

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for schedule of convictions and points, for speed timing devices and for specific powers of department and local authorities.

INTRODUCED _____ **20**_____

By _____ **District NO.** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for schedule of convictions and
3 points, for speed timing devices and for specific powers of
4 department and local authorities.

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 under section 3368(c)(2)(ii) (relating to
17 speed timing devices), no points shall be assigned under
18 subsection (a) unless the speed recorded is ten or more miles
19 per hour in excess of the legal speed limit.

1 * * *

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

5 § 3368. Speed timing devices.

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

13 * * *

14 (c) Mechanical, electrical and electronic devices
15 authorized.--

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

20 (2) Except as otherwise provided in paragraph (3),
21 electronic devices such as radio-microwave devices (commonly
22 referred to as electronic speed meters or radar) or infrared
23 laser light devices (commonly referred to as LIDAR) may be
24 used [only by]:

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

26 (ii) Upon completion of a training course approved
27 by the Pennsylvania State Police and the Municipal Police
28 Officers' Education and Training Commission, by full-time
29 police officers employed by the full-service police
30 department of a political subdivision or regional police

1 department situate in a county of the first class, second
2 class, second class A or third class if official warning
3 signs indicating the use of these devices are erected
4 within 500 feet of the border of the political
5 subdivision on the main arteries entering that political
6 subdivision.

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

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

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

27 "Full-service police department." A local or regional
28 police department that:

29 (i) is authorized by one or more political
30 subdivisions;

1 (ii) provides 24-hour-a-day patrol and investigative
2 services; and

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

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

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

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

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

20 (iv) Is provided coverage by a police pension plan
21 under:

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

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

29 (C) the act of May 22, 1935 (P.L.233, No.99),
30 referred to as the Second Class City Policemen Relief

1 Law;

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

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

7 The term does not include auxiliary, part-time or fire
8 police.

9 * * *

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

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

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

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

28 (1) Prior to use of radio-microwave speed timing devices
29 or infrared laser light devices used for speed timing by
30 local or regional police officers of political subdivisions

1 authorized under subsection (c), the appropriate governing
2 body must adopt an ordinance authorizing the local or
3 regional police department to employ the devices on roads
4 within the boundaries of the governing body where a required
5 engineering and traffic study has been conducted and in
6 accordance with section 6109(a)(11) to address citizen
7 complaints or demonstrable traffic safety concerns, such as
8 high crash rates or fatalities.

9 (2) During the initial 90 days of speed enforcement by a
10 local or regional police department of a political
11 subdivision authorized under subsection (c) using radio-
12 microwave speed timing devices or infrared laser light
13 devices, persons may only be sanctioned for violations with a
14 written warning.

15 (g) Excess revenues.--The primary use of radar or LIDAR by
16 local or regional police officers of political subdivisions
17 authorized under subsection (c) is for traffic safety purposes.
18 Each local or regional police department that uses radar or
19 LIDAR shall report annually to the Pennsylvania State Police the
20 municipal revenue generated from speed enforcement citations on
21 such forms as may be prescribed by the Pennsylvania State
22 Police. In the event the municipal share of revenue generated
23 from speed enforcement citations exceeds 5% of the total
24 municipal budget or 5% of the regional police department budget,
25 all sums in excess thereof shall be remitted to the Pennsylvania
26 State Police to be used for traffic safety purposes.

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

29 § 6109. Specific powers of department and local authorities.

30 (a) Enumeration of police powers.--The provisions of this

1 title shall not be deemed to prevent the department on State-
2 designated highways and local authorities on streets or highways
3 within their physical boundaries from the reasonable exercise of
4 their police powers. The following are presumed to be reasonable
5 exercises of police power:

6 * * *

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

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

19 (ii) If this title authorizes speed restrictions to
20 be enforced by a police department of a city of the first
21 class, they may be enforced on limited access or divided
22 highways within the police department's jurisdiction. An
23 agreement with the Pennsylvania State Police is not
24 necessary under this subparagraph.

25 * * *

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