

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2413 Session of
1982

INTRODUCED BY DAVIES, GEIST, PETERSON, WILSON, BRANDT, WASS,
FARGO, BOWSER, STEWART, PETRARCA, KOLTER, CLARK, BELFANTI,
CESSAR, DAIKELER, SAURMAN, LEVIN, LIVENGOD, LESCOVITZ,
TIGUE, COLAFELLA, NAHILL, J. L. WRIGHT, CLYMER, STEVENS,
COSLETT, SPITZ, MICOZZIE, LEVI, CIVERA, KLINGAMAN, MOEHLMANN,
JACKSON, PUNT, RASCO, GRUPPO, RITTER, TELEK, BROWN, ARTY AND
MORRIS, APRIL 14, 1982

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 14, 1982

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for speed timing devices.

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

5 Section 1. Section 3368 of Title 75, act of November 25,
6 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
7 Statutes, is amended to read:

8 § 3368. Speed timing devices.

9 (a) Speedometers authorized.--The rate of speed of any
10 vehicle may be timed on any highway by a police officer using a
11 motor vehicle equipped with a speedometer. In ascertaining the
12 speed of a vehicle by the use of a speedometer, the speed shall
13 be timed for a distance of not less than three-tenths of a mile.

14 (b) Testing of speedometers.--The department may appoint
15 stations for testing speedometers and may prescribe regulations

1 as to the manner in which the test shall be made. Speedometers
2 shall have been tested for accuracy within a period of 60 days
3 prior to the alleged violation. A certificate from the station
4 showing that the test was made, the date of the test and the
5 degree of accuracy of the speedometer shall be competent and
6 prima facie evidence of those facts in every proceeding in which
7 a violation of this title is charged.

8 (c) Mechanical, electrical and electronic devices
9 authorized.--

10 (1) The rate of speed of any vehicle may be timed on any
11 county or municipal highway by a police officer using a
12 [mechanical] electrical-mechanical or electrical speed timing
13 device. No person shall be convicted upon evidence obtained
14 through the use of these devices unless the speed recorded is
15 six or more miles in excess of the legal speed limit. These
16 devices shall not be used on State highways without the prior
17 approval of the Pennsylvania State Police and the department.
18 The devices shall not under any circumstances be used on
19 interstate highways.

20 (2) Electronic devices such as radio-microwave devices
21 (commonly referred to as electronic speed meters or radar)
22 and mechanical devices may be used only by members of the
23 Pennsylvania State Police. Radio-microwave devices shall not
24 under any circumstances be used by local police. Any local
25 police officer who uses a radio-microwave device in violation
26 of this subsection shall be subject to the penalty provided
27 in subsection (f). No person may be convicted upon evidence
28 obtained through the use of [such] these devices unless the
29 speed recorded is six or more miles per hour in excess of the
30 legal speed limit.

1 (d) Training of personnel.--A local police officer shall not
2 use an electrical or electrical-mechanical speed timing device
3 unless the officer has successfully completed a training program
4 in the use of the device designed by the manufacturer and
5 approved by the Pennsylvania State Police and the department.
6 The training program shall include instruction designed to
7 insure that the police officer can precisely determine the
8 accuracy of the speed timing device.

9 ~~[(d)]~~ (e) Approval and testing of mechanical, electrical and
10 electronic devices.--All mechanical[, electrical] or electronic
11 devices shall be of a type approved by the department. [, which]
12 Electrical-mechanical devices shall be the type which calculates
13 vehicle speed by comparing the amount of time required for a
14 vehicle to travel a given distance against the time a vehicle
15 travelling at the lawful speed would take to negotiate the same
16 given distance. The department shall appoint stations for
17 calibrating and testing the devices and may prescribe
18 regulations as to the manner in which calibrations and tests
19 shall be made. The devices shall have been tested for accuracy
20 within a period of 60 days prior to the alleged violation. A
21 certificate from the station showing that the calibration and
22 test were made within the required period, and that the device
23 was accurate, shall be competent and prima facie evidence of
24 those facts in every proceeding in which a violation of this
25 title is charged.

26 (f) Penalty.--Any person violating the provisions of
27 subsection (b) commits a summary offense and shall, upon
28 conviction, be sentenced to pay a fine of \$300.

29 Section 2. No electrical device may be used by police to
30 time the rate of speed of a vehicle unless the device was

1 approved by the Department of Transportation under 75 Pa.C.S. §
2 3368 (relating to speed timing devices) prior to the effective
3 date of this act.

4 Section 3. This act shall take effect in 60 days.