

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1735 Session of
1997

INTRODUCED BY STETLER, BELARDI, TULLI, B. SMITH, RUBLEY,
HERSHEY, WAUGH, BROWNE, L. I. COHEN, VAN HORNE, STEELMAN,
TIGUE, RAMOS, YOUNGBLOOD, STURLA, TRAVAGLIO, E. Z. TAYLOR,
EACHUS, BENNINGHOFF, CURRY, BARRAR, ROSS AND ROONEY,
AUGUST 14, 1997

REFERRED TO COMMITTEE ON TRANSPORTATION, AUGUST 14, 1997

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 serving cities of the first class, second
13 class, second class A and third class. These departments
14 shall include those organized as regional departments as
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, one of which
18 shall be a city of the first class, a city of the second
19 class, a city of the second class A or a city of the
20 third class. The police officers using the electronic
21 devices must have satisfactorily completed the
22 requirements of the act of June 18, 1974 (P.L.359,
23 No.120), referred to as the Municipal Police Education
24 and Training Law, and who have been trained in the use of
25 radar in a program approved by the Commissioner of the
26 Pennsylvania State Police.

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

30 (4) No person may be convicted upon evidence obtained

1 through the use of devices authorized by paragraphs (2)
2 [and], (3) and (3.1) unless the speed recorded is six or more
3 miles per hour in excess of the legal speed limit.

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

12 * * *

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