

PART III
OPERATION OF VEHICLES

Chapter

- 31. General Provisions
- 33. Rules of the Road in General
- 35. Special Vehicles and Pedestrians
- 37. Miscellaneous Provisions
- 38. Driving After Imbibing Alcohol or Utilizing Drugs

Enactment. Part III was added June 17, 1976, P.L.162, No.81, effective July 1, 1977, unless otherwise noted.

CHAPTER 31
GENERAL PROVISIONS

Subchapter

- A. Obedience to and Effect of Traffic Laws
- B. Traffic-control Devices
- C. Fines

Enactment. Chapter 31 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 31 is referred to in section 1614 of this title.

SUBCHAPTER A
OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

Sec.

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§ 3101. Application of part.

(a) **General rule.**--Except as provided in subsection (b), the provisions of this part relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a particular provision.

(b) **Serious traffic offenses.**--The provisions of section 3345 (relating to meeting or overtaking school bus), Subchapter B of Chapter 37 (relating to serious traffic offenses) and Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs) shall apply upon highways and trafficways throughout this Commonwealth.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (b).

Cross References. Section 3101 is referred to in section 3808 of this title.

§ 3102. Obedience to authorized persons directing traffic.

No person shall willfully fail or refuse to comply with any lawful order or direction of any uniformed police officer, sheriff or constable or, in an emergency, a railroad or street railway police officer; or any appropriately attired person, including an agent or employee of the funeral director during a funeral, authorized to direct, control or regulate traffic or an employee who has been trained in traffic control by a licensed and insured private security company and who is acting in the scope of employment.

(Aug. 5, 1991, P.L.238, No.26, eff. imd.; Dec. 22, 1993, P.L.561, No.81, eff. 60 days; June 26, 2001, P.L.734, No.75, eff. 60 days)

Cross References. Section 3102 is referred to in sections 1535, 3326, 3327 of this title.

§ 3103. Persons riding animals or driving animal-drawn vehicles.

(a) **General rule.**--Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this part, except those provisions of this part which by their very nature can have no application or where specifically provided otherwise.

(b) **Limited access highways.**--No person shall ride an animal or drive any animal-drawn vehicle upon a limited access highway.

§ 3104. Persons working on highways.

Unless specifically made applicable, the provisions of this part, except those contained in Subchapter B of Chapter 37 (relating to serious traffic offenses), shall not apply to persons, motor vehicles, and equipment while actually engaged in work upon a highway but shall apply to such persons and vehicles when traveling to or from such work.

§ 3105. Drivers of emergency vehicles.

(a) **General rule.**--The driver of an emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm or other emergency call, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

(b) **Exercise of special privileges.**--The driver of an emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this part.
- (2) Proceed past a red signal indication or stop sign, but only after slowing down as may be necessary for safe operation, except as provided in subsection (d).
- (3) Exceed the maximum speed limits so long as the driver does not endanger life or property, except as provided in subsection (d).
- (4) Disregard regulations governing direction of movement, overtaking vehicles or turning in specified directions.

(c) **Audible and visual signals required.**--The privileges granted in this section to an emergency vehicle shall apply only when the vehicle is making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the department.

(d) **Ambulances, blood delivery vehicles and human organ delivery vehicles.**--The driver of an ambulance, blood delivery vehicle or human organ delivery vehicle shall comply with maximum speed limits, red signal indications and stop signs. After ascertaining that the ambulance, blood delivery vehicle or human organ delivery vehicle will be given the right-of-way, the driver may proceed through a red signal indication or stop sign.

(e) **Exercise of care.**--This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

(f) Pedalcycles.--No part of this section shall be construed to restrict the operation of a pedalcycle used by a police officer during the course of performing official duties.

(g) Emergency vehicle preemption devices.--

(1) The department may promulgate regulations for the operation and use of preemptive traffic devices by emergency vehicles.

(2) An individual other than authorized emergency personnel who operates or uses a preemptive traffic device commits a misdemeanor of the third degree.

(3) The possession of a preemptive traffic device by an individual who is not an authorized user of the device is prohibited. The device if in the possession of a nonauthorized user shall be deemed contraband and shall be seized by a law enforcement officer.

(h) Limitations relating to school buses.--Notwithstanding the provisions of subsection (b)(4), the driver of an emergency vehicle shall come to a complete stop when a school bus flashes its red signal lights and activates its side stop signal arms. After stopping, the driver of the emergency vehicle may pass the school bus only after exercising due diligence and caution for the safety of the students in a manner that will not risk the safety of the students.

(May 9, 1986, P.L.158, No.51, eff. 60 days; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; June 26, 2001, P.L.734, No.75, eff. 60 days; July 15, 2004, P.L.694, No.75, eff. 60 days)

2004 Amendment. Act 75 added subsec. (h).

Cross References. Section 3105 is referred to in section 6342 of this title; section 901 of Title 30 (Fish); section 901 of Title 34 (Game).

§ 3106. Operators of streetcars.

Every operator of a streetcar upon any roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title except those provisions which by their nature can have no application.

§ 3107. Drivers in funeral processions.

(a) General rule.--The driver of a vehicle which is being driven in a funeral procession may:

(1) Park or stand irrespective of the provisions of this part.

(2) Proceed past a red signal indication or stop sign if the lead vehicle in the procession started through the intersection while the signal indicator was green or, in the case of a stop sign, the lead vehicle first came to a complete stop before proceeding through the intersection.

(b) Visual signals required.--The privileges granted by this section shall apply only if each vehicle in the funeral procession displays lighted head lamps and emergency flashers and bears a flag or other insignia designating it as part of a funeral procession.

(b.1) Visual signals authorized.--Notwithstanding any other provision of this title to the contrary, a funeral director or the director's representative may display flashing or revolving purple lights on any funeral processional vehicle which is being driven in a funeral procession.

(c) Right-of-way to emergency vehicles.--This section does not relieve the driver of a vehicle which is being driven in a funeral procession from yielding the right-of-way to an emergency vehicle making use of audible and visual signals, nor from the duty to drive with due regard for the safety of all persons.

(Aug. 5, 1991, P.L.238, No.26, eff. imd.; June 26, 2001, P.L.734, No.75, eff. 60 days; July 5, 2012, P.L.934, No.99, eff. 60 days)

2012 Amendment. Act 99 added subsec. (b.1).
2001 Amendment. Act 75 amended subsec. (c).
1991 Amendment. Act 26 added section 3107.

SUBCHAPTER B
TRAFFIC-CONTROL DEVICES

Sec.

3111. Obedience to traffic-control devices.
3111.1. Obedience to traffic-control devices warning of hazardous conditions.
3112. Traffic-control signals.
3113. Pedestrian-control signals.
3114. Flashing signals.
3115. Lane-direction-control signals.
3116. Automated red light enforcement systems in first class cities.
3117. Automated red light enforcement systems in certain municipalities.

Cross References. Subchapter B is referred to in section 3344 of this title.

§ 3111. Obedience to traffic-control devices.

(a) General rule.--Unless otherwise directed by a uniformed police officer or any appropriately attired person authorized to direct, control or regulate traffic, the driver of any vehicle shall obey the instructions of any applicable official traffic-control device placed or held in accordance with the provisions of this title, subject to the privileges granted the driver of an emergency vehicle in this title.

(b) Proper position and legibility of device.--No provision of this title for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, the section shall be effective even though no devices are erected or in place.

(c) Presumption of authorized placement.--Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this title, the devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Presumption of proper devices.--Any official traffic-control device placed or held pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence.

(June 26, 2001, P.L.734, No.75, eff. 60 days)

2001 Amendment. Act 75 amended subsec. (a).

Cross References. Section 3111 is referred to in sections 3326, 3327 of this title.

§ 3111.1. Obedience to traffic-control devices warning of hazardous conditions.

(a) General Rule.--The driver of any vehicle, unless otherwise directed by an emergency service responder, shall not drive past, around or through a sign or traffic-control device closing a road or highway due to an existing or potentially hazardous condition.

(b) Penalty.--Any person violating this section commits a summary offense and shall, upon conviction, pay a fine of not more than \$250 unless the

violation results in the utilization of the services of a first responder or emergency medical or rescue personnel, including towing services, in which case the fine shall be increased to not less than \$250 nor more than \$500.

(c) Emergency response costs.--A person convicted of violating this section shall, in addition to any other sentence imposed or restitution ordered under 42 Pa.C.S. § 9721(c) (relating to sentencing generally), be sentenced to pay restitution in an amount equal to the cost of fire and police response and emergency medical service or emergency preparedness response resulting from the offense.

(July 5, 2012, P.L.1003, No.114, eff. 60 days)

2012 Amendment. Act 114 added section 3111.1.

Cross References. Section 3111.1 is referred to in section 1535 of this title.

§ 3112. Traffic-control signals.

(a) General rule.--Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication.--

(i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn except that vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113 (relating to pedestrian-control signals), pedestrians facing any green signal may proceed across the roadway within a crosswalk.

(2) Steady yellow indication.--

(i) Vehicular traffic facing a steady yellow signal is thereby warned that the related green indication is being terminated or that a red indication will be exhibited immediately thereafter.

(ii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113, pedestrians facing a steady yellow signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication.--

(i) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, or if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraph (ii).

(ii) Unless signing is in place prohibiting a turn, vehicular traffic facing a steady red signal may enter the intersection to turn

right, or to turn left from a one-way highway onto a one-way highway after stopping as required by subparagraph (i). Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in section 3113, pedestrians facing a steady red signal alone shall not enter the roadway.

(b) Places other than intersections.--In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(c) Inoperable or malfunctioning signal.--If a traffic-control signal is out of operation or is not functioning properly, vehicular traffic facing a:

(1) Green or yellow signal may proceed with caution as indicated in subsection (a)(1) and (2).

(2) Red or completely unlighted signal shall stop in the same manner as at a stop sign, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign as provided in section 3323 (relating to stop signs and yield signs).

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (a)(3).

Cross References. Section 3112 is referred to in sections 1535, 3116, 3117, 3326, 3541 of this title.

§ 3113. Pedestrian-control signals.

(a) General rule.--Whenever special pedestrian-control signals exhibiting words or symbols are in place, the signals shall indicate as follows:

(1) Word "Walk" or walking person symbol.--Pedestrians facing the signal should proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Phrase "Don't Walk" or upraised hand symbol.--Pedestrians should not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.

(3) Flashing "Walk".--Pedestrians facing the signal are cautioned that there is possible hazard from turning vehicles, but pedestrians may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(4) Flashing "Don't Walk" Signal.--Pedestrians should not start to cross the roadway in the direction of the signal, but any pedestrian who has partly completed crossing during the "Walk" signal should proceed to a sidewalk or safety zone, and all drivers of vehicles shall yield to the pedestrian.

(b) Local regulation.--This section does not prohibit a municipality from establishing a summary offense for violation of subsection (a)(2) or (4).

(c) Penalties.--The driver of a vehicle who violates subsection (a) commits a summary offense and, upon conviction, shall be sentenced to pay a fine of \$50. This subsection shall not apply to those municipalities that establish a summary offense as authorized under subsection (b) with a fine in excess of \$50.

(Dec. 7, 1990, P.L.635, No.164, eff. imd.; June 25, 2001, P.L.701, No.68, eff. 120 days; June 26, 2001, P.L.734, No.75, eff. 60 days)

2001 Amendments. Act 75 overlooked the amendment by Act 68, but the amendments do not conflict in substance (except for the amount of the fine, as to which Act 75 has been given effect) and have both been given effect in setting forth the text of section 3113.

Cross References. Section 3113 is referred to in sections 3112, 3541 of this title.

§ 3114. Flashing signals.

(a) General rule.--Whenever a flashing red or yellow signal is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:

(1) Flashing red.--When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop in the same manner as at a stop sign, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign as provided in section 3323 (relating to stop signs and yield signs).

(2) Flashing yellow.--When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) Railroad grade crossings.--This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 3341 (relating to obedience to signal indicating approach of train).

Cross References. Section 3114 is referred to in sections 1535, 3116, 3117, 3326, 3327 of this title.

§ 3115. Lane-direction-control signals.

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

§ 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 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 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 45 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 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. Recorded images collected as part of the automated red light enforcement system 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 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 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 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) 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 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 issued pursuant to this section.

(3) The system administrator shall 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 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.

(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, 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, 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 by 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 to develop, by regulation, a Transportation Enhancements Grant 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, with the secretary or his designee serving as chairman, of the department appointed by the secretary and four members appointed by the mayor of the city of the first class.

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.

(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 July 15, 2017. (Oct. 4, 2002, P.L.845, No.123, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; Feb. 9, 2004, P.L.65, No.8; July 14, 2005, P.L.285, No.50, eff. 60 days; Dec. 18, 2007, P.L.436, No.67, eff. imd.; Dec. 22, 2011, P.L.596, No.129, eff. imd.; July 2, 2012, P.L.735, No.84, eff. imd.)

2012 Amendment. Act 84 reenacted and amended section 3116.

2004 Amendment. Section 4 of Act 9 of 2004 provided that the amendments to subsecs. (1)(2) and (q) by Act 8 shall take effect immediately.

Cross References. Section 3116 is referred to in section 1332 of this title.

§ 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.

SUBCHAPTER C
FINES

Sec.

3121. EMS costs.

Enactment. Subchapter C was added August 18, 2009, P.L.308, No.37, effective in 180 days.

§ 3121. EMS costs.

In addition to any other costs that may be imposed under this part for a traffic violation, except for a parking violation, a cost of \$10 shall be imposed. Moneys collected shall be forwarded to the State Treasurer for deposit in the Emergency Medical Services Operating Fund.

Cross References. Section 3121 is referred to in section 8153 of Title 35 (Health and Safety).