

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1050 Session of
2005

INTRODUCED BY LEH, GEIST, SCAVELLO, ARMSTRONG, BALDWIN, BARRAR,
BASTIAN, BELARDI, BENNINGHOFF, BOYD, CAPPELLI, CAUSER,
CLYMER, CORNELL, CORRIGAN, CRAHALLA, CREIGHTON, DALLY,
FABRIZIO, FLEAGLE, FLICK, FREEMAN, GABIG, GILLESPIE,
GINGRICH, HANNA, HARRIS, HERMAN, HERSHEY, HICKERNELL,
KAUFFMAN, W. KELLER, KOTIK, MACKERETH, MAJOR, MANDERINO,
MCGILL, MCILHATTAN, MCILHINNEY, MCNAUGHTON, R. MILLER, MUNDY,
MUSTIO, NAILOR, O'NEILL, PAYNE, PETRI, PYLE, QUIGLEY, REED,
REICHLEY, ROSS, RUBLEY, SATHER, SCHRODER, B. SMITH, SOLOBAY,
STEIL, R. STEVENSON, T. STEVENSON, STURLA, TANGRETTI,
E. Z. TAYLOR, TIGUE, TRUE, WALKO, WANSACZ, WATSON, WILT,
WRIGHT, YUDICHAK, ZUG AND DALEY, MARCH 21, 2005

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 21, 2005

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for conviction and point
3 schedules; and providing for radar enforcement systems pilot
4 program.

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

7 Section 1. Section 1535(d) of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 1535. Schedule of convictions and points.

10 * * *

11 (d) [Exception] Exceptions.--

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

14 (2) If a speeding offense under section 3362 (relating

1 to maximum speed limits) is charged as a result of use of a
2 device authorized by section 3368.1 (relating to radar
3 enforcement systems pilot program), no points shall be
4 assigned under subsection (a) if the speed recorded is less
5 than ten miles per hour in excess of the legally posted speed
6 limit.

7 * * *

8 Section 2. Title 75 is amended by adding a section to read:

9 § 3368.1. Radar enforcement systems pilot program.

10 (a) General rule.--

11 (1) A city of the first class, a city of the second
12 class, one third class city, one first class township, one
13 second class township, one borough and one regional police
14 force encompassing any combination of municipalities, upon
15 passage of an ordinance, section 3368(c)(2) (relating to
16 speed timing devices) notwithstanding, are authorized to
17 enforce section 3362 (relating to maximum speed limits) on
18 highways owned by the municipality using electronic devices
19 such as radio-microwave devices (commonly referred to as
20 electronic speed meters or radar).

21 (2) This section shall only be applicable in the
22 municipalities as selected by the Local Government Commission
23 and the Secretary of Transportation who shall consider
24 selection based upon applications submitted by the
25 municipalities prior to June 30, 2006, provided that the
26 municipalities meet the following requirements:

27 (i) Officers must complete a training course
28 approved by the Pennsylvania State Police and the
29 Municipal Police Officers' Education and Training
30 Commission.

1 (ii) The municipalities chosen may only use full-
2 time police officers employed by the full-service police
3 department of a political subdivision or regional police
4 department.

5 (iii) Official warning signs indicating the use of
6 these devices are erected within 500 feet of the border
7 of the political subdivision on the main arteries
8 entering that political subdivision.

9 (b) Local ordinance required to enforce.--Prior to use of
10 radio-microwave speed timing devices or infrared laser light
11 devices used for speed timing by local or regional police
12 officers, the appropriate governing body must adopt an ordinance
13 authorizing the local or regional police department to employ
14 such devices on roads within the boundaries of the governing
15 body and in accordance with section 6109(a)(11) (relating to
16 specific powers of department and local authorities) to address
17 citizen complaints or demonstrable traffic safety concerns, such
18 as high crash rates or fatalities. The Local Government
19 Commission shall file an annual report with the chairman and the
20 minority chairman of the Transportation Committee of the Senate
21 and the chairman and minority chairman of the Transportation
22 Committee of the House of Representatives. The report at a
23 minimum shall include for the prior year:

24 (1) The number of violations and fines issued.

25 (2) A compilation of fines paid and outstanding.

26 (c) Penalty.--

27 (1) A fine is not authorized during the first 120 days
28 of operation of the automated system. During the time period
29 under this paragraph, a warning may be issued to the
30 violation.

1 (2) A penalty imposed under this section shall not be
2 deemed a criminal conviction and shall not be made part of
3 the operating record under section 1535 (relating to schedule
4 of convictions and points) of the individual upon whom the
5 penalty is imposed, nor may the imposition of the penalty be
6 subject to merit rating for insurance purposes.

7 (3) No surcharge points may be imposed in the provision
8 of motor vehicle insurance coverage. Fines collected under
9 this section shall not be subject to 42 Pa.C.S. § 3571
10 (relating to Commonwealth portion of fines, etc.) or 3573
11 (relating to municipal corporation portion of fines, etc.).

12 (d) Department approval.--No enforcement using radar may be
13 used without the approval of the department, which shall have
14 the authority to promulgate regulations for the certification
15 and use of such systems.

16 (e) Revenue limitation.--The primary use of radar by local
17 or regional police officers is for traffic safety purposes. Each
18 local or regional police department that uses radar shall report
19 annually to the Pennsylvania State Police the municipal revenue
20 generated from speed enforcement citations on such forms as may
21 be prescribed by the Pennsylvania State Police. In the event the
22 municipal share of revenue generated from speed enforcement
23 citations exceeds 5% of the total municipal budget or 5% of the
24 regional police department budget, all sums in excess thereof
25 shall be remitted to the Pennsylvania State Police to be used
26 for traffic safety purposes.

27 (f) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection:

30 "Full-service police department." A local or regional police

1 department which:

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

3 (2) provides 24-hour-a-day patrol and investigative
4 services; and

5 (3) reports its activities monthly to the Pennsylvania
6 State Police in accordance with the Uniform Crime Reporting
7 System.

8 "Full-time police officer." An employee of a political
9 subdivision or regional police department who complies with all
10 of the following:

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

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

15 (3) Is a regular full-time police officer under the act
16 of June 15, 1951 (P.L.586, No.144), entitled "An act
17 regulating the suspension, removal, furloughing and
18 reinstatement of police officers in boroughs and townships of
19 the first class having police forces of less than three
20 members, and in townships of the second class," or works a
21 minimum of 200 days a year.

22 (4) Is provided coverage by a police pension plan under:

23 (i) the act of May 24, 1893 (P.L.129, No.82),
24 entitled "An act to empower boroughs and cities to
25 establish a police pension fund, to take property in
26 trust therefor and regulating and providing for the
27 regulation of the same";

28 (ii) the act of June 23, 1931 (P.L.932, No.317),
29 known as The Third Class City Code;

30 (iii) the act of May 22, 1935 (P.L.233, No.99),

1 referred to as the Second Class City Policemen Relief
2 Law;

3 (iv) the act of May 29, 1956 (1955 P.L.1804,
4 No.600), referred to as the Municipal Police Pension Law;
5 or

6 (v) the act of July 15, 1957 (P.L.901, No.399),
7 known as the Optional Third Class City Charter Law.

8 The term does not include auxiliary, part-time or fire
9 police.

10 (g) Expiration.--This section shall expire December 31,
11 2011.

12 Section 3. This act shall take effect in 120 days.