



Radar use in Pennsylvania-Current law

While it is an accurate statement to say that Pennsylvania is the only state without radar use by local police, it is important to understand that only one other state has *more* municipal governments than our Commonwealth. Most states restrict radar use to only major city police forces or county sheriffs. Many states don't have as many small (sometimes one-man) part-time local police forces as Pennsylvania. There are 82 local police forces, for instance, in Allegheny County alone. Berks County has 25, and 46 departments are located in Montgomery County.

Allowing local police to use radar is a very long-running and controversial issue, which dates back to 1961 when the Pennsylvania State Police were first permitted to use radar. Currently, State Troopers are the only authorized users of radar speed timing devices.

Various bills have been proposed in previous legislative sessions to authorize the use of radar at the local level. Supporters of these measures believe that the use of radar and laser speed tracking devices by our local law enforcement personnel will enable them to better protect the people in their jurisdiction.

However, opponents have expressed concern over the possibility that municipalities will use radar or laser technology for ticket mills aimed primarily at making money rather than protecting the safety of the public. Opponents also feel that there are already better devices that can be used by local officers. These include calibrated speedometers on patrol cars, several versions of VASCAR (Visual Average Speed Computer and Recorder), ESP (Excessive Speed Preventer), and ACCUTRAK stopwatches.

The latest and probably most effective technology is ENRADD, an infrared device that measures speed between two fixed points on the highway. ENRADD is easy to use, more effective than radar in residential areas and requires only one officer to operate a speed trap. The increasingly wide use of this device has considerably lessened the number of requests my colleagues and I have received from local officials to grant them radar use.

<u>STATE</u>	<u>Radar Law (R), Case Law (c) or No Law (N)</u>	<u>Type</u>	<u>State Police</u>	<u>Local Police</u>	<u>Specific Conditions</u>	<u>Warning Required</u>	<u>Statue or Case Law Attached</u>
Alabama		Radar, Aircraft	Y	Y		N	
Alaska		Radar	Y	Y		N	
Arizona		Radar	Y	Y			
Arkansas		Radar, Laser, Aircraft	Y	Y		Y	
California	N	Radar	Y	Y w/ Conditions	Permitted except CA Speed Trap Law	N	Y
Colorado	N	Radar, Vascar, Laser, Photo Radar, Aircraft	Y	Y	Automated enforcement conditions	May be posted on major highways and city limits	
Conn.	R	Radar, Laser, Vascar, Aricraft				On certain highways	
Delaware	C	Electrical, Radar, Aircraft, Vascar, Laser	Y			May be posted on major highways and city limits	Y
Florida	R	Electrical, Radar, Aircraft, Vascar, Laser	Y	Y			Florida Statues, Title XXIII, Chapter 316.1906
Georgia	R	Vascar, Computerized Timer, Electrical	Y	Y	Conditions Attached	Y	40-14-1 through 40-14-17 of the Georgia Code
Hawaii		Radar, Laser					
Idaho	N	Radar, Vascar	Y	Y w/ Conditions	Policy procedure is created by each individual department. Training recertification every 3 years for ISP.	May be posted on major highways and city limits	
Illinois	N	Electrical, Radar, Laser	Y	Y w/ Conditions	Certain Cities, additional attached		Y
Indiana	C	Radar, Vascar	Y	Y w/ Conditions	Certain Cities		
Iowa		Aerial, Stop-Watch, Vascar	Y				
Kansas		Radar, Electrical, Aircraft	Y			Posted at state borders	
Kentucky	C	Radar, Vascar, Aerial	Y	Y		No warning for aircraft	
Louisiana		Radar, Vascar, Aerial	Y	Y		State borders and certain highways	
Maine		Radar, Laser, Vascar, Aricraft					

Maryland		Radar, Laser, Aircraft, Vascar	Y	Y			
Mass.		Radar	Y	Y		Y	
Michigan		Mechanical, Electrical, Vascar, Aerial	Y	Y			
Minnesota	R	Radar, Laser, Vascar, Aricraft	Y				Subdivision 10, Chapter 169 of Minnesota Statues, 1999
Miss.	R	Radar, Vascar	Y	Y w/ Conditions	Cities w/ population over 2,000 & on federally designated highways in corporate limits	Y	Y
Missouri		Electrical, Radar, aircraft	Y	Y			
Montana		Radar, Aircraft	Y				
Nebraska	R	Airplane, Radar, electronic	Y	Y		Y	Y
Nevada		Radar, Vascar	Y	Y			
N.H		Vascar, Radar, Laser, Aerial	Y	Y		Y	
New Jersey		Radar, Laser	Y	Y			
New Mexico	N	Radar, Aerial, LIDAR	Y	Y w/ Conditions	City Police		
New York		Mechanical, Electrical, Laser, Radar	Y	Y		N	
N. Carolina		Radar, Vascar	Y	Y			
N. Dakota	R	Radar, Aircraft	Y	Y			Y
Ohio		Mechanical, Laser, Vascar, Radar, Aerial	Y	Y			
Oklahoma	R	Radar, Vascar, Aerial	Y	Y			Y
Oregon		Radar, laser, photo, aerial	Y	Y			
Pennsylvania	R	Radar, Vascar, Aerial	Y	N			
Rhode Island		Radar	Y	Y			
S. Carolina	N	Mechanical, Electrical, Radar	Y	Y			
S. Dakota		Radar, Aircraft	Y	Y		State borders and some city limits	
Tenn.	C	Radar, laser tracking	Y	Y w/ Conditions	If properly trained and the radar gun is properly calibrated annually any officer is able to use radar.		Y

					Also, cities with a certain population, also having a piece of interstate running through it, would not be allowed to have their main source of ticketing revenue be from ticketing speeders going along the interstate.		
Texas	C	Radar, Laser, Vascar	Y	Y			
Utah		Radar, LIDAR, Aircraft	Y	Y		State Borders & City Limits	
Vermont	N	Radar	Y	Y w/ Conditions	Certification by state		Y
Virginia		Radar, Vascar	Y	Y			
Washington		Radar, Aircraft	Y	Y			
W. Virginia	R	Radar	Y	Y		Y	
Wisconsin		Electrical, TDS, Vascar, Laser, Radar	Y	Y			
Wyoming		Radar, Laser	Y	Y			



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State Radar Statutes

March 2018

Authorized Use

States have varying regulations related to radar use on roads to regulate speed compliance. Who and where these radars are operated depends on which state you are in.

Georgia appears to have one of the most comprehensive statutes governing the authorized use of radar. Georgia allows universities, counties and municipalities to use speed detection if the governing authorities, like the sheriff and president of a college or university, approve of the use of these devices. However, once a governing authority wants and approves of the use of radars, they must then apply and receive a permit from the Department of Public Safety. Those who will use the radar devices need to go through a training and be certified as qualified speed detection device operators. Further, besides the permit needed, the state, county, municipality, or university/college must have a license that is in compliance with Federal Communications Commission rules and the radar devices must be certified for compliance by a technician.

On the other hand, in Mississippi, only the Highway Safety Patrol can use radar to monitor speed compliance. Municipal officers and university/college police can only use these speed detectors under certain population requirements laid out in statute.

In Pennsylvania, only state police officers can use radars and only on highways.

Warning Signs

At least four states, Virginia, Georgia, West Virginia and Montana, require the placement of warning signs in areas where speed is monitored by radar.

Virginia requires signage indicating the legal rate of speed and that the speed of motor vehicles may be measured by radar or other electrical devices. These signs are to be placed on the boundaries of jurisdictions and other locations as the Commissioner of Highways selects.

The Division of Highways in West Virginia locates and places "suitable and informative stationary and movable signs at strategic points on and along highways in each county of the state giving notice to the public that such radar or laser mechanisms are in use."

Georgia requires such signage on highways. Such signs shall be at least 24 by 30 inches in area and shall warn approaching motorists that speed detection devices are being employed. However, these speed detectors cannot be used within 500 feet of any such warning sign.

Warnings signs are also required in Montana. Any Montana municipality that uses radio microwaves or other electrical devices for law enforcement purposes must place and maintain appropriate signs that provide notice of the use these speed monitoring devices at “conspicuous places at or near the corporate limits of the municipality, upon each state highway and arterial street or highway entering the municipality, and at other places considered necessary by the municipal authorities for the information of the traveling public.”

Pennsylvania, on the other hand, does not require warning signs, but does provide a buffer around speed limit signs. In Pennsylvania, speed monitoring devices may not be used to monitor vehicle speed within 500 feet after a speed limit sign indicating a decrease of speed.

State	Who is authorized / Training	Limitations / Conditions of use
<p>Connecticut</p>	<p>(a) The commissioner may make, alter or repeal regulations governing the administration of all statutes relating to motor vehicles and may certify any device or accessory which forms part of any motor vehicle, or of its equipment, as to its compliance with the provisions of this chapter. The commissioner may also limit the use of any device or accessory in any way which appears to him to be required for safety, may authorize the use of any such device or accessory upon the highway and may make, alter or repeal any regulation relating to any such device or accessory in the interest of public safety, provided the commissioner may not limit or prohibit the possession, installation or use of a radar detecting device in any motor vehicle. Violation of any regulation adopted under this subsection shall be an infraction.</p> <p>Conn. Gen. Stat. Ann. § 14-137 (West)</p>	
<p>Georgia</p>	<p>(a) The law enforcement officers of the various counties, municipalities, colleges, and universities may use speed detection devices only if the sheriffs of such counties, or the governing authorities of such</p>	<p>(a) Each county, municipality, college, and university using speed detection devices shall erect signs on every highway which comprises a part of the state highway system at that point on the highway which intersects the</p>

counties, or the governing authorities of such municipalities, or the president of such college or university shall approve of and desire the use of such devices and shall apply to the Department of Public Safety for a permit to use such devices in accordance with this chapter.

Ga. Code Ann. § 40-14-2 (West)

(a) Persons employed or appointed by any agency, organ, or department of this state or a subdivision or municipality thereof authorized to use speed detection devices shall be required to be certified by the council as qualified speed detection device operators. Each person operating radar speed or laser detection devices shall satisfactorily complete a course of instruction in the theory and application of speed detection device operation as a condition for certification.

Ga. Code Ann. § 35-8-12 (West)

No state, county, municipal, or campus law enforcement agency may use speed detection devices unless the agency possesses a license in compliance with Federal Communications Commission rules, and unless each device, before being placed in service and annually after being placed in service, is certified for compliance by a technician possessing a certification as required by the Department of Public Safety.

Ga. Code Ann. § 40-14-4 (West)

No speed detection device shall be employed by county, municipal, or campus law enforcement officers on any portion of any highway which has

corporate limits of the municipality, the county boundary, or the boundary of the college or university campus. Such signs shall be at least 24 by 30 inches in area and shall warn approaching motorists that speed detection devices are being employed. No such devices shall be used within 500 feet of any such warning sign erected pursuant to this subsection.

Ga. Code Ann. § 40-14-6 (West)

No stationary speed detection device shall be employed by county, municipal, college, or university law enforcement officers where the vehicle from which the device is operated is obstructed from the view of approaching motorists or is otherwise not visible for a distance of at least 500 feet.

Ga. Code Ann. § 40-14-7 (West)

	<p>a grade in excess of 7 percent.</p> <p>Ga. Code Ann. § 40-14-9 (West)</p>	
<p>Mississippi</p>	<p>It shall be unlawful for any person or peace officer or law enforcement agency, except the Mississippi Highway Safety Patrol, to purchase or use or allow to be used any type of radar speed detection equipment upon any public street, road or highway of this state. However, such equipment may be used:</p> <ol style="list-style-type: none"> 1. By municipal law enforcement officers within a municipality having a population of two thousand (2,000) or more upon the public streets of the municipality; 2. By any college or university campus police force within the confines of any campus wherein more than two thousand (2,000) students are enrolled; 3. By municipal law enforcement officers in any municipality having a population in excess of fifteen thousand (15,000) according to the latest federal census on federally designated highways lying within the corporate limits. <p>Miss. Code. Ann. § 63-3-519 (West)</p>	<p>The Mississippi Highway Safety Patrol will not set up radar on highways within municipalities with a population in excess of fifteen thousand (15,000) according to the latest federal census.</p> <p>Miss. Code. Ann. § 63-3-519 (West)</p>
<p>Montana</p>		<ol style="list-style-type: none"> (1) The operator of a motor vehicle may not be arrested under 61-8-703 unless signs have been placed at or near the state line on the primary highway system, outside towns or cities having over 2,500 population, and outside county seats on the primary highways to indicate the legal rate of speed. (2) Any municipality that uses radio microwaves or another electrical device for law enforcement purposes shall erect and maintain appropriate signs giving notice of that use at a

		<p>conspicuous place at or near the corporate limits of the municipality, upon each state highway and arterial street or highway entering the municipality, and at other places considered necessary by the municipal authorities for the information of the traveling public.</p> <p>(3) Signs giving notice that the speed of vehicles may be measured by radio microwaves or other electrical device must be placed as required for speed signs in subsection (1). However, the absence of signs may not in itself invalidate an otherwise proper arrest.</p> <p>Mont. Code Ann. § 61-8-704 (West)</p>
<p>Pennsylvania</p>	<p>(1) Except as otherwise provided in this section, the rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device.</p> <p>(2) Except as otherwise provided in paragraph (3), electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police.</p> <p>(3) Electronic devices which calculate speed by measuring elapsed time between measured road surface points by using two sensors and devices which measure and calculate the average speed of a vehicle between any two points may be used by any police officer.</p> <p>75 Pa. Stat. and Cons. Stat. Ann. § 3368 (West)</p>	<p>(e) Distance requirements for use of mechanical, electrical and electronic devices.--Mechanical, electrical or electronic devices may not be used to time the rate of speed of vehicles within 500 feet after a speed limit sign indicating a decrease of speed. This limitation on the use of speed timing devices shall not apply to speed limit signs indicating school zones, bridge and elevated structure speed limits, hazardous grade speed limits and work zone speed limits.</p> <p>(d) Classification, approval and testing of mechanical, electrical and electronic devices. -- The department may, by regulation, classify specific devices as being mechanical, electrical or electronic. All mechanical, electrical or electronic devices shall be of a type approved by the department, which shall appoint stations for calibrating and testing the devices and may prescribe regulations as to the manner in which calibrations and tests shall be made.</p>

		75 Pa. Stat. and Cons. Stat. Ann. § 3368 (West)
<p>Virginia</p>	<p>Neither State Police officers nor local law-enforcement officers shall use laser speed determination devices or radar, as described herein in airplanes or helicopters for the purpose of determining the speed of motor vehicles.</p> <p>State Police officers may use laser speed determination devices, radar, and/or microcomputer devices as described in this section. All localities may use radar and laser speed determination devices to measure speed. The Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within such counties may use microcomputer devices as described in this section.</p> <p>The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper equipment used to determine the speed of motor vehicles and shall advise the respective law-enforcement officials of the same. Police chiefs and sheriffs shall ensure that all such equipment and devices purchased on or after July 1, 1986, meet or exceed the standards established by the Division.</p> <p>Va. Code Ann. § 46.2-882 (West)</p>	<p>Signs to indicate the legal rate of speed and that the speed of motor vehicles may be measured by radar or other electrical devices shall be placed at or near the State boundary on those interstate and primary highways which connect the Commonwealth to other jurisdictions at such locations as the Commissioner of Highways, in his discretion, may select. There shall be a prima facie presumption that such signs were placed at the time of the commission of the offense of exceeding the legal rate of speed, and a certificate by the Commissioner of Highways as to the placing of such signs shall be admissible in evidence to support or rebut the presumption. Such legal rate of speed and notice of measurement of speed by radar or other electrical devices may be posted on different signs and need not be posted on the same sign.</p> <p>Va. Code Ann. § 46.2-883 (West)</p>
<p>West Virginia</p>		<p>In order to inform and educate the public generally that speed of motor vehicles operating within the state is being tested by radar or laser mechanisms, the Division of Highways shall locate and place suitable and informative stationary and movable signs at strategic points on and along highways in each county of the state</p>

		<p>giving notice to the public that such radar or laser mechanisms are in use.</p>
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W. Va. Code Ann. § 17C-6-7 (West)

Radar Legislation

HB 2148 (Rothman) -RADAR PILOT PROGRAM

HB 2148 is legislation that establishes a six-year pilot program for accredited municipal and regional police to use radar as a speed timing device in the Commonwealth. The legislation is an attempt to have this long-stalled device approved for use by our local police while making sure of its acceptance by the motoring public.

Major points of the legislation are outlined below:

- Designed to address potential abuse.
 - Use permitted only by full time police officers.
 - Employed by full time, full service police agencies and only following an approved course of training and refresher course every three years.
 - Only accredited regional police and cities of 1st and 2nd class under a five-year pilot program.
 - Provides for defense against prosecution if being used to generate revenue.
 - Generation of Dept. revenue demonstrated if 2% or more of the total revenue is derived from radar traffic fines.
 - Only used by accredited police forces.
 - 10 mph cushion
- Provides for periodic testing and calibration of all radar devices
- No points issued or insurance surcharges.
- Provides that officer(s) using the device must be visible to the motoring public.
- Roads must be posted as “radar enforced” with signs as you enter the community.
- Local ordinance required to enforce. Enforcement authorized only in response to citizen complaints and/or demonstrable traffic safety concerns such as high crash rates and/or fatalities.
- Speed limits must be re-certified by engineering and traffic study before the pilot program can begin and every three years.
- Ticket Quota language added. “Station average” quotas outlawed.
- Have limited use on locally owned residential areas.

SB 251 (Vulakovich)- RADAR & LIDAR PERMANENT AUTHORIZATION

SB 251 amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for speed timing devices. Section 3368 (Speed timing devices) sub-section (c) (Mechanical, electrical and electronic devices authorized) is amended as follows:

- Authorizes the use of Infrared Laser Light Devices (LIDAR) by police officers in the Commonwealth;
- Authorizes any police officer in the Commonwealth to use RADAR and LIDAR, upon completion of a training course approved by the Pennsylvania State Police and the Municipal Police Officers’ Education and Training Commission (MPOETC); and
- Requires each local or regional police department that uses RADAR or LIDAR to report annually to the Department of Revenue the municipal revenue generated from speed enforcement citations.

This act shall take effect in 120 days.