

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2307 Session of
1998

INTRODUCED BY CASORIO, DeWEESE, M. COHEN, BELARDI, VAN HORNE,
WALKO, TRAVAGLIO, READSHAW, BATTISTO, HERMAN, A. H. WILLIAMS,
HANNA, RUBLEY, SCRIMENTI, WAUGH, MANDERINO, L. I. COHEN,
ROBINSON, HERSHEY, TULLI, RAMOS, YOUNGBLOOD, JOSEPHS, EGOLF
AND LAUGHLIN, MARCH 11, 1998

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 11, 1998

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for speed timing devices.

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

5 Section 1. Section 3368(c) and (d) of Title 75 of the
6 Pennsylvania Consolidated Statutes are amended to read:

7 § 3368. Speed timing devices.

8 * * *

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

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

15 (2) (i) Except as otherwise provided in paragraph (3),
16 electronic devices such as radio-microwave devices

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

4 (ii) Laser devices, commonly referred to as LIDAR
5 units, may be used by members of the Pennsylvania State
6 Police and by all local full-time police officers, upon
7 the completion of a training course as mandated by
8 department regulations. For the purposes of this
9 paragraph, LIDAR, or light detection and ranging units
10 shall refer to hand-held detection devices using an
11 infrared light wave to measure and calculate speed.

12 (3) Electronic devices which calculate speed by
13 measuring elapsed time between measured road surface points
14 by using two sensors and devices which measure and calculate
15 the average speed of a vehicle between any two points may be
16 used by any police officer.

17 (4) No person may be convicted upon evidence obtained
18 through the use of devices authorized by paragraphs (2) and
19 (3) unless the speed recorded is six or more miles per hour
20 in excess of the legal speed limit. Furthermore, no person
21 may be convicted upon evidence obtained through the use of
22 devices authorized by paragraph (3) in an area where the
23 legal speed limit is less than 55 miles per hour if the speed
24 recorded is less than ten miles per hour in excess of the
25 legal speed limit. This paragraph shall not apply to evidence
26 obtained through the use of devices authorized by paragraph
27 (3) within a school zone.

28 (d) Classification, approval and testing of mechanical,
29 electrical and electronic devices.--The department may, by
30 regulation, classify specific devices as being mechanical,

1 electrical or electronic. All mechanical, electrical or
2 electronic devices shall be of a type approved by the
3 department, which shall appoint stations for calibrating and
4 testing the devices and may prescribe regulations as to the
5 manner in which calibrations and tests shall be made. The
6 certification and calibration of electronic devices under
7 subsection (c)(3) shall also include the certification and
8 calibration of all equipment, timing strips and other devices
9 which are actually used with the particular electronic device
10 being certified and calibrated. The devices shall have been
11 tested for accuracy within a period of 60 days prior to the
12 alleged violation. A certificate from the station showing that
13 the calibration and test were made within the required period,
14 and that the device was accurate, shall be competent and prima
15 facie evidence of those facts in every proceeding in which a
16 violation of this title is charged. Except as otherwise
17 provided, LIDAR laser devices and electronic speed meters or
18 radar shall have been tested for accuracy within a period of
19 three years prior to the alleged violation in accordance with
20 specifications prescribed by the National Highway Traffic Safety
21 Administration (NHTSA). Furthermore, all electronic devices such
22 as LIDAR laser devices and electronic speed devices, such as
23 speed meters or radar, approved for use in this Commonwealth
24 must appear on the International Association of Chiefs of Police
25 consumer products list, in conjunction with the National Highway
26 Traffic Safety Administration (NHTSA) standards.

27 * * *

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