

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 559

PRINTER NO. 2095

AMOUNT

\$60,000 First Year Costs
\$4,475,000 Over a Ten Year Period

FUND

General Fund
Judicial Computer System Augmentation Account
Access to Justice Account
Emergency Medical Services Operating Fund
Public Transportation Trust Fund

DATE INTRODUCED

February 25, 2015

PRIME SPONSOR

Senator Rafferty

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 559 amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, in licensing of drivers, further providing for schedule of convictions and points; in rules of the road in general, further providing for speed timing devices; and in powers of department and local authorities, further providing for State and local powers.

§3368 (Speed timing devices) is amended as follows:

- Authorizes the use of Infrared Laser Light Devices (LIDAR) by police officers in the Commonwealth;
- Authorizes the use of RADAR and LIDAR upon completion of a training course approved by the Pennsylvania State Police and the Municipal Police 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;
- Defines "full-service police department" as a local or regional police department which:
 - 1) Is authorized by one or more political subdivisions;
 - 2) Provides 24-hour-a-day patrol and investigative services; and
 - 3) Reports its activities monthly to the Pennsylvania State Police in accordance with the Uniform Crime Reporting System.

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- Defines "full-time police officer" as an employee of a political subdivision or regional police department who is certified under the municipal police officers' education and training program; is empowered to enforce the Crimes Code and Vehicle Code; is employed as a regular full-time police officer under Act 144 of 1951 or works a minimum of 200 days a year; and, is covered by a police pension plan under Act 82 of 1893, Act 317 of 1931, Act 99 of 1935, Act 600 of 1956 or Act 399 of 1957. The term does not include auxiliary, part-time or fire police;
- Requires all devices, including LIDAR and electronic speed meters or radar, to be tested for accuracy within a period of one year prior to the alleged violation in accordance with specifications prescribed by the National Highway Traffic Safety Administration ("NHTSA"). All electronic devices, such as LIDAR and electronic speed meters or radar, must appear on the International Association of Chiefs of Police consumer products list in conjunction with NHTSA standards;
- Requires that whenever radio-microwave speed timing devices or LIDAR are utilized by local or regional police officers, the police officer must locate the vehicle with the device in a location that is not intentionally concealed from the motoring public;
- Requires the local governing body to adopt an ordinance authorizing the local or regional police department to employ such devices as radar or LIDAR on roads within its boundaries where a required engineering and traffic study has been conducted on the placement of speed enforcement to address citizen complaints or traffic safety concerns, such as high crash rates or fatalities;
- Requires that during the initial 90 days of speed enforcement by a local or regional police department of a political subdivision authorized to use radio-microwave speed timing devices or infrared laser light devices, persons may only be sanctioned for violations with a written warning;
- Stipulates that the primary use of radar or LIDAR devices is for traffic safety purposes and requires each local or regional police department that uses these devices to report annually to the Department of Revenue the municipal revenue generated from speed enforcement citations. If the municipal share of revenue from speed enforcement citations exceeds 5 % of the total municipal budget or 5% of the regional police department budget, all sums in excess thereof shall be remitted to the Department of Revenue and deposited into the General Fund to be appropriated by the General Assembly for traffic safety purposes; and

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- Updates §6109 (relating to specific powers of the department and local authorities) to allow full-time police officers employed by full-service police departments to enforce speed with radar and LIDAR devices on a limited access or divided highway only if the Vehicle Code authorizes such enforcement and the highway is patrolled by the local or regional police force under terms of an agreement with the Pennsylvania State Police. The Philadelphia Police Department may enforce speed restrictions on limited access or divided highways within the police department's jurisdiction without an agreement with the Pennsylvania State Police.

This act shall take effect in 120 days.

FISCAL IMPACT:

Currently, the use of RADAR is restricted to members of the Pennsylvania State Police. This legislation removes that restriction and will authorize properly trained municipal police officers to use the same equipment. In theory, many police departments will simply replace their current "less efficient" and "less accurate" equipment. This would result in essentially the same number of citations being issued, except that most "municipal police" related speeding violations currently require that a motor vehicle be operated at least ten miles per hour in excess of the posted speed limit. The use of RADAR only requires that a motor vehicle be operated six or more miles per hour in excess of the posted speed limit. This may have a slight increase in the number of citations being issued.

In May 2011, the United States Bureau of Labor Statistics reported that the median hourly wage of a police officer in Pennsylvania was \$27.12. In 2010, the Employee Benefit Research Institute estimated that the 34.4% of total compensation paid to state and local government employees was for benefits. Therefore, the median hourly cost of a municipal police officer becomes \$41.34 per hour. Municipal police have estimated that the minimum amount of time for a police officer to setup a speed monitoring device, detect a speeding motorist and issued the citation is 25 minutes. Therefore, the cost of issuing one citation would be \$17.22 ($25/60 \times \41.34). At times, there are two police officers operating a speed trap together, thereby doubling the costs.

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Fines and costs collected from citations are deposited into several different state accounts or funds. A portion of those revenues are shared with the counties and municipalities based on the type of violation, the law enforcement agency charging the offense and the location of the offense. On average, local municipalities receive \$17.50 to \$21.50 for every citation issued that results in a disposition of guilty. Based on the similarity between the cost and revenue associated with issuing a citation, it is unlikely municipalities would use LIDAR/RADAR as a revenue-generating opportunity.

Acquisition of RADAR equipment by municipal police departments would be discretionary and it's assumed that they would only acquire RADAR equipment to:

- Replace their current "less efficient" and "less accurate" equipment; and/or
- Transition into a system of speed monitoring within their local municipalities in a more efficient manner by utilizing less man hours for equipment setup and more man hours in actually monitoring speed.

There is a possibility that the General Fund would generate additional revenue for traffic safety purposes by collecting excess revenues from local or regional police departments on an annual basis.

If the provisions of this legislation annually result in the conviction of 10 additional individuals who are sentenced to state confinement, additional costs to the Department of Corrections would be approximately \$60,000 in the first year, increasing to \$935,000 in year 10 when 100 additional individuals would be in state custody. The total cost under this assumed model is estimated at \$4,475,000 over the ten-year period.

Year	1	2	3	4	5	6	7	8	9	10
Per. Diem -- Small Population Increases	\$ 16.52	\$ 17.35	\$ 18.21	\$ 19.12	\$ 20.08	\$ 21.08	\$ 22.14	\$ 23.25	\$ 24.41	\$ 25.63
1	10	10	10	10	10	10	10	10	10	10
2		10	10	10	10	10	10	10	10	10
3			10	10	10	10	10	10	10	10
4				10	10	10	10	10	10	10
5					10	10	10	10	10	10
6						10	10	10	10	10
7							10	10	10	10
8								10	10	10
9									10	10
10										10
Total Inmates	10	20	30	40	50	60	70	80	90	100
Annual Cost	60,298	126,626	199,436	279,210	366,463	461,743	565,636	678,763	801,788	935,420
Cumulative	60,298	186,924	386,359	665,569	1,032,032	1,493,776	2,059,411	2,738,174	3,539,962	4,475,382