist coverage, as a person who does not own that vehicle and has no duty to carry financial responsibility on it for that part of the year.

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§ 1338. Person with disability plate and placard.

(a) Person with disability plate.—On the application of any person who:

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(9) is a person in loco parentis of a person specified in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);

the department shall issue a special registration plate for one passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds, designating the vehicle so licensed as being used by a person with a disability. Special plates for persons with disabilities may also be issued for vehicles operated exclusively for the use and benefit of persons with disabilities. In the case of a motorcycle, the department shall issue a decal containing the international symbol for access for persons with disabilities for display on the registration plate.

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§ 1341. Special registration plates generally.

Upon request by the applicant, the department may issue registration plates consisting of any combination of numbers, letters or numbers and letters. These special plates may be issued for special groups or for special purposes and bear an appropriate designation. Special groups may charge a fee for authorization to request a registration plate bearing the name of the group. They shall have the same force and effect as regular registration plates. The department may refuse any combination of letters and numbers for cause and shall adopt reasonable rules and regulations for the issuance of the plates and for carrying out the provisions of this section. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees. The department is authorized to reissue a combination of numbers or letters for a personal plate if the department

records reveal that no activity, such as renewal or transfer of the personal registration plate, has occurred for a period of five or more consecutive years and provided that the personal registration plate was never reported as lost or stolen. Whenever the department reissues an inactive personal plate, the department may purge its records of all references to the previous owners of that personal plate. The department shall, however, note upon its records the reissuance of the personal plate and to whom the plate was issued. *The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 10,000 pounds.* If the vehicle is licensed to a business that is not a member of the special group, the department shall issue the plate as long as the business owner or officer making application is a member of that group.

§ 1342. Veteran plates and placard.

(a) Severely disabled veteran plate.—On the application of a veteran whose service-connected disability is certified at 100% by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration or who has a service-connected disability of the type enumerated in section 1338 (relating to person with disability plate and placard), the department shall issue a special registration plate designating the vehicle as belonging to a severely disabled veteran. The registration plate shall have a white background, shall have blue numbers or letters as the department may determine, shall have the words[,] “disabled veteran[,]” in at least ten-point bold type[,] inscribed in red at the bottom of the plate[,] and shall include the international symbol for access for persons with disabilities. Only one special registration plate shall be issued to a veteran under this section. It may be used only on a passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds. In the case of a motorcycle, the department shall issue a decal containing the international symbol for access for persons with disabilities and the words “disabled veteran” for display on the registration plate.

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(c) Disabled veteran plates.—On the application of any veteran having a disability certified by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration as service-connected, the department shall issue a special registration plate designating the vehicle as belonging to a disabled veteran. The registration plate shall have a white background, shall have numbers or letters as the department may determine and shall have the words “disabled veteran” in at least ten-point bold type inscribed at the bottom of the plate. Only one special registration plate shall be issued to a veteran under this section. It may be used only on a passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds.

(d) Prisoner of war plate.—On the application of an ex-prisoner of war whose imprisonment while in the service of the armed forces of the United States is certified by the appropriate branch of the armed forces, the

department shall issue a special registration plate designating the vehicle as belonging to an ex-prisoner of war. The registration plate shall contain the letters "POW" and such other numbers or letters as the department may determine and shall have the words "prisoner of war" in at least ten-point bold type inscribed at the bottom of the plate. Only one special registration plate shall be issued to an ex-prisoner of war under this subsection. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds.

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§ 1346. Special plates for recipients of Purple Heart.

Upon application of any person who is a recipient of the Purple Heart, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a recipient of the Purple Heart. A severely disabled veteran, as described in section 1342(a) (relating to veteran plates and placard), who is qualified to receive a plate under this section may also elect to receive a placard under section 1342(b). The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds.

§ 1348. Special plates for Pearl Harbor survivors.

Upon application of any person who is a survivor of Pearl Harbor, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a survivor of Pearl Harbor. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds.

§ 1350. Special plates for veterans of Korean War.

Upon application of any person who is a veteran of the Korean War, accompanied by a fee of \$20, which shall be in addition to the annual registration fee, and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Korean War. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds.

§ 1351. Special plates for veterans of Persian Gulf War.

Upon application of any person who is a veteran of the Persian Gulf War, accompanied by a fee of \$20, which shall be in addition to the annual registration fee, and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Persian Gulf War. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds.

§ 1352. Wild resource conservation plate.

The department, in consultation with the Wild Resource Conservation Board, shall design a special wild resource conservation registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than [9,000] 10,000 pounds. The Wild Resource Conservation Fund shall receive \$15 of each additional fee for this plate.

§ 1353. Preserve our heritage registration plate.

The department, in consultation with the Pennsylvania Historical and Museum Commission, shall design a special preserve our heritage registration plate. Upon receipt of an application, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than [9,000] 10,000 pounds. The Historical Preservation Fund shall receive \$15 of each additional fee for this plate.

§ 1354. Flagship Niagara commemorative registration plate.

(a) Plate.—The department, in consultation with the Pennsylvania Historical and Museum Commission, shall design a Flagship Niagara commemorative registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than [9,000] 10,000 pounds.

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§ 1355. Zoological plate.

The department, in consultation with the Pennsylvania Zoological Council, shall design a special zoological registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than [9,000] 10,000 pounds. The Zoological Enhancement Fund shall receive \$15 of the fee paid by the applicant for the plate.

§ 1356. Special plates for recipients of Expeditionary Forces Medal.

Upon application of any person who is a recipient of the Expeditionary Forces Medal, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate designating the vehicle so registered as belonging to a person who is a recipient of the Expeditionary Forces Medal. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds.

§ 1357. Special plates for World War II veterans.

Upon application of any person who is a veteran of World War II, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate carrying the symbol of a ruptured duck designating the vehicle so registered as belonging to a person who is a veteran of World War II. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds.

§ 1358. DARE plate.

The department, in consultation with the Pennsylvania Commission on Crime and Delinquency, shall design a special drug abuse resistance education (DARE) registration plate which utilizes the DARE logo or slogan in the design. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than [9,000] 10,000 pounds. The Drug Abuse Resistance Education Program shall receive \$15 of each additional fee for this plate.

§ 1359. Special plates for steelworkers.

(a) General rule.—Upon application of any person who is a steelworker, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a steelworker. The special registration plate may be used only on a passenger car or a truck with a registered gross weight of not more than [9,000] 10,000 pounds. The plate shall bear the likeness of the official emblem of the American Iron and Steel Institute.

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§ 1360. Special plates for veterans of Vietnam Conflict.

Upon application of any person who is a veteran of the Vietnam Conflict as that term is defined for the awarding of the Vietnam Service Medal, accompanied by a fee of \$20 in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of the Vietnam Conflict. The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than [9,000] 10,000 pounds.

§ 1362. Operation Iraqi Freedom veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Iraq, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Iraqi Freedom. *The special registration plate may be used only*

***on a passenger car or truck with a registered gross weight of not more than 10,000 pounds.***

§ 1363. Operation Enduring Freedom veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Afghanistan, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Enduring Freedom. ***The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 10,000 pounds.***

§ 1364. Special plates for veterans.

Upon application of any person who is an honorably discharged veteran of the armed forces of the United States or a reserve component of the armed forces as defined in 51 Pa.C.S. § 7301 (relating to definitions), accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a veteran of the armed forces of the United States. ***The special registration plate may be used only on a passenger car or truck with a registered gross weight of not more than 10,000 pounds.***

Section 3. The definition of "serious traffic violation" in section 1603 of Title 75 is amended to read:

§ 1603. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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"Serious traffic violation."

(1) Excessive speeding as defined by the United States Secretary of Transportation by regulation and published by the department as a notice in the Pennsylvania Bulletin.

(2) Reckless driving.

(3) Any offense under this title relating to motor vehicle traffic control arising in connection with an accident resulting in death to any person.

(4) Any violation of section 1606(a) (relating to requirement for commercial driver's license), 3305 (relating to limitations on overtaking on left), 3306 (relating to limitations on driving on left side of roadway), 3307 (relating to no-passing zones), 3309(1), (2) or (4) (relating to driving on roadways laned for traffic), 3310 (relating to following too closely), 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors) or 3365(c) (relating to special speed limitations).

(5) Any other offenses defined by the United States Secretary of Transportation as serious traffic violations and published by the department as a notice in the Pennsylvania Bulletin.

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Section 4. Sections 1605, 3116 and 4107(d)(3) of Title 75 are amended to read:

§ 1605. Employer responsibilities.

(a) Requirements.—Each employer shall require the applicant to provide the information specified in section 1604(c) (relating to notification requirements for drivers). Each employer shall inform the applicant that the information he provides in accordance with section 1604(c) may be used and the applicant's previous employers may be contacted for the purpose of investigating the applicant's work history.

(b) Prohibitions.—No employer shall knowingly allow, require, permit or authorize a driver to drive a commercial motor vehicle during any period:

(1) in which:

(i) the driver's license was suspended, revoked or canceled by a state;

(ii) the driver has lost the privilege to drive a commercial motor vehicle in a state;

(iii) the driver has been disqualified from driving a commercial motor vehicle;

(iv) the driver is not licensed to drive a commercial vehicle; [or]

(v) the driver is not qualified by required class or endorsement to operate the commercial vehicle being driven; or

*(vi) the driver, or the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order; or*

(2) in which the driver has more than one driver's license.

(c) Test vehicles.—Each employer shall provide a representative vehicle to any employee who as a result of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. app. § 2701 et seq.) must obtain a commercial driver's license to continue his present occupation. This section includes, but is not limited to, current commercial motor vehicle drivers, construction equipment operators, utility truck operators, mechanics and vehicle inspectors employed prior to March 31, 1992. It is the employer's discretion to provide a representative vehicle to any employee who wishes to obtain a commercial driver's license if the Commercial Motor Vehicle Safety Act of 1986 does not require the employee to obtain a commercial driver's license for his current position.

(d) Test dates.—An employer shall provide a commercial driver the necessary time off for a driver to take the required knowledge exam and skills test when the tests have been scheduled.

(e) Penalties.—Any person who violates any provision of this section commits a summary offense and shall, upon conviction, be sentenced to pay a

fine of \$1,000[.], *except that if the violation relates to an out-of-service order, then the person shall, upon conviction, be sentenced to pay a fine of \$2,750.*

§ 3116. Automated red light enforcement systems in first class cities.

(a) General rule.—

(1) A city of the first class, 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.

(2) This section shall only be applicable at intersections in the city of the first class agreed upon by the system administrator and the Secretary of Transportation who shall consider using the automated red light enforcement system at the following intersections:

- (i) U.S. Route 1 (Roosevelt Boulevard) at Grant Avenue, at Red Lion Road and at Cottman Street.
- (ii) Kensington Avenue at Clearfield Street.
- (iii) Richmond Street at Allegheny Avenue and at Castor Avenue.
- (iv) Aramingo Avenue at York Street.
- (v) Thompson Street at Lehigh Avenue.
- (vi) Broad Street at Washington Avenue.

(b) Owner liability.—For each violation pursuant to 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 (f).

(c) Certificate as evidence.—A certificate, or a facsimile of a certificate, based upon inspection of **[photographs] recorded images** produced by an automated red light enforcement system and sworn to or affirmed by a police officer employed by the city of the first class shall be prima facie evidence of the facts contained in it. The city must include written documentation that the automated red light enforcement system was operating correctly at the time of the alleged violation. A **[photograph] 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.

(d) 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:

- (i) The first 120 days of operation of the automated system at the initial intersection.

(ii) The first 60 days for each additional intersection selected for the automated system.

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

(4) 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.

(5) 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.).

(e) Limitations.—

(1) No automated red light enforcement system shall be utilized in such a manner as to take a frontal view **[photograph] 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 in this section must be incapable of automated or user-controlled remote intersection surveillance by means of recorded video images. **[Photographs] Recorded images** collected as part of the automated red light enforcement system **[must be 35-millimeter film only,]** must only record traffic violations and may not be used for any other surveillance purposes. The restrictions set forth in 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 city of the first class, its authorized agents or its employees, including **[photographs] recorded images**, written records, reports or facsimiles, names, addresses and the number of violations under this section, shall be for the exclusive use of the city, 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 city. The information shall not be deemed a public record under the act of June 21, 1957 (P.L.390, No.212), referred to 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 city. The restrictions set forth in 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) **[Photographic evidence]** *Recorded images* obtained through the use of automated red light enforcement systems deployed as a means of promoting traffic safety in a city of the first class shall be destroyed within one year of final disposition of any recorded event. The city 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.

(f) **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 city of the first class 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 pursuant to 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 pursuant to 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 of the vehicle at the time of the offense.

(g) **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.

(h) **Duty of city.**—If a city of the first class elects to implement this section, the following provisions shall apply:

(1) The city may not use an automated red light enforcement system unless there is posted an appropriate sign 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 city shall designate or appoint the Philadelphia Parking Authority as the system administrator to supervise and coordinate the administration of notices of violation issued under this section.

(3) The system administrator shall prepare a notice of violation to the registered owner of a vehicle identified in a **[photograph] 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 shall have attached to it a copy of the recorded image showing the vehicle; the registration number and state of issuance of the vehicle registration; the date, time and place of the alleged violation; that the violation charged is under section 3112(a)(3); and instructions for return of the notice of violation. 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.

(i) 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 **[under subsection (1)] issued pursuant to this section.**

(3) The system administrator shall **[file] submit** an annual report to the chairman and the 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 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.

(j) 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, and not thereafter 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, **[whichever is later,]** and not thereafter 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.

(k) 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.

(l) 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) Payment must be made personally, through an authorized agent 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 by this section, to the department for deposit into the Motor License Fund. Fines deposited in the fund under this paragraph shall be used by the department to develop, by regulation, a Transportation Enhancements Grant Program.

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

(m) 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 city of the first class. 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 traffic court.

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

(n) Compensation to manufacturer or vendor.—If a city of the first class 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 city, 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.

(o) 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 the first class city.

(p) Revenue limitation.—A city of the first class 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.

(q) Expiration.—This section shall expire December 31, [2007] 2011.  
§ 4107. Unlawful activities.

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(d) Penalty.—

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(3) Any person who violates subsection (b.1) as it relates to driver's hours of service commits a summary offense and shall, upon conviction, be sentenced to pay a fine of [\$2,750] \$500 per violation.

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Section 5. Section 4307 of Title 75 is amended by adding subsections to read:

§ 4307. Use and display of illuminated signs.

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*(f) Food delivery vehicle.—A food delivery vehicle may display an illuminated sign which shall be of a department-approved size and type designed not to interfere with or unduly distract the drivers of other vehicles on the highway. The department shall promulgate regulations setting forth the size, type and placement of signs approved for use under this subsection.*

*(g) Definition.—As used in this section, the term "food delivery vehicle" means a vehicle engaged in the transportation or conveyance of food products or items from their place of origin or production to a place of delivery, which vehicle may make intermittent stops that are customary in the routine conduct of the business for which the transportation occurs.*

Section 6. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) The amendment of 75 Pa.C.S. § 3116.

(ii) This section.

(2) The remainder of this act shall take effect in 60 days.

APPROVED—The 18th day of December, A.D. 2007.

EDWARD G. RENDELL