

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2486 Session of
1998

INTRODUCED BY STETLER, BELARDI, DEMPSEY, WAUGH, VAN HORNE,
L. I. COHEN, TRAVAGLIO, RUBLEY, HANNA, CORRIGAN, JOSEPHS,
ORIE, STEIL, MANDERINO, RAMOS, YOUNGBLOOD AND C. WILLIAMS,
MARCH 31, 1998

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 31, 1998

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, authorizing the use of radar by local police
3 officers who meet certain qualifications.

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

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

8 § 3368. Speed timing devices.

9 * * *

10 (c) Mechanical, electrical and electronic devices
11 authorized.--

12 (1) Except as otherwise provided in this section, the
13 rate of speed of any vehicle may be timed on any highway by a
14 police officer using a mechanical or electrical speed timing
15 device.

16 (2) Except as otherwise provided in [paragraph]
17 paragraphs 3 and (3.1), electronic devices such as radio-

1 microwave devices (commonly referred to as electronic speed
2 meters or radar) may be used only by members of the
3 Pennsylvania State Police.

4 (3) Electronic devices which calculate speed by
5 measuring elapsed time between measured road surface points
6 by using two sensors and devices which measure and calculate
7 the average speed of a vehicle between any two points may be
8 used by any police officer.

9 (3.1) (i) Electronic devices such as radio-microwave
10 devices (commonly referred to as electronic speed meters
11 or radar) may be used by full-time police officers of
12 departments that provide full-time service to cities of
13 the first class, second class, second class A and third
14 class or those organized as regional departments
15 established by the act of July 12, 1972 (P.L.762,
16 No.180), referred to as the Intergovernmental Cooperation
17 Law, and serve more than one municipality and which has
18 personnel numbering at least 25 full-time members, or any
19 department that has personnel, including its police chief
20 or commissioner, that numbers at least 25 full-time
21 members. The police officers using the electronic devices
22 must have satisfactorily completed the requirements of
23 the act of June 18, 1974 (P.L.359, No.120), referred to
24 as the Municipal Police Education and Training Law, and
25 who have been trained in the use of radar in a program
26 approved by the Commissioner of the Pennsylvania State
27 Police.

28 (ii) This paragraph shall expire five years from the
29 effective date of this paragraph, unless extended by
30 statute.

1 (4) No person may be convicted upon evidence obtained
2 through the use of devices authorized by paragraphs (2)
3 [and], (3) and (3.1) unless the speed recorded is six or more
4 miles per hour in excess of the legal speed limit.

5 Furthermore, no person may be convicted upon evidence
6 obtained through the use of devices authorized by [paragraph]
7 paragraphs (3) and (3.1) in an area where the legal speed
8 limit is less than 55 miles per hour if the speed recorded is
9 less than ten miles per hour in excess of the legal speed
10 limit. This paragraph shall not apply to evidence obtained
11 through the use of devices authorized by [paragraph]
12 paragraphs (3) and (3.1) within a school zone.

13 * * *

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