

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1135 Session of 2007

INTRODUCED BY RAFFERTY, LOGAN, ORIE, ARMSTRONG, WASHINGTON, GREENLEAF, COSTA, PUNT, FONTANA, ERICKSON, WOZNIAK, WAUGH, FERLO, BRUBAKER, MUSTO, M. WHITE, C. WILLIAMS, EARLL, DINNIMAN, BAKER, FOLMER, WONDERLING AND STACK, NOVEMBER 19, 2007

SENATOR TOMLINSON, APPROPRIATIONS, RE-REPORTED AS AMENDED, DECEMBER 10, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for tests of certain electronic
3 devices.

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

6 Section 1. ~~Section 3368(d) of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:~~

8 SECTION 1. SECTION 3368(B) AND (D) OF TITLE 75 OF THE
9 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

10 § 3368. Speed timing devices.

11 * * *

12 (B) TESTING OF SPEEDOMETERS.--THE DEPARTMENT MAY APPOINT
13 STATIONS FOR TESTING SPEEDOMETERS AND MAY PRESCRIBE REGULATIONS
14 AS TO THE MANNER IN WHICH THE TEST SHALL BE MADE. SPEEDOMETERS
15 SHALL HAVE BEEN TESTED FOR ACCURACY WITHIN A PERIOD OF [60 DAYS]
16 ONE YEAR PRIOR TO THE ALLEGED VIOLATION AND IMMEDIATELY UPON

1 CHANGE OF TIRE SIZE. A CERTIFICATE FROM THE STATION SHOWING THAT
2 THE TEST WAS MADE, THE DATE OF THE TEST AND THE DEGREE OF
3 ACCURACY OF THE SPEEDOMETER SHALL BE COMPETENT AND PRIMA FACIE
4 EVIDENCE OF THOSE FACTS IN EVERY PROCEEDING IN WHICH A VIOLATION
5 OF THIS TITLE IS CHARGED.

6 * * *

7 (d) Classification, approval and testing of mechanical,
8 electrical and electronic devices.--The department may, by
9 regulation, classify specific devices as being mechanical,
10 electrical or electronic. All mechanical, electrical or
11 electronic devices shall be of a type approved by the
12 department, which shall appoint stations for calibrating and
13 testing the devices and may prescribe regulations as to the
14 manner in which calibrations and tests shall be made. The
15 certification and calibration of electronic devices under
16 subsection (c)(3) shall also include the certification and
17 calibration of all equipment, timing strips and other devices
18 which are actually used with the particular electronic device
19 being certified and calibrated. [The] Electronic devices
20 commonly referred to as electronic speed meters or radar shall
21 have been tested FOR ACCURACY within a period of one year prior <—
22 to the alleged violation. Other devices shall have been tested
23 for accuracy within a period of 60 days prior to the alleged
24 violation. A certificate from the station showing that the
25 calibration and test were made within the required period[,] and
26 that the device was accurate[,] shall be competent and prima
27 facie evidence of those facts in every proceeding in which a
28 violation of this title is charged.

29 * * *

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