

## AMENDMENTS TO SENATE BILL NO. 251

Sponsor: REPRESENTATIVE ROTHMAN

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1 Amend Bill, page 1, lines 1 through 3, by striking out all of  
2 said lines and inserting

3 Amending Titles 44 (Law and Justice) and 75 (Vehicles) of the  
4 Pennsylvania Consolidated Statutes, codifying prohibition on  
5 political subdivisions and Commonwealth agencies imposing  
6 quotas on the issuance of citations for certain offenses and  
7 prohibiting the practice of station averaging; in licensing  
8 of drivers, further providing for schedule of convictions and  
9 points; in rules of the road in general, providing for radar  
10 enforcement systems pilot program; and making a related  
11 repeal.

12 Amend Bill, page 1, lines 6 through 17; pages 2 through 4,  
13 lines 1 through 30; page 5, lines 1 through 10; by striking out  
14 all of said lines on said pages and inserting

15 Section 1. Title 44 of the Pennsylvania Consolidated  
16 Statutes is amended by adding a part to read:

17 PART V  
18 LAW ENFORCEMENT

19 Chapter

20 85. Issuance of Citations

21 CHAPTER 85  
22 ISSUANCE OF CITATIONS

23 Sec.

24 8501. Definitions.

25 8502. Quotas prohibited.

26 8503. Station averaging prohibited.

27 8504. Violation.

28 § 8501. Definitions.

29 The following words and phrases when used in this chapter  
30 shall have the meanings given to them in this section unless the  
31 context clearly indicates otherwise:

32 "Citation." A traffic citation, ticket or any other type of  
33 citation.

34 "Enforcement officer." A municipal police officer,  
35 Pennsylvania State Police officer, Game Commission officer, Fish

1 Commission officer or any other officer employed by a political  
2 subdivision, regional police department or agency of the  
3 Commonwealth.

4 "Points of contact." Any quantifiable contact made in the  
5 furtherance of the enforcement officer's duties, including, but  
6 not limited to, the number of traffic stops completed, arrests,  
7 written warnings and crime prevention measures. The term shall  
8 not include either the issuance of citations or the number of  
9 citations issued by an enforcement officer.

10 § 8502. Quotas prohibited.

11 (a) General rule.--No political subdivision, regional police  
12 department or agency of the Commonwealth shall have the power or  
13 authority to order, mandate, require or in any other manner,  
14 directly or indirectly, suggest to any enforcement officer that  
15 the enforcement officer shall issue a certain number of  
16 citations on a daily, weekly, monthly, quarterly or yearly  
17 basis.

18 (b) Award not affected.--The prohibition under subsection  
19 (a) shall not affect the conditions of any Federal or State  
20 grants or funds awarded to a political subdivision, regional  
21 police department or agency of the Commonwealth and used to fund  
22 traffic enforcement programs.

23 § 8503. Station averaging prohibited.

24 (a) General rule.--A political subdivision, regional police  
25 department or agency of the Commonwealth may not for purposes of  
26 evaluating an enforcement officer's job performance compare the  
27 number of citations issued by the enforcement officer to the  
28 number of citations issued by any other enforcement officer who  
29 has similar job duties.

30 (b) Construction.--Nothing in this section shall prohibit  
31 the evaluation of the job performance of an enforcement officer  
32 based on the enforcement officer's points of contact.

33 § 8504. Violation.

34 Any citation issued in violation of this chapter shall be  
35 unenforceable, null and void.

36 Section 2. Section 1535(d) and (e) of Title 75 are amended  
37 to read:

38 § 1535. Schedule of convictions and points.

39 \* \* \*

40 (d) [Exception] Exceptions.--

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

43 (2) If a speeding offense under section 3362 (relating  
44 to maximum speed limits) is charged as a result of use of a  
45 device authorized by section 3369 (relating to radar  
46 enforcement systems pilot program), no points shall be  
47 assigned under subsection (a).

48 (e) Suspension of operating privilege.--In addition to other  
49 provisions of this title relating to the suspension or  
50 revocation of operating privileges, the department shall suspend  
51 for 15 days the operating privileges of any person who for a

1 violation in an active work zone is convicted under:

2 (1) section 3361 where the department has received an  
3 accident report submitted pursuant to section 3751 (relating  
4 to reports by police); or

5 (2) section 3362 [(relating to maximum speed limits)] by  
6 exceeding the posted speed limit by 11 miles per hour or  
7 more.

8 A conviction report received by the department which indicates  
9 that the violation of section 3361 or 3362 occurred in an active  
10 work zone shall create a presumption that the violation occurred  
11 in an active work zone.

12 Section 3. Title 75 is amended by adding a section to read:  
13 § 3369. Radar enforcement systems pilot program.

14 (a) General rule.--Notwithstanding section 3368(c)(2)  
15 (relating to speed timing devices), full-time police officers  
16 are authorized to enforce section 3362 (relating to maximum  
17 speed limits) on municipal roads in their respective  
18 jurisdictions using electronic devices such as radio-microwave  
19 devices, commonly referred to as electronic speed meters or  
20 radar, in accordance with this section. Enforcement of speed  
21 restrictions under this section may be enforced by full-time  
22 police officers on a State-owned limited access or divided  
23 highway only if the highway is patrolled by the local police  
24 department under the terms of an agreement with the Pennsylvania  
25 State Police.

26 (b) Requirements for police officers.--Full-time police  
27 officers using electronic devices must:

28 (1) complete a training course approved by the  
29 Pennsylvania State Police and the Municipal Police Officers'  
30 Education and Training Commission and a recertification  
31 course every three years thereafter;

32 (2) be employed by a full-service police department  
33 accredited by the Pennsylvania Law Enforcement Accreditation  
34 Commission; and

35 (3) operate the devices from a clearly marked vehicle in  
36 a location that is readily visible to the motoring public.

37 (c) Conviction.--No person may be convicted upon evidence  
38 obtained through the use of electronic devices unless:

39 (1) The speed recorded is over 10 miles per hour in  
40 excess of the legally posted speed limit.

41 (2) Official warning signs indicating the use of  
42 electronic devices by a full-time police officer and worded  
43 "local police radar enforced" are erected within 500 feet of  
44 the border of the political subdivision on the main arteries  
45 entering that political subdivision.

46 (d) Certification of speed limit.--The speed limit for any  
47 roadway chosen for speed enforcement under this section shall be  
48 certified after passage of the ordinance required under  
49 subsection (g) and in advance of enforcement through an  
50 engineering and traffic study as authorized under section 6105  
51 (relating to department to prescribe traffic and engineering

1 investigations) unless an engineering and traffic study has been  
2 conducted within the last two years, and shall be available for  
3 public inspection.

4 (e) Penalty.--A penalty imposed under section 3362 as a  
5 result of use of an electronic device shall not be deemed a  
6 criminal conviction and shall not be made part of the operating  
7 record under section 1535 (relating to schedule of convictions  
8 and points) of the individual upon whom the penalty is imposed,  
9 nor may the imposition of the penalty be subject to merit rating  
10 for insurance purposes.

11 (f) Classification, approval and testing of electronic  
12 devices.--Electronic devices used under this section shall be  
13 subject to the provisions of section 3368(d) and must be tested  
14 for accuracy within a period of one year prior to the alleged  
15 violation in accordance with specifications prescribed by  
16 National Highway Safety Administration standards. All electronic  
17 devices used under this section must appear on the conforming  
18 products list, in conjunction with National Highway Safety  
19 Administration standards.

20 (g) Local ordinance required to enforce.--Prior to employing  
21 electronic devices in speed limit enforcement, the governing  
22 body of the municipality must adopt an ordinance authorizing the  
23 use of electronic devices by full-time police officers on  
24 roadways under subsection (a) within the boundaries of the  
25 municipality where speed limits have been posted according to  
26 the results of the required engineering and traffic study and in  
27 accordance with section 6109(a)(11) (relating to specific powers  
28 of department and local authorities) to address citizen  
29 complaints or demonstrable traffic safety concerns, such as high  
30 crash rates or fatalities.

31 (h) Initial period.--During the initial 90 days of speed  
32 enforcement using electronic devices, individuals may only be  
33 sanctioned for violations with a written warning.

34 (i) Report.--Each municipality that adopts an ordinance  
35 authorizing the use of electronic devices shall submit an annual  
36 report to the Local Government Commission, which shall be  
37 considered a public record under the act of February 14, 2008  
38 (P.L.6, No.3), known as the Right-to-Know Law. The report shall  
39 include the following for the prior year:

40 (1) The number of violations, written warnings and fines  
41 issued under this section.

42 (2) A compilation of all fines paid and outstanding.

43 (3) The number of moving violations and fines issued  
44 under other provisions of this title.

45 (j) Report by Local Government Commission.--Beginning with  
46 the second full calendar year following the enactment of this  
47 section, and in each calendar year thereafter, the Local  
48 Government Commission shall submit a report to the chair and  
49 minority chair of the Transportation Committee of the Senate and  
50 the chair and minority chair of the Transportation Committee of  
51 the House of Representatives. The report shall be considered a

1 public record under the Right-to-Know Law. The report shall  
2 include the following information for the prior year:

3 (1) The total number of violations, written warnings and  
4 finances issued by municipalities under this section.

5 (2) A compilation of all fines paid and outstanding.

6 (3) The total number of moving violations and fines  
7 issued under other provisions of this title.

8 (k) Revenue limit.--A municipal share of revenue generated  
9 from the use of an electronic device may not exceed an amount  
10 equal to or greater than 1% of the municipality's annual budget.  
11 All revenue collected in excess of this amount shall be remitted  
12 to the department for deposit in the Transportation Enhancements  
13 Grant Program account established under section 3116(1)(2)  
14 (relating to automated red light enforcement systems in first  
15 class cities).

16 (l) Defense.--The primary use of an electronic device by a  
17 police officer is for purposes of traffic safety. It shall be a  
18 defense to a prosecution arising from the use of an electronic  
19 device that the primary use of the device is to generate  
20 revenue.

21 (m) Construction.--Notwithstanding any provision of this  
22 section, this section shall not abrogate, limit, restrict or  
23 diminish any authority granted by law to and exercised by the  
24 Pennsylvania State Police as of the effective date of this  
25 section.

26 (n) Expiration.--This section shall expire December 31,  
27 2024.

28 (o) Definitions.--As used in this section, the following  
29 words and phrases shall have the meanings given to them in this  
30 subsection unless the context clearly indicates otherwise:

31 "Electronic devices." The electronic devices described under  
32 subsection (a).

33 "Full-service police department." A municipal or regional  
34 police department which:

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

36 (2) provides 24-hour-a-day patrol and investigative  
37 services; and

38 (3) reports its activities monthly to the Pennsylvania  
39 State Police in accordance with the Uniform Crime Reporting  
40 System.

41 "Full-time police officer." An employee of a political  
42 subdivision or regional police department who complies with all  
43 of the following:

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

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

48 The term does not include a Pennsylvania State Police officer,  
49 part-time or auxiliary police, constables, sheriffs or their  
50 deputies, fire police, transit police, airport police, park  
51 rangers, university or college police, game wardens, fish

1 commission officers or railroad police or any employee of a  
2 police agency which does not maintain continuous primary police  
3 coverage of its jurisdiction 24 hours per day every day of the  
4 year.

5 Section 4. Repeals are as follows:

6 (1) The General Assembly declares that the repeal under  
7 paragraph (2) is necessary to effectuate the addition of 44  
8 Pa.C.S. Pt. V.

9 (2) The act of October 30, 1981 (P.L.321, No.114),  
10 entitled "An act prohibiting political subdivisions or  
11 agencies of the Commonwealth from imposing certain quotas on  
12 the issuance of citations for certain offenses," is repealed.

13 Section 5. This act shall take effect in 120 days.