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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 606 Session of  
2021

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INTRODUCED BY ROTHMAN, SCHLEGEL CULVER, HICKERNELL, SANCHEZ,  
STAATS, FREEMAN, SMITH, B. MILLER, MIZGORSKI, MERCURI,  
MENTZER AND GUENST, FEBRUARY 24, 2021

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REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 24, 2021

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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), (d), (e) and (f) of Title 75 of  
7 the Pennsylvania Consolidated Statutes are amended and the  
8 section is amended by adding subsections 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.

17 (2) Except as otherwise provided in paragraph (3),  
18 electronic devices such as radio-microwave devices, commonly

1 referred to as electronic speed meters or radar, may be used  
2 only as part of an automated speed enforcement system or by  
3 members of the Pennsylvania State Police.

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

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

20 (5) Light detection and ranging devices, commonly  
21 referred to as LIDAR, may be used only as part of an  
22 automated speed enforcement system or by members of the  
23 Pennsylvania State Police.]

24 (c.1) Speed enforcement devices authorized.--Subject to the  
25 restrictions contained in subsection (c.2), the rate of speed of  
26 a vehicle may be timed on a highway by:

27 (1) A member of the Pennsylvania State Police or a local  
28 law enforcement officer using a speed enforcement device.

29 (2) An automated speed enforcement system using an  
30 electronic ranging device.

1           (3) Any police officer using a speed timing device.

2           (c.2) Speed enforcement device restrictions.--Speed  
3 enforcement devices authorized under subsection (c.1) shall be  
4 subject to the following restrictions:

5           (1) No person may be convicted upon evidence obtained  
6 through the use of a speed enforcement device or a  
7 speedometer as permitted under subsection (a) unless the  
8 speed recorded is six or more miles per hour in excess of the  
9 legal speed limit.

10           (2) No person may be convicted upon evidence obtained  
11 through the use of a speed timing device in an area where the  
12 legal speed limit is less than 55 miles per hour if the speed  
13 recorded is less than 10 miles per hour in excess of the  
14 legal speed limit.

15           (3) Paragraphs (1) and (2) shall not apply to evidence  
16 obtained through the use of a speed enforcement device within  
17 a school zone or an active work zone.

18           (4) A speed enforcement device may not be used to time  
19 the rate of speed of vehicles within 500 feet after a speed  
20 limit sign indicating a decrease of speed. This limitation on  
21 the use of a speed enforcement device shall not apply to a  
22 speed limit sign indicating a school zone, bridge and  
23 elevated structure speed limit, hazardous grade speed limit  
24 and work zone speed limit.

25           (5) An electronic ranging device may only be used by a  
26 local law enforcement officer located within, or directly  
27 adjacent to, a clearly marked law enforcement vehicle in  
28 a location that is readily visible to the motoring public.

29           (6) A local law enforcement officer may not use an  
30 electronic ranging device unless the individual has completed

1 the required training course under subsection (g).

2 (7) A local law enforcement officer may not use an  
3 electronic ranging device within the boundaries of a  
4 municipality that has not installed official traffic-control  
5 devices as required under subsection (h).

6 (8) A local law enforcement officer may not use an  
7 electronic ranging device within the boundaries of a  
8 municipality that has not adopted a local ordinance as  
9 required under subsection (i).

10 (d) Classification, approval and testing of [mechanical,  
11 electrical and electronic] speed enforcement devices.--[The  
12 department may, by regulation, classify specific devices as  
13 being mechanical, electrical or electronic. All mechanical,  
14 electrical or electronic]

15 (1) Speed enforcement devices shall be of a type  
16 approved by the department, which shall appoint stations for  
17 calibrating and testing the devices and may prescribe  
18 regulations as to the manner in which calibrations and tests  
19 shall be made. [The certification and calibration of  
20 electronic devices under subsection (c) (3) shall also include  
21 the certification and calibration of all equipment, timing  
22 strips and other devices which are actually used with the  
23 particular electronic device being certified and calibrated.  
24 Electronic devices commonly referred to as electronic speed  
25 meters or radar shall have been tested for accuracy within a  
26 period of one year prior to the alleged violation. Other  
27 devices shall have been tested for accuracy within a period  
28 of 60 days prior to the alleged violation.]

29 (2) Speed enforcement devices shall be calibrated and  
30 tested every 365 days at a minimum before being used as

1 authorized by this section.

2 (3) A certificate from the station showing that the  
3 calibration and test were made within the required period and  
4 that the device was accurate shall be competent and prima  
5 facie evidence of those facts in every proceeding in which a  
6 violation of this title is charged.

7 (4) A certificate of accuracy may be completed, signed  
8 and submitted electronically by the certifying technician on  
9 a form provided by the department.

10 (5) The department may promulgate regulations for the  
11 certification and the use of speed enforcement devices. In  
12 order to facilitate the prompt implementation of this  
13 subsection, the department may promulgate temporary  
14 regulations, which shall not be subject to:

15 (i) Sections 201, 202, 203, 204 and 205 of the act  
16 of July 31, 1968 (P.L.769, No.240), referred to as the  
17 Commonwealth Documents Law.

18 (ii) Section 204(b) of the act of October 15, 1980  
19 (P.L.950, No.164), known as the Commonwealth Attorneys  
20 Act.

21 (iii) The act of June 25, 1982 (P.L.633, No.181),  
22 known as the Regulatory Review Act.

23 Any temporary regulations adopted under this paragraph shall  
24 expire after three years, or upon promulgation of final  
25 regulations for this subsection, whichever is sooner.

26 [(e) Distance requirements for use of mechanical, electrical  
27 and electronic devices.--Mechanical, electrical or electronic  
28 devices may not be used to time the rate of speed of vehicles  
29 within 500 feet after a speed limit sign indicating a decrease  
30 of speed. This limitation on the use of speed timing devices

1 shall not apply to speed limit signs indicating school zones,  
2 bridge and elevated structure speed limits, hazardous grade  
3 speed limits and work zone speed limits.

4 (f) LIDAR testing and calibration.--

5 (1) The department may, upon publication in the  
6 Pennsylvania Bulletin, provide that LIDAR speed measuring  
7 devices and LIDAR systems shall be calibrated and tested  
8 using the testing procedures in department regulation.

9 (2) LIDAR speed measuring devices and LIDAR systems  
10 shall be calibrated and tested every 365 days at a minimum  
11 before being utilized by the Pennsylvania State Police or as  
12 part of an automated speed enforcement system.

13 (3) The certification that the LIDAR device and system,  
14 as applicable, have been tested and found to be accurate  
15 shall create a presumption that the requirements of this  
16 subsection have been fulfilled.

17 (4) As used in this subsection, the following words and  
18 phrases shall have the meanings given to them in this  
19 paragraph unless the context clearly indicates otherwise:  
20 "LIDAR." The technology of measuring target range using  
21 reflected light to determine target range and speed from the  
22 time-of-flight of laser pulses.

23 "LIDAR speed-measuring device." Speed-measuring equipment  
24 that determines target range and speed based on the time-of-  
25 flight of laser light pulses reflected off a target.

26 "LIDAR system." A LIDAR speed-measuring device that  
27 incorporates additional equipment that is used to gather,  
28 process and record images, as applicable, to be used as part of  
29 speed enforcement efforts.]

30 (g) Training required.--A local law enforcement officer must

1 complete an electronic ranging device training course approved  
2 by the Pennsylvania State Police and the Municipal Police  
3 Officer's Education and Training Commission prior to using an  
4 electronic ranging device.

5 (h) Official traffic-control devices.--In accordance with  
6 department regulations, not less than four official traffic-  
7 control devices, including advanced warning signs indicating the  
8 use of electronic ranging devices, shall be erected within 500  
9 feet of the border of a municipality on not less than four  
10 highways entering the municipality prior to a local law  
11 enforcement officer using an electronic ranging device within  
12 the municipality's boundaries.

13 (i) Local ordinance required.--Prior to the use of an  
14 electronic ranging device by a local law enforcement officer in  
15 a municipality, the municipality or each municipality of a  
16 regional police department must adopt an ordinance authorizing  
17 the use of electronic ranging devices within the boundaries of  
18 the municipality.

19 (j) Initial period.--During the initial 90 days of speed  
20 enforcement using electronic ranging devices in a municipality  
21 by a local law enforcement officer, an individual may only be  
22 sanctioned for violations with a written warning.

23 (k) Revenue limit.--

24 (1) The municipal share of revenue generated from the  
25 use of an electronic ranging device in a calendar year may  
26 not exceed 10% of the municipality's budget for that year.

27 (2) All revenue collected in excess of the limitation in  
28 paragraph (1) shall be remitted to the department for deposit  
29 in the Motor License Fund.

30 (l) Primary use.--The primary use of an electronic ranging

1 device by a local law enforcement officer shall be for purposes  
2 of traffic safety.

3 (m) Definitions.--As used in this section, the following  
4 words and phrases shall have the meanings given to them in this  
5 subsection unless the context clearly indicates otherwise:

6 "Electronic ranging device." Any of the following:

7 (1) LIDAR speed-measuring device.

8 (2) LIDAR system.

9 (3) RADAR speed-measuring device.

10 "LIDAR speed-measuring device." Speed-measuring equipment  
11 that determines target range and speed based on the time-of-  
12 flight of laser light pulses reflected off a target.

13 "LIDAR system." A LIDAR speed-measuring device other than an  
14 automated speed enforcement system that incorporates additional  
15 equipment used to gather, process and record images, as  
16 applicable, for speed enforcement efforts.

17 "Local law enforcement officer." An employee of a local  
18 police department who is empowered to enforce 18 Pa.C.S.  
19 (relating to crimes and offenses) and this title. The term does  
20 not include a Pennsylvania State Police officer, constable,  
21 sheriff or a deputy, fire police, transit police, airport  
22 police, park ranger, university or college police, game warden,  
23 fish commission officer or railroad police.

24 "Local police department." A municipal or regional police  
25 department that:

26 (1) is authorized by one or more municipalities;

27 (2) provides patrol and investigative services; and

28 (3) reports its activities monthly to the Pennsylvania  
29 State Police in accordance with the Uniform Crime Reporting  
30 System.



1 "RADAR speed-measuring device." Speed-measuring equipment  
2 used from a stationary point that determines target range and  
3 speed based on radio microwaves reflected off a target.

4 "Speed enforcement device." Any of the following:

5 (1) Electronic ranging device.

6 (2) Speed timing device.

7 "Speed timing device." A device or system that calculates  
8 speed by measuring elapsed time between measured road surface  
9 points by using two sensors or a device, including a stopwatch,  
10 that measures and calculates the average speed of a vehicle  
11 between two points.

12 Section 2. This act shall take effect in 180 days.