

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1256 Session of
2001

INTRODUCED BY CAPPELLI, BARRAR, L. I. COHEN, COLEMAN, COSTA,
CREIGHTON, CRUZ, CURRY, FEESE, FLICK, FREEMAN, GABIG,
GRUCELA, HARHART, HARPER, HENNESSEY, HERSHEY, HORSEY, KELLER,
MAJOR, MANDERINO, McILHATTAN, ROSS, RUBLEY, SATHER, B. SMITH,
SOLOBAY, STEELMAN, STEIL, T. STEVENSON, TANGRETTI,
E. Z. TAYLOR, J. TAYLOR, TIGUE, TRAVAGLIO, WANSACZ, WATSON,
WILT AND WRIGHT, APRIL 3, 2001

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 3, 2001

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 and the section is amended by
8 adding a subsection to read:

9 § 3368. Speed timing devices.

10 * * *

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

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

1 (2) Except as otherwise provided in [paragraph (3)]
2 paragraphs (3) and (3.1), electronic devices such as radio-
3 microwave devices (commonly referred to as electronic speed
4 meters or radar) may be used only by members of the
5 Pennsylvania State Police.

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

11 (3.1) Electronic devices such as radio-microwave devices
12 (commonly referred to as electronic speed meters or radar)
13 may be used by local police officers who have satisfactorily
14 completed the requirements of 53 Pa.C.S. Ch. 21 Subch. D
15 (relating to municipal police education and training) and who
16 have been trained in the use of radar in a program approved
17 by the Commissioner of the Pennsylvania State Police.

18 (4) No person may be convicted upon evidence obtained
19 through the use of devices authorized by paragraphs (2) [and
20 (3)], (3) and (3.1) unless the speed recorded is six or more
21 miles per hour in excess of the legal speed limit.

22 Furthermore, no person may be convicted upon evidence
23 obtained through the use of devices authorized by paragraph
24 (3) in an area where the legal speed limit is less than 55
25 miles per hour if the speed recorded is less than ten miles
26 per hour in excess of the legal speed limit. This paragraph
27 shall not apply to evidence obtained through the use of
28 devices authorized by paragraph (3) within a school zone.

29 * * *

30 (f) Expiration.--Subsection (c)(3.1) shall expire five years

1 following the effective date of this subsection.

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