

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1957 Session of  
2007

INTRODUCED BY LENTZ, VEREB, SCAVELLO, R. TAYLOR,  
McILVAINE SMITH, BEAR, BOYD, BRENNAN, CAPPELLI, CLYMER,  
CREIGHTON, CUTLER, DALLY, DePASQUALE, HANNA, HARKINS,  
HERSHEY, HICKERNELL, KILLION, KOTIK, MAHONEY, MANDERINO,  
MANN, MENSCH, MURT, MUSTIO, O'NEILL, PETRI, QUINN, REICHLEY,  
RUBLEY, SHAPIRO, SHIMKUS, SIPTROTH, SOLOBAY, TANGRETTI,  
WATSON, MILNE, GINGRICH, GRELL AND ROSS, OCTOBER 23, 2007

REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 23, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for conviction and point  
3 schedules, for speed timing devices and for State and local  
4 powers.

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

7 Section 1. Section 1535(d) of Title 75 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 1535. Schedule of convictions and points.

10 \* \* \*

11 (d) [Exception] Exceptions.--

12 (1) This section does not apply to a person who was  
13 operating a pedalcycle or an animal drawn vehicle.

14 (2) If a speeding offense under section 3362 (relating  
15 to maximum speed limits) is charged as a result of use of a  
16 device authorized by section 3368(c)(2)(ii) (relating to

1 speed timing devices), no points shall be assigned under  
2 subsection (a) unless the speed recorded is ten or more miles  
3 per hour in excess of the legal speed limit.

4 \* \* \*

5 Section 2. Section 3368(a), (c), (d) and (e) of Title 75 are  
6 amended and the section is amended by adding subsections to  
7 read:

8 § 3368. Speed timing devices.

9 (a) Speedometers authorized.--The rate of speed of any  
10 vehicle may be timed on any highway by a police officer using a  
11 motor vehicle equipped with a speedometer, except as provided in  
12 section 6109 (relating to specific powers of department and  
13 local authorities). In ascertaining the speed of a vehicle by  
14 the use of a speedometer, the speed shall be timed for a  
15 distance of not less than three-tenths of a mile.

16 \* \* \*

17 (c) Mechanical, electrical and electronic devices  
18 authorized.--

19 (1) Except as otherwise provided in this section and in  
20 section 6109, the rate of speed of any vehicle may be timed  
21 on any highway by a police officer using a mechanical or  
22 electrical speed timing device.

23 (2) Except as otherwise provided in paragraph (3),  
24 electronic devices such as radio-microwave devices (commonly  
25 referred to as electronic speed meters or radar) may be used  
26 [only by]:

27 (i) By members of the Pennsylvania State Police.

28 (ii) Upon completion of a training course approved  
29 by the Pennsylvania State Police and the Municipal Police  
30 Officers' Education and Training Commission, by full-time

police officers employed by the full-service police department of a political subdivision or regional police department situate in a county of the first class, second class, second class A or third class if official warning signs indicating the use of these devices are erected within 500 feet of the border of the political subdivision on the main arteries entering that political subdivision.

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

(4) No person may be convicted upon evidence obtained through the use of devices authorized by paragraphs (2) and (3) unless the speed recorded is [six] ten or more miles per hour in excess of the legal speed limit. [Furthermore, no person may be convicted upon evidence obtained through the use of devices authorized by paragraph (3) in an area where the legal speed limit is less than 55 miles per hour if the speed recorded is less than ten miles per hour in excess of the legal speed limit.] This paragraph shall not apply to evidence obtained through the use of devices authorized by paragraph (2) or (3) within a school zone or an active work zone.

(5) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph:

"Full-service police department." A local or regional police department which:

1           (i) is authorized by one or more political  
2           subdivisions;

3           (ii) provides 24-hour-a-day patrol and investigative  
4           services; and

5           (iii) reports its activities monthly to the  
6           Pennsylvania State Police in accordance with the Uniform  
7           Crime Reporting System.

8           "Full-time police officer." An employee of a political  
9           subdivision or regional police department who complies with  
10          all of the following:

11           (i) Is certified under 53 Pa.C.S. Ch. 21 Subch. D  
12           (relating to municipal police education and training).

13           (ii) Is empowered to enforce 18 Pa.C.S. (relating to  
14           crimes and offenses) and this title.

15           (iii) Is a regular full-time police officer under  
16           the act of June 15, 1951 (P.L.586, No.144), entitled "An  
17           act regulating the suspension, removal, furloughing and  
18           reinstatement of police officers in boroughs and  
19           townships of the first class having police forces of less  
20           than three members, and in townships of the second  
21           class," or works a minimum of 200 days a year.

22           (iv) Is provided coverage by a police pension plan  
23           under:

24                   (A) the act of May 24, 1893 (P.L.129, No.82),  
25                   entitled "An act to empower boroughs and cities to  
26                   establish a police pension fund, to take property in  
27                   trust therefor and regulating and providing for the  
28                   regulation of the same";

29                   (B) the act of June 23, 1931 (P.L.932, No.317),  
30                   known as The Third Class City Code;

1                   (C) the act of May 22, 1935 (P.L.233, No.99),  
2                   referred to as the Second Class City Policemen Relief  
3                   Law;

4                   (D) the act of May 29, 1956 (1955 P.L.1804,  
5                   No.600), referred to as the Municipal Police Pension  
6                   Law; or

7                   (E) the act of July 15, 1957 (P.L.901, No.399),  
8                   known as the Optional Third Class City Charter Law.

9                   The term does not include auxiliary, part-time or fire  
10                  police.

11               (d) Classification, approval and testing of mechanical,  
12               electrical and electronic devices.--The department may, by  
13               regulation, classify specific devices as being mechanical,  
14               electrical or electronic. All mechanical, electrical or  
15               electronic devices shall be of a type approved by the  
16               department, which shall appoint stations for calibrating and  
17               testing the devices [and may prescribe regulations as to the  
18               manner in which calibrations and tests shall be made]. All  
19               devices, including electronic speed meters or radar, must have  
20               been tested for accuracy within a period of six months prior to  
21               the alleged violation in accordance with specifications  
22               prescribed by the National Highway Traffic Safety Administration  
23               (NHTSA). All electronic speed devices, such as speed meters or  
24               radar, approved for use in this Commonwealth, must be in  
25               compliance with National Highway Traffic Safety Administration  
26               (NHTSA) standards. The certification and calibration of  
27               electronic devices under subsection (c)(3) shall also include  
28               the certification and calibration of all equipment, timing  
29               strips and other devices which are actually used with the  
30               particular electronic device being certified and calibrated.

1 [The devices shall have been tested for accuracy within a period  
2 of 60 days prior to the alleged violation.] A certificate from  
3 the station showing that the calibration and test were made  
4 within the required period, and that the device was accurate,  
5 shall be competent and prima facie evidence of those facts in  
6 every proceeding in which a violation of this title is charged.

7 (e) Distance requirements for use of mechanical, electrical  
8 and electronic devices.--[Mechanical]

9 (1) Except as provided in paragraph (2), mechanical,  
10 electrical or electronic devices may not be used to time the  
11 rate of speed of vehicles within 500 feet after a speed limit  
12 sign indicating a decrease of speed. This limitation on the  
13 use of speed timing devices shall not apply to speed limit  
14 signs indicating school zones, bridge and elevated structure  
15 speed limits, hazardous grade speed limits and work zone  
16 speed limits.

17 (2) Whenever radio-microwave speed timing devices are  
18 used by a local or regional police officer of a political  
19 subdivision authorized under subsection (c), the police  
20 officer must locate the vehicle with the radio-microwave  
21 speed timing device in a location that is not intentionally  
22 concealed from the motoring public.

23 (f) Local ordinance required to enforce.--

24 (1) Prior to use of radio-microwave speed timing devices  
25 used for speed timing by local or regional police officers of  
26 political subdivisions authorized under subsection (c), the  
27 appropriate governing body must adopt an ordinance  
28 authorizing the local or regional police department to employ  
29 such devices on roads within the boundaries of the governing  
30 body where a required engineering and traffic study has been

1 conducted and in accordance with section 6109(a)(11) to  
2 address citizen complaints or demonstrable traffic safety  
3 concerns, such as high crash rates or fatalities.

4 (2) During the initial 120 days of speed enforcement by  
5 a local or regional police department of a political  
6 subdivision authorized under subsection (c) using radio-  
7 microwave speed timing devices, persons may only be  
8 sanctioned for violations with a written warning.

9 (g) Excess revenues.--The primary use of radar by local or  
10 regional police officers of political subdivisions authorized  
11 under subsection (c) is for traffic safety purposes. Each local  
12 or regional police department that uses radar shall report  
13 annually to the Pennsylvania State Police the municipal revenue  
14 generated from speed enforcement citations on such forms as may  
15 be prescribed by the Pennsylvania State Police. In the event the  
16 municipal share of revenue generated from speed enforcement  
17 citations exceeds the actual costs for training, operating,  
18 maintenance and enforcement activities, all sums in excess  
19 thereof shall be remitted to the Pennsylvania State Police to be  
20 used for traffic safety purposes.

21 Section 3. Section 6109(a)(11) of Title 75 is amended to  
22 read:

23 § 6109. Specific powers of department and local authorities.

24 (a) Enumeration of police powers.--The provisions of this  
25 title shall not be deemed to prevent the department on State-  
26 designated highways and local authorities on streets or highways  
27 within their physical boundaries from the reasonable exercise of  
28 their police powers. The following are presumed to be reasonable  
29 exercises of police power:

30 \* \* \*

1           (11) Enforcement of speed restrictions authorized under  
2 Subchapter F of Chapter 33[, except that] in accordance with  
3 the following:

4           (i) Except as set forth in subparagraph (ii), speed  
5           restrictions may be enforced by [local police] full-time  
6           police officers employed by the full-service police  
7           department of a political subdivision or regional police  
8           department on a limited access or divided highway only if  
9           [it] this title authorizes such enforcement and the  
10          highway is patrolled by the local or regional police  
11          force under the terms of an agreement with the  
12          Pennsylvania State Police.

13          (ii) If this title authorizes speed restrictions to  
14          be enforced by a police department of a city of the first  
15          class, they may be enforced on limited access or divided  
16          highways within the police department's jurisdiction. An  
17          agreement with the Pennsylvania State Police is not  
18          necessary under this subparagraph.

19          \* \* \*

20          Section 4. This act shall take effect in 120 days.