

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1838 Session of
2001

INTRODUCED BY STETLER, CAPPELLI, CORRIGAN, J. WILLIAMS AND
YOUNGBLOOD, JUNE 27, 2001

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 27, 2001

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, prohibiting the use of radar detectors or similar
3 devices.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3369. Use of radar detectors or similar devices prohibited.

9 (a) Use of radar detectors prohibited.--The use by any
10 person or motorist of any device or mechanism, commonly known as
11 radar detectors, passive or active, to detect or interfere with
12 or diminish the measurement capabilities of any electronic speed
13 timing devices as defined in section 3368(c)(2) (relating to
14 speed timing devices) is prohibited.

15 (b) Unlawful use of radar detectors.--

16 (1) It shall be unlawful for any person to operate a
17 bus, boat transporter, construction truck, farm vehicle,
18 motor carrier vehicle, school bus, school vehicle, stinger-

1 steered automobile, truck tractor or wrecker when such
2 vehicle is equipped with or is in use of any device
3 prohibited in subsection (a). Except as provided in
4 subsection (c), the presence of any such prohibited device or
5 mechanism in or on any of the motor vehicles listed in this
6 subsection shall constitute prima facie evidence of a
7 violation. The Commonwealth need not prove that the device or
8 mechanism was in an operative condition or being operated.

9 (2) Any motorist found in violation of section 3362
10 (relating to maximum speed limits) in any motor vehicle that
11 is equipped with or is in use of any device prohibited in
12 subsection (a) shall be assessed, as of the date of
13 violation, an additional two points on the point system
14 established by section 1535 (relating to schedule of
15 convictions and points).

16 (c) Exception.--A person shall not be guilty of a violation
17 of subsection (b) when the device or mechanism in question at
18 the time of the alleged offense had no definite or obvious power
19 source and was not readily accessible for use by the driver or
20 any passenger in the vehicle.

21 (d) Sales of radar detectors prohibited.--It shall be
22 unlawful to sell any device or mechanism, commonly known as
23 radar detectors, passive or active, to detect or interfere with
24 or diminish the measurement capabilities of any electronic speed
25 timing devices as defined in section 3368(c)(2). Sales of such
26 devices constitute a summary offense.

27 (e) Seizure and forfeiture of radar detectors.--Any device
28 or mechanism found or discovered in any vehicle or in use or
29 possession of any person or motorist or offered for sale by any
30 person in this Commonwealth shall be seized and forfeited to the

1 Commonwealth. All provisions of law relating to the seizure and
2 judicial forfeiture shall apply under provisions of this
3 section. All forfeited devices shall be destroyed.

4 (f) Penalty.--

5 (1) A person who violates subsection (b) or (d) commits
6 a summary offense and shall, upon conviction, be sentenced to
7 pay a fine of \$100.

8 (2) Any person found in violation of section 3362 in a
9 vehicle not listed in subsection (b) that is equipped with or
10 is in use of any device prohibited in subsection (a) commits
11 a summary offense and shall be sentenced to pay a fine of not
12 less than \$25 and not more than \$100. Except as provided in
13 subsection (c), the presence of any such prohibited device or
14 mechanism in or on any of the motor vehicles listed in this
15 section shall constitute prima facie evidence of a violation.
16 The Commonwealth need not prove that the device or mechanism
17 was in an operative condition or being operated.

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