

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1574 Session of
1997

INTRODUCED BY MARSICO, LYNCH, CLARK, EGOLF, YOUNGBLOOD,
E. Z. TAYLOR, PRESTON AND STEELMAN, JUNE 4, 1997

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 4, 1997

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, prohibiting possession of radar detection and
3 jamming devices.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 4537. Possession and use of radar detection and jamming
9 devices prohibited.

10 (a) General rule.--No person shall operate or be in actual
11 physical control of a motor vehicle while the motor vehicle is
12 equipped with an instrument designed to detect the presence of
13 or interfere with microwaves at frequencies used by the
14 Pennsylvania State Police under section 3368(c)(2) (relating to
15 speed timing devices).

16 (b) Exception.--Notwithstanding the provisions of subsection
17 (a), a person operating a motor vehicle who possesses within the
18 vehicle a radar detection device which is contained in a locked

1 opaque box or similar container, or which is not in the
2 passenger compartment of the vehicle, and which is not in
3 operation, shall not be in violation of subsection (a).

4 (c) Seizure of device by officer.--The device or mechanism
5 shall be seized by the law enforcement officer at the time of
6 the violation of subsection (a). This section shall not be
7 construed to authorize the permanent forfeiture to the
8 Commonwealth of the device or mechanism. Any device or mechanism
9 shall be taken and held for the period when needed as evidence.
10 When no longer needed as evidence, the defendant may petition
11 the court for the return of the device or mechanism by proving
12 to the court by a preponderance of the evidence that the device
13 or mechanism will be used only for a legitimate and lawful
14 purpose.

15 (d) Penalty.--A person who violates this section commits a
16 summary offense and shall, upon conviction, be sentenced to pay
17 a fine of at least \$50 for a first offense and at least \$250 for
18 a second or subsequent offense.

19 (e) Definition.--As used in this section, the term
20 "equipped" means possession or use within a motor vehicle of a
21 device for detection of microwaves.

22 Section 2. This act shall take effect in 60 days.