

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 953 Session of
2001

INTRODUCED BY DeLUCA, CLYMER, WASHINGTON, WATERS AND
C. WILLIAMS, MARCH 14, 2001

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 14, 2001

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 of the Pennsylvania
6 Consolidated Statutes is amended by adding a subsection to read:
7 § 3368. Speed timing devices.

8 * * *

9 (f) Mechanical, electrical or electronic device detectors.--

10 (1) No person shall drive on a highway a motor vehicle
11 equipped with an apparatus, passive or active, designed to
12 detect, interfere with or diminish the measurement
13 capabilities of a device authorized under subsection (c).

14 (2) No person shall sell an apparatus.

15 (3) Except as provided in paragraph (6), the presence in
16 or on a vehicle of an apparatus shall constitute prima facie
17 evidence of a violation of paragraph (1). The Commonwealth

1 need not prove that the apparatus was being operated or was
2 in operating condition.

3 (4) This subsection shall not apply to a receiver of
4 radio waves utilized for lawful purposes to receive a signal
5 from a frequency licensed by a Federal or State agency.

6 (5) This subsection does not authorize forfeiture to the
7 Commonwealth of an apparatus. An apparatus may be taken by an
8 arresting officer if needed as evidence, but, when no longer
9 needed, it shall be returned to the defendant, or, upon
10 request, mailed at the defendant's expense to a specified
11 address. An unclaimed apparatus may be destroyed on court
12 order after six months have elapsed from:

13 (i) the date charges were dropped or the defendant
14 was found not guilty; or

15 (ii) from the final date for filing an appeal from a
16 conviction.

17 (6) A person shall not be guilty of violating this
18 subsection if, at the time of the alleged offense, the
19 apparatus had no power source and was not readily accessible
20 for use by the driver or a passenger.

21 (7) This subsection does not apply to motor vehicles of
22 the Commonwealth or a political subdivision being used by law
23 enforcement officers in their official duties, nor to the
24 sale of an apparatus to a law enforcement agency for use in
25 its official duties.

26 (8) The driver of a vehicle operated in violation of
27 paragraph (1) commits a summary offense and shall, upon
28 conviction, be sentenced to pay a fine of \$300. The penalty
29 for a second or subsequent offense shall be \$500.

30 (9) A person who violates paragraph (2) commits a

1 misdemeanor of the third degree and shall, upon conviction,
2 be sentenced to pay a fine of \$1,000. A second or subsequent
3 violation shall be a misdemeanor of the second degree.

4 (10) As used in this subsection, the term "apparatus"
5 means an apparatus of the type described in paragraph (1).

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