AMENDMENTS TO SENATE BILL NO. 251

Sponsor: REPRESENTATIVE ROTHMAN

Printer's No. 1316

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

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

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

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

PART V

LAW ENFORCEMENT

Chapter

85. Issuance of Citations

CHAPTER 85

ISSUANCE OF CITATIONS

Sec.

8501. Definitions.

8502. Quotas prohibited.

8503. Station averaging prohibited.

8504. Violation.

§ 8501. Definitions.

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

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

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

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

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

§ 8502. Quotas prohibited.

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

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

§ 8503. Station averaging prohibited.

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

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

§ 8504. Violation.

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

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

§ 1535. Schedule of convictions and points.

* * *

(d) [Exception] Exceptions.--

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

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

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

violation in an active work zone is convicted under:

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

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

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

Section 3. Title 75 is amended by adding a section to read:

§ 3369. Radar enforcement systems pilot program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Repeals are as follows:

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

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

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