

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 391 Session of 1999

INTRODUCED BY MCGILL, RUBLEY, WILT, E. Z. TAYLOR, SCHRODER,  
BROWNE, BENNINGHOFF, CORRIGAN, ORIE, HARHAI, WILLIAMS, BARRAR  
AND B. SMITH, FEBRUARY 8, 1999

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 8, 1999

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75  
2 (Vehicles) of the Pennsylvania Consolidated Statutes, further  
3 providing for municipal corporation portion of fines, etc.,  
4 and for speed timing devices.

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

7 Section 1. Section 3573(b) of Title 42 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 3573. Municipal corporation portion of fines, etc.

10 \* \* \*

11 (b) Vehicle offenses.--

12 (1) When prosecution under the provisions of Title 75  
13 (relating to vehicles) for parking is the result of local  
14 police action, all fines, forfeited recognizances and other  
15 forfeitures imposed, lost or forfeited shall be payable to  
16 the municipal corporation under which the local police are  
17 organized.

18 (2) Except as provided in [paragraph (3)] paragraphs (3)

1 and (4), when prosecution under any other provision of Title  
2 75 (except Chapter 77 (relating to snowmobiles)) is the  
3 result of local police action, one-half of all fines,  
4 forfeited recognizances and other forfeitures imposed, lost  
5 or forfeited shall be payable to the municipal corporation  
6 under which the local police are organized.

7 (3) When prosecution under 75 Pa.C.S. § 3731 (relating  
8 to driving under influence of alcohol or controlled  
9 substance) is the result of local police action, 50% of all  
10 fines, forfeited recognizances and other forfeitures imposed,  
11 lost or forfeited shall be payable to the municipal  
12 corporation under which the local police are organized, and  
13 50% shall be payable to the county which shall be further  
14 divided as follows:

15 (i) Fifty percent of the moneys received shall be  
16 allocated to the appropriate county authority which  
17 implements the county drug and alcohol program to be used  
18 solely for the purposes of aiding programs promoting drug  
19 abuse and alcoholism prevention, education, treatment and  
20 research. Programs under this subparagraph include  
21 Project DARE (Drug and Alcohol Resistance Education).

22 (ii) Fifty percent of the moneys received shall be  
23 used for expenditures incurred for county jails, prisons,  
24 workhouses and detention centers.

25 (4) When prosecution under 75 Pa.C.S. Ch. 33 Subch. F  
26 (relating to speed restrictions) involves the use of radar by  
27 local police under 75 Pa.C.S. § 3368(c)(2) (relating to speed  
28 timing devices), 100% of all fines, forfeited recognizances  
29 and other forfeitures imposed, lost or forfeited shall be  
30 payable to the Commonwealth for credit to the Motor License

Fund, and 50% of the amount so paid and credited shall be allocated by the Department of Transportation for grants to local police departments for highway safety programs, equipment and training.

\* \* \*

Section 2. Section 3368(c) of Title 75 is amended to read:

§ 3368. Speed timing devices.

\* \* \*

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

(1) Except as otherwise provided in this section, the rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device.

(2) [Except as otherwise provided in paragraph (3), electronic] Electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police[.] and by members of local police departments which have obtained an annual permit issued by the Pennsylvania State Police. The following requirements must be met before local police may use radar for speed enforcement under this paragraph:

(i) The local police officer must undergo an approved training course that conforms to Pennsylvania State Police training guidelines in the use and certification of operators and radar units.

(ii) The need for this type of speed enforcement can be documented based on accident data and traffic density.

The permit may be revoked at any time for failure to comply

1     with guidelines established by the Pennsylvania State Police.

2           (3)   Electronic devices which calculate speed by  
3     measuring elapsed time between measured road surface points  
4     by using two sensors and devices which measure and calculate  
5     the average speed of a vehicle between any two points may be  
6     used by any police officer.

7           (4)   No person may be convicted upon evidence obtained  
8     through the use of devices authorized by paragraphs (2) and  
9     (3) unless the speed recorded is six or more miles per hour  
10    in excess of the legal speed limit. Furthermore, no person  
11    may be convicted upon evidence obtained through the use of  
12    devices authorized by paragraph (3) in an area where the  
13    legal speed limit is less than 55 miles per hour if the speed  
14    recorded is less than ten miles per hour in excess of the  
15    legal speed limit. This paragraph shall not apply to evidence  
16    obtained through the use of devices authorized by paragraph  
17    (3) within a school zone.

18    \* \* \*

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