

AMENDMENTS TO SENATE BILL NO. 251

Sponsor: REPRESENTATIVE ROTHMAN

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1 Amend Bill, page 1, lines 1 through 3, by striking out all of
2 said lines and inserting

3 Amending Titles 44 (Law and Justice) and 75 (Vehicles) of the
4 Pennsylvania Consolidated Statutes, codifying prohibition on
5 political subdivisions and Commonwealth agencies imposing
6 quotas on the issuance of citations for certain offenses and
7 prohibiting the practice of station averaging; in licensing
8 of drivers, further providing for schedule of convictions and
9 points; in rules of the road in general, providing for radar
10 enforcement systems pilot program; and making a related
11 repeal.

12 Amend Bill, page 1, lines 6 through 17; pages 2 through 4,
13 lines 1 through 30; page 5, lines 1 through 10; by striking out
14 all of said lines on said pages and inserting

15 Section 1. Title 44 of the Pennsylvania Consolidated
16 Statutes is amended by adding a part to read:

17 PART V
18 LAW ENFORCEMENT

19 Chapter

20 85. Issuance of Citations

21 CHAPTER 85
22 ISSUANCE OF CITATIONS

23 Sec.

24 8501. Definitions.

25 8502. Quotas prohibited.

26 8503. Station averaging prohibited.

27 8504. Violation.

28 § 8501. Definitions.

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

32 "Citation." A traffic citation, ticket or any other type of
33 citation.

34 "Enforcement officer." A municipal police officer,
35 Pennsylvania State Police officer, Game Commission officer, Fish

1 Commission officer or any other officer employed by a political
2 subdivision, regional police department or agency of the
3 Commonwealth.

4 "Points of contact." Any quantifiable contact made in the
5 furtherance of the enforcement officer's duties, including, but
6 not limited to, the number of traffic stops completed, arrests,
7 written warnings and crime prevention measures. The term shall
8 not include either the issuance of citations or the number of
9 citations issued by an enforcement officer.

10 § 8502. Quotas prohibited.

11 (a) General rule.--No political subdivision, regional police
12 department or agency of the Commonwealth shall have the power or
13 authority to order, mandate, require or in any other manner,
14 directly or indirectly, suggest to any enforcement officer that
15 the enforcement officer shall issue a certain number of
16 citations on a daily, weekly, monthly, quarterly or yearly
17 basis.

18 (b) Award not affected.--The prohibition under subsection
19 (a) shall not affect the conditions of any Federal or State
20 grants or funds awarded to a political subdivision, regional
21 police department or agency of the Commonwealth and used to fund
22 traffic enforcement programs.

23 § 8503. Station averaging prohibited.

24 (a) General rule.--A political subdivision, regional police
25 department or agency of the Commonwealth may not for purposes of
26 evaluating an enforcement officer's job performance compare the
27 number of citations issued by the enforcement officer to the
28 number of citations issued by any other enforcement officer who
29 has similar job duties.

30 (b) Construction.--Nothing in this section shall prohibit
31 the evaluation of the job performance of an enforcement officer
32 based on the enforcement officer's points of contact.

33 § 8504. Violation.

34 Any citation issued in violation of this chapter shall be
35 unenforceable, null and void.

36 Section 2. Section 1535(d) and (e) of Title 75 are amended
37 to read:

38 § 1535. Schedule of convictions and points.

39 * * *

40 (d) [Exception] Exceptions.--

41 (1) This section does not apply to a person who was
42 operating a pedalcycle or an animal drawn vehicle.

43 (2) If a speeding offense under section 3362 (relating
44 to maximum speed limits) is charged as a result of use of a
45 device authorized by section 3369 (relating to radar
46 enforcement systems pilot program), no points shall be
47 assigned under subsection (a).

48 (e) Suspension of operating privilege.--In addition to other
49 provisions of this title relating to the suspension or
50 revocation of operating privileges, the department shall suspend
51 for 15 days the operating privileges of any person who for a

1 violation in an active work zone is convicted under:

2 (1) section 3361 where the department has received an
3 accident report submitted pursuant to section 3751 (relating
4 to reports by police); or

5 (2) section 3362 [(relating to maximum speed limits)] by
6 exceeding the posted speed limit by 11 miles per hour or
7 more.

8 A conviction report received by the department which indicates
9 that the violation of section 3361 or 3362 occurred in an active
10 work zone shall create a presumption that the violation occurred
11 in an active work zone.

12 Section 3. Title 75 is amended by adding a section to read:
13 § 3369. Radar enforcement systems pilot program.

14 (a) General rule.--Notwithstanding section 3368(c)(2)
15 (relating to speed timing devices), full-time police officers
16 are authorized to enforce section 3362 (relating to maximum
17 speed limits) on municipal roads in their respective
18 jurisdictions using electronic devices such as radio-microwave
19 devices, commonly referred to as electronic speed meters or
20 radar, in accordance with this section. Enforcement of speed
21 restrictions under this section may be enforced by full-time
22 police officers on a State-owned limited access or divided
23 highway only if the highway is patrolled by the local police
24 department under the terms of an agreement with the Pennsylvania
25 State Police.

26 (b) Requirements for police officers.--Full-time police
27 officers using electronic devices must:

28 (1) complete a training course approved by the
29 Pennsylvania State Police and the Municipal Police Officers'
30 Education and Training Commission and a recertification
31 course every three years thereafter;

32 (2) be employed by a full-service police department
33 accredited by the Pennsylvania Law Enforcement Accreditation
34 Commission; and

35 (3) operate the devices from a clearly marked vehicle in
36 a location that is readily visible to the motoring public.

37 (c) Conviction.--No person may be convicted upon evidence
38 obtained through the use of electronic devices unless:

39 (1) The speed recorded is over 10 miles per hour in
40 excess of the legally posted speed limit.

41 (2) Official warning signs indicating the use of
42 electronic devices by a full-time police officer and worded
43 "local police radar enforced" are erected within 500 feet of
44 the border of the political subdivision on the main arteries
45 entering that political subdivision.

46 (d) Certification of speed limit.--The speed limit for any
47 roadway chosen for speed enforcement under this section shall be
48 certified after passage of the ordinance required under
49 subsection (g) and in advance of enforcement through an
50 engineering and traffic study as authorized under section 6105
51 (relating to department to prescribe traffic and engineering

1 investigations) unless an engineering and traffic study has been
2 conducted within the last two years, and shall be available for
3 public inspection.

4 (e) Penalty.--A penalty imposed under section 3362 as a
5 result of use of an electronic device shall not be deemed a
6 criminal conviction and shall not be made part of the operating
7 record under section 1535 (relating to schedule of convictions
8 and points) of the individual upon whom the penalty is imposed,
9 nor may the imposition of the penalty be subject to merit rating
10 for insurance purposes.

11 (f) Classification, approval and testing of electronic
12 devices.--Electronic devices used under this section shall be
13 subject to the provisions of section 3368(d) and must be tested
14 for accuracy within a period of one year prior to the alleged
15 violation in accordance with specifications prescribed by
16 National Highway Safety Administration standards. All electronic
17 devices used under this section must appear on the conforming
18 products list, in conjunction with National Highway Safety
19 Administration standards.

20 (g) Local ordinance required to enforce.--Prior to employing
21 electronic devices in speed limit enforcement, the governing
22 body of the municipality must adopt an ordinance authorizing the
23 use of electronic devices by full-time police officers on
24 roadways under subsection (a) within the boundaries of the
25 municipality where speed limits have been posted according to
26 the results of the required engineering and traffic study and in
27 accordance with section 6109(a)(11) (relating to specific powers
28 of department and local authorities) to address citizen
29 complaints or demonstrable traffic safety concerns, such as high
30 crash rates or fatalities.

31 (h) Initial period.--During the initial 90 days of speed
32 enforcement using electronic devices, individuals may only be
33 sanctioned for violations with a written warning.

34 (i) Report.--Each municipality that adopts an ordinance
35 authorizing the use of electronic devices shall submit an annual
36 report to the Local Government Commission, which shall be
37 considered a public record under the act of February 14, 2008
38 (P.L.6, No.3), known as the Right-to-Know Law. The report shall
39 include the following for the prior year:

40 (1) The number of violations, written warnings and fines
41 issued under this section.

42 (2) A compilation of all fines paid and outstanding.

43 (3) The number of moving violations and fines issued
44 under other provisions of this title.

45 (j) Report by Local Government Commission.--Beginning with
46 the second full calendar year following the enactment of this
47 section, and in each calendar year thereafter, the Local
48 Government Commission shall submit a report to the chair and
49 minority chair of the Transportation Committee of the Senate and
50 the chair and minority chair of the Transportation Committee of
51 the House of Representatives. The report shall be considered a

1 public record under the Right-to-Know Law. The report shall
2 include the following information for the prior year:

3 (1) The total number of violations, written warnings and
4 finances issued by municipalities under this section.

5 (2) A compilation of all fines paid and outstanding.

6 (3) The total number of moving violations and fines
7 issued under other provisions of this title.

8 (k) Revenue limit.--A municipal share of revenue generated
9 from the use of an electronic device may not exceed an amount
10 equal to or greater than 1% of the municipality's annual budget.
11 All revenue collected in excess of this amount shall be remitted
12 to the department for deposit in the Transportation Enhancements
13 Grant Program account established under section 3116(1)(2)
14 (relating to automated red light enforcement systems in first
15 class cities).

16 (l) Defense.--The primary use of an electronic device by a
17 police officer is for purposes of traffic safety. It shall be a
18 defense to a prosecution arising from the use of an electronic
19 device that the primary use of the device is to generate
20 revenue.

21 (m) Construction.--Notwithstanding any provision of this
22 section, this section shall not abrogate, limit, restrict or
23 diminish any authority granted by law to and exercised by the
24 Pennsylvania State Police as of the effective date of this
25 section.

26 (n) Expiration.--This section shall expire December 31,
27 2024.

28 (o) Definitions.--As used in this section, the following
29 words and phrases shall have the meanings given to them in this
30 subsection unless the context clearly indicates otherwise:

31 "Electronic devices." The electronic devices described under
32 subsection (a).

33 "Full-service police department." A municipal or regional
34 police department which:

35 (1) is authorized by one or more political subdivisions;

36 (2) provides 24-hour-a-day patrol and investigative
37 services; and

38 (3) reports its activities monthly to the Pennsylvania
39 State Police in accordance with the Uniform Crime Reporting
40 System.

41 "Full-time police officer." An employee of a political
42 subdivision or regional police department who complies with all
43 of the following:

44 (1) Is certified under 53 Pa.C.S. Ch. 21 Subch. D
45 (relating to municipal police education and training).

46 (2) Is empowered to enforce 18 Pa.C.S. (relating to
47 crimes and offenses) and this title.

48 The term does not include a Pennsylvania State Police officer,
49 part-time or auxiliary police, constables, sheriffs or their
50 deputies, fire police, transit police, airport police, park
51 rangers, university or college police, game wardens, fish

1 commission officers or railroad police or any employee of a
2 police agency which does not maintain continuous primary police
3 coverage of its jurisdiction 24 hours per day every day of the
4 year.

5 Section 4. Repeals are as follows:

6 (1) The General Assembly declares that the repeal under
7 paragraph (2) is necessary to effectuate the addition of 44
8 Pa.C.S. Pt. V.

9 (2) The act of October 30, 1981 (P.L.321, No.114),
10 entitled "An act prohibiting political subdivisions or
11 agencies of the Commonwealth from imposing certain quotas on
12 the issuance of citations for certain offenses," is repealed.

13 Section 5. This act shall take effect in 120 days.