
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1686 Session of
2019

INTRODUCED BY MEHAFFIE, GREINER, BARRAR, STEPHENS, CAUSER,
SCHLOSSBERG, STAATS, SANCHEZ, RIGBY, CIRESI, DeLUCA, FREEMAN,
READSHAW, HICKERNELL, HILL-EVANS AND BRIGGS, JUNE 27, 2019

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 27, 2019

AN ACT

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

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

6 Section 1. Section 3368(c), (e) and (f)(2) of Title 75 of
7 the Pennsylvania Consolidated Statutes, amended or added October
8 19, 2018 (P.L.563, No.86), are amended and the section is
9 amended by adding subsections to read:

10 § 3368. Speed timing devices.

11 * * *

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

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

18 (2) [Except as otherwise provided in paragraph (3),

1 electronic devices such as radio-microwave devices, commonly
2 referred to as electronic speed meters or radar, may be used
3 only as part of an automated speed enforcement system or by
4 members of the Pennsylvania State Police.] Electronic devices
5 such as radio-microwave devices, commonly referred to as
6 electronic speed meters or radar, may be used only as part of
7 an automated speed enforcement system or by any police
8 officer.

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

14 (4) [No person may be convicted upon evidence obtained
15 through the use of devices authorized by paragraphs (2) and
16 (3) unless the speed recorded is six or more miles per hour
17 in excess of the legal speed limit. Furthermore, no person
18 may be convicted upon evidence obtained through the use of
19 devices authorized by paragraph (3) in an area where the
20 legal speed limit is less than 55 miles per hour if the speed
21 recorded is less than ten miles per hour in excess of the
22 legal speed limit. This paragraph shall not apply to evidence
23 obtained through the use of devices authorized by paragraph
24 (2) or (3) within a school zone or an active work zone.] A
25 person may not be convicted upon evidence obtained through
26 the use of devices authorized by paragraphs (1), (2), (3) and
27 (5) unless the speed recorded is more than ten miles per hour
28 in excess of the legal speed limit on a highway or six or
29 more miles per hour in excess of the legal speed limit on an
30 interstate highway or freeway with a posted speed limit of 70

1 miles per hour. This paragraph shall not apply to evidence
2 obtained through the use of devices authorized by paragraph
3 (1), (2), (3) or (5) within a school zone or an active work
4 zone.

5 (5) Light detection and ranging devices, commonly
6 referred to as LIDAR, may be used only as part of an
7 automated speed enforcement system or by [members of the
8 Pennsylvania State Police] any police officer.

9 (6) Except for a member of the Pennsylvania State
10 Police, prior to use of an electronic speed meter, radar or
11 light detection and ranging devices:

12 (i) A police officer must complete a training course
13 approved by the Pennsylvania State Police and the
14 Municipal Police Officers' Education and Training
15 Commission; and

16 (ii) In accordance with department regulations,
17 official traffic-control devices, including advanced
18 warning signs indicating the use of electronic speed
19 meters, radar or light detection and ranging devices,
20 must be erected within 500 feet of the border of the
21 political subdivision on the main arteries entering the
22 political subdivision.

23 (7) A police officer of the Delaware River Port
24 Authority or the Delaware River Joint Toll Bridge Commission
25 may, on a highway under the jurisdiction of the Delaware
26 River Port Authority or the Delaware River Joint Toll Bridge
27 Commission, use an electronic speed meter, radar or a light
28 detection and ranging device upon completion of a training
29 course approved by the Pennsylvania State Police and the
30 Municipal Police Officers' Education and Training Commission.

1 * * *

2 (e) Distance requirements for use of mechanical, electrical
3 and electronic devices.--Mechanical, electrical or electronic
4 devices or light detection and ranging devices may not be used
5 to time the rate of speed of vehicles within 500 feet after a
6 speed limit sign indicating a decrease of speed. This limitation
7 on the use of speed timing devices shall not apply to speed
8 limit signs indicating school zones, bridge and elevated
9 structure speed limits, hazardous grade speed limits and work
10 zone speed limits.

11 (f) LIDAR testing and calibration.--

12 * * *

13 (2) LIDAR speed measuring devices and LIDAR systems
14 shall be calibrated and tested every 365 days at a minimum
15 before being utilized by [the Pennsylvania State Police] any
16 police officer or as part of an automated speed enforcement
17 system.

18 * * *

19 (g) Local ordinance required to enforce.--

20 (1) Prior to the use of a device under subsection (c)
21 (6), the political subdivision or each political subdivision
22 of a regional police department must adopt an ordinance
23 authorizing the local or regional police department to employ
24 the device on highways within the boundaries of each
25 political subdivision.

26 (2) During the initial 90 days of speed enforcement by a
27 local or regional police department of a political
28 subdivision, an individual may only be sanctioned for
29 violations with a written warning.

30 (h) Excess revenue.--

1 (1) The primary use of a device under this section shall
2 be for traffic safety purposes.

3 (2) If a political subdivision's share of revenue
4 generated from speed enforcement citations by a device under
5 this section exceeds 20% of the total political subdivision's
6 budget, the excess sum shall be remitted to the Department of
7 Revenue on a form and in a manner prescribed by the
8 Department of Revenue on or before the 60th day following the
9 end of the political subdivision's fiscal year for deposit
10 into a restricted receipts account in the Motor License Fund.

11 Section 2. This act shall take effect in 120 days.