
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1300 Session of
2015

INTRODUCED BY SANTARSIERO, THOMAS, DAVIS, MURT AND McNEILL,
JUNE 8, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 8, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, further providing for
3 schedule of convictions and points; in rules of the road in
4 general, further providing for speed timing devices; and, in
5 powers of department and local authorities, further providing
6 for specific powers of Department of Transportation and local
7 authorities.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1535(d) and (e) of Title 75 of the
11 Pennsylvania Consolidated Statutes are amended to read:

12 § 1535. Schedule of convictions and points.

13 * * *

14 (d) [Exception] Exceptions.--

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

17 (2) If a speeding offense under section 3362 (relating
18 to maximum speed limits) is charged as a result of use of a
19 device authorized under section 3368(c)(2)(ii) (relating to
20 speed timing devices), no points shall be assigned under

1 subsection (a) unless the speed recorded is ten or more miles
2 per hour in excess of the legal speed limit.

3 (e) Suspension of operating privilege.--In addition to other
4 provisions of this title relating to the suspension or
5 revocation of operating privileges, the department shall suspend
6 for 15 days the operating privileges of any person who for a
7 violation in an active work zone is convicted under:

8 (1) section 3361 where the department has received an
9 accident report submitted pursuant to section 3751 (relating
10 to reports by police); or

11 (2) section 3362 [(relating to maximum speed limits)] by
12 exceeding the posted speed limit by 11 miles per hour or
13 more.

14 A conviction report received by the department which indicates
15 that the violation of section 3361 or 3362 occurred in an active
16 work zone shall create a presumption that the violation occurred
17 in an active work zone.

18 * * *

19 Section 2. Section 3368(a), (c) and (e) of Title 75 are
20 amended and the section is amended by adding subsections to
21 read:

22 § 3368. Speed timing devices.

23 (a) Speedometers authorized.--The rate of speed of any
24 vehicle may be timed on any highway by a police officer using a
25 motor vehicle equipped with a speedometer, except as provided in
26 section 6109 (relating to specific powers of department and
27 local authorities). In ascertaining the speed of a vehicle by
28 the use of a speedometer, the speed shall be timed for a
29 distance of not less than three-tenths of a mile.

30 * * *

1 (c) Mechanical, electrical and electronic devices

2 authorized.--

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

7 (2) Except as otherwise provided in paragraph (3),
8 electronic devices such as radio-microwave devices (commonly
9 referred to as electronic speed meters or radar) or infrared
10 laser light devices (commonly referred to as LIDAR) may be
11 used [only by]:

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

13 (ii) Upon completion of a training course approved
14 by the Pennsylvania State Police and the Municipal Police
15 Officers' Education and Training Commission, by full-time
16 police officers employed by the full-service police
17 department of a political subdivision or regional police
18 department situate in a county of the first class, second
19 class, second class A or third class if official warning
20 signs indicating the use of these devices are erected
21 within 500 feet of the border of the political
22 subdivision on the main arteries entering that political
23 subdivision.

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

29 (4) No person may be convicted upon evidence obtained
30 through the use of devices authorized by paragraphs (2) and

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

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

14 "Full-service police department." A local or regional
15 police department that:

16 (i) is authorized by one or more political
17 subdivisions;

18 (ii) provides 24-hour-a-day patrol and investigative
19 services; and

20 (iii) reports its activities monthly to the
21 Pennsylvania State Police in accordance with the Uniform
22 Crime Reporting System.

23 "Full-time police officer." An employee of a political
24 subdivision or regional police department who complies with
25 all of the following:

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

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

30 (iii) Is a regular full-time police officer under

1 the act of June 15, 1951 (P.L.586, No.144), entitled "An
2 act regulating the suspension, removal, furloughing and
3 reinstatement of police officers in boroughs and
4 townships of the first class having police forces of less
5 than three members, and in townships of the second
6 class," or works a minimum of 200 days a year.

7 (iv) Is provided coverage by a police pension plan
8 under:

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

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

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

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

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

24 The term does not include auxiliary, part-time or fire
25 police.

26 * * *

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

29 (1) Except as provided in paragraph (2), mechanical,
30 electrical or electronic devices may not be used to time the

1 rate of speed of vehicles within 500 feet after a speed limit
2 sign indicating a decrease of speed. This limitation on the
3 use of speed timing devices shall not apply to speed limit
4 signs indicating school zones, bridge and elevated structure
5 speed limits, hazardous grade speed limits and work zone
6 speed limits.

7 (2) Whenever radio-microwave speed timing devices or
8 infrared laser light devices are used by a local or regional
9 police officer of a political subdivision authorized under
10 subsection (c), the police officer must locate the vehicle
11 with the radio-microwave speed timing device or infrared
12 laser light device in a location that is not intentionally
13 concealed from the motoring public.

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

15 (1) Prior to use of radio-microwave speed timing devices
16 or infrared laser light devices used for speed timing by
17 local or regional police officers of political subdivisions
18 authorized under subsection (c), the appropriate governing
19 body must adopt an ordinance authorizing the local or
20 regional police department to employ the devices on roads
21 within the boundaries of the governing body where a required
22 engineering and traffic study has been conducted and in
23 accordance with section 6109(a)(11) to address citizen
24 complaints or demonstrable traffic safety concerns, such as
25 high crash rates or fatalities.

26 (2) During the initial 90 days of speed enforcement by a
27 local or regional police department of a political
28 subdivision authorized under subsection (c) using radio-
29 microwave speed timing devices or infrared laser light
30 devices, persons may only be sanctioned for violations with a

1 written warning.

2 (g) Excess revenues.--The primary use of radar or LIDAR by
3 local or regional police officers of political subdivisions
4 authorized under subsection (c) is for traffic safety purposes.
5 Each local or regional police department that uses radar or
6 LIDAR shall report annually to the Pennsylvania State Police the
7 municipal revenue generated from speed enforcement citations on
8 such forms as may be prescribed by the Pennsylvania State
9 Police. In the event the municipal share of revenue generated
10 from speed enforcement citations exceeds 5% of the total
11 municipal budget or 5% of the regional police department budget,
12 all sums in excess thereof shall be remitted to the Pennsylvania
13 State Police to be used for traffic safety purposes.

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

16 § 6109. Specific powers of department and local authorities.

17 (a) Enumeration of police powers.--The provisions of this
18 title shall not be deemed to prevent the department on State-
19 designated highways and local authorities on streets or highways
20 within their physical boundaries from the reasonable exercise of
21 their police powers. The following are presumed to be reasonable
22 exercises of police power:

23 * * *

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

27 (i) Except as set forth in subparagraph (ii), speed
28 restrictions may be enforced by [local police] full-time
29 police officers employed by the full-service police
30 department of a political subdivision or regional police

1 department on a limited access or divided highway only if
2 [it] this title authorizes such enforcement and the
3 highway is patrolled by the local or regional police
4 force under the terms of an agreement with the
5 Pennsylvania State Police.

6 (ii) If this title authorizes speed restrictions to
7 be enforced by a police department of a city of the first
8 class, they may be enforced on limited access or divided
9 highways within the police department's jurisdiction. An
10 agreement with the Pennsylvania State Police is not
11 necessary under this subparagraph.

12 * * *

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