

AMENDMENTS TO SENATE BILL NO. 607

Sponsor: REPRESENTATIVE ROTHMAN

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1 Amend Bill, page 1, lines 6 through 17; pages 2 through 4,
2 lines 1 through 30; page 5, lines 1 through 12; by striking out
3 all of said lines on said pages and inserting

4 Section 1. Section 3368(c), (d), (e) and (f) of Title 75 of
5 the Pennsylvania Consolidated Statutes are amended and the
6 section is amended by adding subsections to read:
7 § 3368. Speed timing devices.

8 * * *

9 [(c) Mechanical, electrical and electronic devices
10 authorized.--

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

15 (2) Except as otherwise provided in paragraph (3),
16 electronic devices such as radio-microwave devices, commonly
17 referred to as electronic speed meters or radar, may be used
18 only as part of an automated speed enforcement system or by
19 members of the Pennsylvania State Police.

20 (3) Electronic devices which calculate speed by
21 measuring elapsed time between measured road surface points
22 by using two sensors and devices which measure and calculate
23 the average speed of a vehicle between any two points may be
24 used by any police officer.

25 (4) No person may be convicted upon evidence obtained
26 through the use of devices authorized by paragraphs (2) and
27 (3) unless the speed recorded is six or more miles per hour
28 in excess of the legal speed limit. Furthermore, no person
29 may be convicted upon evidence obtained through the use of
30 devices authorized by paragraph (3) in an area where the
31 legal speed limit is less than 55 miles per hour if the speed
32 recorded is less than ten miles per hour in excess of the
33 legal speed limit. This paragraph shall not apply to evidence
34 obtained through the use of devices authorized by paragraph
35 (2) or (3) within a school zone or an active work zone.

36 (5) Light detection and ranging devices, commonly
37 referred to as LIDAR, may be used only as part of an

1 automated speed enforcement system or by members of the
2 Pennsylvania State Police.]

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

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

8 (2) An automated speed enforcement system using an
9 electronic ranging device.

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

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

14 (1) No person may be convicted upon evidence obtained
15 through the use of a speed enforcement device or a
16 speedometer as permitted under subsection (a) unless the
17 speed recorded is six or more miles per hour in excess of the
18 legal speed limit.

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

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

27 (4) A speed enforcement device may not be used to time
28 the rate of speed of vehicles within 500 feet after a speed
29 limit sign indicating a decrease of speed. This limitation on
30 the use of a speed enforcement device shall not apply to a
31 speed limit sign indicating a school zone, bridge and
32 elevated structure speed limit, hazardous grade speed limit
33 and work zone speed limit.

34 (5) An electronic ranging device may only be used by a
35 local law enforcement officer from a clearly marked vehicle
36 in a location that is readily visible to the motoring public.

37 (6) A local law enforcement officer may not use an
38 electronic ranging device unless the individual has completed
39 the required training course under subsection (g).

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

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

48 (d) Classification, approval and testing of [mechanical,
49 electrical and electronic] speed enforcement devices.--[The
50 department may, by regulation, classify specific devices as
51 being mechanical, electrical or electronic. All mechanical,

1 electrical or electronic]

2 (1) Speed enforcement devices shall be of a type
3 approved by the department, which shall appoint stations for
4 calibrating and testing the devices and may prescribe
5 regulations as to the manner in which calibrations and tests
6 shall be made. [The certification and calibration of
7 electronic devices under subsection (c)(3) shall also include
8 the certification and calibration of all equipment, timing
9 strips and other devices which are actually used with the
10 particular electronic device being certified and calibrated.
11 Electronic devices commonly referred to as electronic speed
12 meters or radar shall have been tested for accuracy within a
13 period of one year prior to the alleged violation. Other
14 devices shall have been tested for accuracy within a period
15 of 60 days prior to the alleged violation.]

16 (2) Speed enforcement devices shall be calibrated and
17 tested every 365 days at a minimum before being used as
18 authorized by this section.

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

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

27 (5) The department may promulgate regulations for the
28 certification and the use of speed enforcement devices. In
29 order to facilitate the prompt implementation of this
30 subsection, the department may promulgate temporary
31 regulations, which shall not be subject to:

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

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

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

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

43 [(e) Distance requirements for use of mechanical, electrical
44 and electronic devices.--Mechanical, electrical or electronic
45 devices may not be used to time the rate of speed of vehicles
46 within 500 feet after a speed limit sign indicating a decrease
47 of speed. This limitation on the use of speed timing devices
48 shall not apply to speed limit signs indicating school zones,
49 bridge and elevated structure speed limits, hazardous grade
50 speed limits and work zone speed limits.

51 (f) LIDAR testing and calibration.--

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

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

9 (3) The certification that the LIDAR device and system,
10 as applicable, have been tested and found to be accurate
11 shall create a presumption that the requirements of this
12 subsection have been fulfilled.

13 (4) As used in this subsection, the following words and
14 phrases shall have the meanings given to them in this
15 paragraph unless the context clearly indicates otherwise:

16 "LIDAR." The technology of measuring target range using
17 reflected light to determine target range and speed from the
18 time-of-flight of laser pulses.

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

22 "LIDAR system." A LIDAR speed-measuring device that
23 incorporates additional equipment that is used to gather,
24 process and record images, as applicable, to be used as part of
25 speed enforcement efforts.]

26 (g) Training required.--A local law enforcement officer must
27 complete an electronic ranging device training course approved
28 by the Pennsylvania State Police and the Municipal Police
29 Officer's Education and Training Commission prior to using an
30 electronic ranging device.

31 (h) Official traffic-control devices.--In accordance with
32 department regulations, official traffic-control devices,
33 including advanced warning signs indicating the use of
34 electronic ranging devices, shall be erected within 500 feet of
35 the border of a municipality on the main arteries entering the
36 subdivision prior to a local law enforcement officer using an
37 electronic ranging device within the municipality's boundaries.

38 (i) Local ordinance required.--Prior to the use of an
39 electronic ranging device by a local law enforcement officer in
40 a municipality, the municipality or each municipality of a
41 regional police department must adopt an ordinance authorizing
42 the use of electronic ranging devices within the boundaries of
43 the municipality.

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

48 (k) Revenue limit.--

49 (1) The municipal share of revenue generated from the
50 use of an electronic ranging device in any year may not
51 exceed 10% of the municipality's budget for that year.

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

4 (1) Defense.--

5 (1) The primary use of an electronic ranging device by a
6 local law enforcement officer shall be for purposes of
7 traffic safety.

8 (2) It shall be a defense to a prosecution arising from
9 the use of an electronic ranging device in a municipality
10 that the primary use of the device is to generate revenue for
11 the municipality.

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

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

16 (1) LIDAR speed-measuring device.

17 (2) LIDAR system.

18 (3) RADAR speed-measuring device.

19 "Full-service police department." A municipal or regional
20 police department that:

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

22 (2) provides 24-hour-per-day patrol and investigative
23 services; and

24 (3) reports its activities monthly to the Pennsylvania
25 State Police in accordance with the Uniform Crime Reporting
26 System.

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

30 "LIDAR system." A LIDAR speed-measuring device other than an
31 automated speed enforcement system that incorporates additional
32 equipment used to gather, process and record images, as
33 applicable, for speed enforcement efforts.

34 "Local law enforcement officer." An employee of a full-
35 service police department who is empowered to enforce 18 Pa.C.S.
36 (relating to crimes and offenses) and this title. The term does
37 not include a Pennsylvania State Police officer, part-time or
38 auxiliary police, constables, sheriffs or their deputies, fire
39 police, transit police, airport police, park rangers, university
40 or college police, game wardens, fish commission officers or
41 railroad police or any employee of a police agency which does
42 not maintain continuous primary police coverage of its
43 jurisdiction 24 hours per day every day of the year.

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

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

48 (1) Electronic ranging device.

49 (2) Speed timing device.

50 "Speed timing device." A device or system that calculates
51 speed by measuring elapsed time between measured road surface

1 points by using two sensors or a device, including a stopwatch,
2 that measures and calculates the average speed of a vehicle
3 between two points.
4 Section 2. This act shall take effect in 180 days.