

## AMENDMENTS TO SENATE BILL NO. 535

Sponsor: SENATOR VULAKOVICH

Printer's No. 1973

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"  
2 in licensing of drivers, further providing for schedule of  
3 convictions and points; and,

4 Amend Bill, page 1, lines 6 and 7, by striking out all of  
5 said lines and inserting

6 Section 1. Section 1535(d) of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended to read:  
8 § 1535. Schedule of convictions and points.

9 \* \* \*

10 (d) [Exception] Exceptions.--

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

13 (2) If a speeding offense under section 3362 (relating  
14 to maximum speed limits) is charged as a result of use of a  
15 device authorized by section 3368(c)(2) (relating to speed  
16 timing devices), no points shall be assigned under subsection  
17 (a) unless the speed recorded is 10 or more miles per hour in  
18 excess of the legal speed limit.

19 \* \* \*

20 Section 2. Section 3368(c) and (d) of Title 75 are amended  
21 and the section is amended by adding subsections to read:

22 Amend Bill, page 2, line 6, by striking out the period after  
23 "COMMISSION" and inserting

24 if official warning signs indicating the use of the  
25 devices are erected within 500 feet of the border of the  
26 political subdivision on the main arteries entering that  
27 political subdivision.

28 Amend Bill, page 2, line 23, by striking out all of said line  
29 and inserting

30 (d) Classification, approval and testing of mechanical,  
31 electrical and electronic devices.--

32 (1) The department may, by regulation, classify specific  
33 devices as being mechanical, electrical or electronic.

1       (2) All mechanical, electrical or electronic devices  
2       shall be of a type approved by the department, which shall  
3       appoint stations for calibrating and testing the devices [and  
4       may prescribe regulations as to the manner in which  
5       calibrations and tests shall be made].

6       (3) All devices, including LIDAR laser devices and  
7       electronic speed meters or radars must be tested for accuracy  
8       within a period of one year prior to the alleged violation in  
9       accordance with specifications prescribed by the National  
10       Highway Traffic Safety Administration.

11       (4) All electronic devices, such as LIDAR laser devices,  
12       and electronic speed devices, such as speed meters or radars,  
13       approved for use in this Commonwealth, must appear on the  
14       consumer products list, in conjunction with National Highway  
15       Traffic Safety Administration standards.

16       (5) The certification and calibration of electronic  
17       devices under subsection (c)(3) shall also include the  
18       certification and calibration of all equipment, timing strips  
19       and other devices which are actually used with the particular  
20       electronic device being certified and calibrated.

21       (6) Electronic devices commonly referred to as  
22       electronic speed meters or radar shall have been tested for  
23       accuracy within a period of one year prior to the alleged  
24       violation. Other devices shall have been tested for accuracy  
25       within a period of 60 days prior to the alleged violation.

26       (7) A certificate from the station showing that the  
27       calibration and test were made within the required period and  
28       that the device was accurate shall be competent and prima  
29       facie evidence of those facts in every proceeding in which a  
30       violation of this title is charged.

31       \* \* \*

32       (f) Local ordinance required to enforce.--

33       (1) Prior to use of radio-microwave speed timing devices  
34       or infrared laser light devices used for speed timing by  
35       local or regional police officers, the political subdivision  
36       or political subdivisions of a regional police department  
37       shall adopt an ordinance authorizing the local or regional  
38       police department to employ such devices on roads within the  
39       boundaries of the political subdivision or political  
40       subdivisions.

41       (2) During the initial 90 days of speed enforcement by a  
42       local or regional police department of a political  
43       subdivision using radio-microwave speed timing devices or  
44       infrared laser light devices, persons may only be sanctioned  
45       for violations with a written warning.

46       (g) Excess revenues.--

47       (1) The primary use of radar or LIDAR by local or  
48       regional police officers of political subdivisions authorized  
49       under subsection (c) is for traffic safety purposes.

50       (2) Each local or regional police department that uses  
51       radar or LIDAR shall report annually to the Department of

1 Revenue the municipal revenue generated from speed  
2 enforcement citations on forms as may be prescribed by the  
3 Department of Revenue.

4 (3) If the municipal share of revenue generated from  
5 speed enforcement citations by radar or LIDAR exceeds 20% of  
6 the total municipal budget or 20% of the municipal budget of  
7 each municipality within a regional police department, the  
8 excess sum shall be remitted to the Department of Revenue for  
9 deposit into the General Fund to be appropriated by the  
10 General Assembly to be used for traffic safety purposes.

11 Amend Bill, page 2, line 24, by striking out "2" and  
12 inserting

13 3