

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 459 Session of 2023

INTRODUCED BY ROTHMAN, MILLER, BREWSTER, BAKER, SANTARSIERO, COLLETT, DILLON, J. WARD, TARTAGLIONE, COSTA, SCHWANK, STEFANO, ROBINSON, ARGALL, KANE, FLYNN, BARTOLOTTA AND PENNYCUICK, FEBRUARY 27, 2023

SENATOR LANGERHOLC, TRANSPORTATION, AS AMENDED, MARCH 1, 2023

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),

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

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

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

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

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

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

30 (2) A member of the Pennsylvania State Police using a

1 radar speed-measuring device while in motion.

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

4 (4) A police officer using a speed timing device.

5 (5) A police officer of the Delaware River Port
6 Authority on a highway under the jurisdiction of the Delaware
7 River Port Authority may use an electronic ranging device
8 from a stationary point upon completion of a training course
9 under subsection (g).

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

13 (1) No person may be convicted upon evidence obtained
14 through the use of a speed enforcement device or a
15 speedometer as permitted under subsection (a) unless the
16 speed recorded is 10 or more miles per hour in excess of the
17 legal speed limit.

18 (2) Paragraph (1) shall not apply to evidence obtained
19 through the use of a speed enforcement device within a school
20 zone or an active work zone UNLESS THE SPEED RECORDED IS SIX <--
21 OR MORE MILES PER HOUR IN EXCESS OF THE LEGAL SPEED LIMIT.

22 (3) LIDAR speed-measuring devices may be used only as
23 part of an automated speed enforcement system or by members
24 of the Pennsylvania State Police.

25 (4) Conviction upon evidence obtained through the use of
26 a speed enforcement device as permitted under subsection (a)
27 may not be considered cause for the issuance of points.

28 (5) A speed enforcement device may not be used to time
29 the rate of speed of vehicles within 500 feet after a speed
30 limit sign indicating a decrease of speed. This limitation on

1 the use of a speed enforcement device shall not apply to a
2 speed limit sign indicating a school zone, bridge and
3 elevated structure speed limit, hazardous grade speed limit
4 and work zone speed limit.

5 (6) An electronic ranging device may only be used by a
6 local law enforcement officer from a stationary point located
7 within, or directly adjacent to, a clearly marked law
8 enforcement vehicle in a location that is readily visible to
9 the motoring public.

10 (7) A local law enforcement officer may not use an
11 electronic ranging device unless the individual has completed
12 the required training course under subsection (g).

13 (8) A local law enforcement officer may not use an
14 electronic ranging device within the boundaries of a
15 municipality that has not installed official traffic-control
16 devices as required under subsection (h).

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

21 (d) Classification, approval and testing of [mechanical,
22 electrical and electronic devices.--The department may, by
23 regulation, classify specific devices as being mechanical,
24 electrical or electronic. All mechanical, electrical or
25 electronic] speed enforcement devices.--

26 (1) Speed enforcement devices shall be of a type
27 approved by the department, which shall appoint stations for
28 calibrating and testing the devices and may prescribe
29 regulations as to the manner in which calibrations and tests
30 shall be made. [The certification and calibration of

1 electronic devices under subsection (c) (3) shall also include
2 the certification and calibration of all equipment, timing
3 strips and other devices which are actually used with the
4 particular electronic device being certified and calibrated.
5 Electronic devices commonly referred to as electronic speed
6 meters or radar shall have been tested for accuracy within a
7 period of one year prior to the alleged violation. Other
8 devices shall have been tested for accuracy within a period
9 of 60 days prior to the alleged violation.]

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

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

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

21 (5) (i) The department may promulgate regulations for
22 the certification and use of speed enforcement devices.
23 In order to facilitate the prompt implementation of this
24 subsection, the department may promulgate temporary
25 regulations, which shall not be subject to:

26 (A) Sections 201, 202, 203, 204 and 205 of the
27 act of July 31, 1968 (P.L.769, No.240), referred to
28 as the Commonwealth Documents Law.

29 (B) Section 204(b) of the act of October 15,
30 1980 (P.L.950, No.164), known as the Commonwealth

1 Attorneys Act.

2 (C) The act of June 25, 1982 (P.L.633, No.181),
3 known as the Regulatory Review Act.

4 (ii) Any temporary regulations adopted under this
5 paragraph shall expire after three years, or upon
6 promulgation of final regulations for this subsection,
7 whichever is sooner.

8 [(e) Distance requirements for use of mechanical, electrical
9 and electronic devices.--Mechanical, electrical or electronic
10 devices may not be used to time the rate of speed of vehicles
11 within 500 feet after a speed limit sign indicating a decrease
12 of speed. This limitation on the use of speed timing devices
13 shall not apply to speed limit signs indicating school zones,
14 bridge and elevated structure speed limits, hazardous grade
15 speed limits and work zone speed limits.

16 (f) LIDAR testing and calibration.--

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

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

25 (3) The certification that the LIDAR device and system,
26 as applicable, have been tested and found to be accurate
27 shall create a presumption that the requirements of this
28 subsection have been fulfilled.

29 (4) As used in this subsection, the following words and
30 phrases shall have the meanings given to them in this

1 paragraph unless the context clearly indicates otherwise:

2 "LIDAR." The technology of measuring target range using
3 reflected light to determine target range and speed from the
4 time-of-flight of laser pulses.

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

8 "LIDAR system." A LIDAR speed-measuring device that
9 incorporates additional equipment that is used to gather,
10 process and record images, as applicable, to be used as part
11 of speed enforcement efforts.]

12 (g) Training required.--A local law enforcement officer must
13 complete an electronic ranging device training course approved
14 by the Pennsylvania State Police and the Municipal Police
15 Officers' Education and Training Commission prior to using an
16 electronic ranging device.

17 (h) Official traffic-control devices.--In accordance with
18 department regulations, not less than four official traffic-
19 control devices, including advanced warning signs indicating the
20 use of electronic ranging devices, shall be erected within 500
21 feet of the border of a municipality on not less than four
22 highways entering the municipality prior to a local law
23 enforcement officer using an electronic ranging device within
24 the municipality's boundaries.

25 (i) Local ordinance required.--Prior to the use of an
26 electronic ranging device by a local law enforcement officer in
27 a municipality, the municipality or each municipality of a
28 regional police department must adopt an ordinance authorizing
29 the use of electronic ranging devices within the boundaries of
30 the municipality.

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

5 (k) Revenue limit.--

6 (1) The municipal share of revenue generated from the
7 use of an electronic ranging device in a calendar year may
8 not exceed a 1% increase of the revenue generated by speed
9 enforcement in the previous calendar year by the
10 municipality.

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

14 (l) Primary use.--The primary use of an electronic ranging
15 device by a local law enforcement officer shall be for purposes
16 of traffic safety.

17 (m) Quotas prohibited.--

18 (1) No political subdivision, regional police department
19 or agency of the Commonwealth may order, mandate, require or
20 in any other manner, directly or indirectly, suggest to any
21 law enforcement officer that the law enforcement officer
22 issue a certain number of citations under this subchapter on
23 a daily, weekly, monthly, quarterly or yearly basis.

24 (2) The prohibition under paragraph (1) shall not affect
25 the conditions of a Federal or State grant nor money awarded
26 to a political subdivision, regional police department or
27 agency of the Commonwealth and used to fund traffic
28 enforcement programs.

29 (n) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

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

3 (1) LIDAR speed-measuring device.

4 (2) LIDAR system.

5 (3) RADAR speed-measuring device.

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

9 "LIDAR system." A LIDAR speed-measuring device other than an
10 automated speed enforcement system that incorporates additional
11 equipment used to gather, process and record images, as
12 applicable, for speed enforcement efforts.

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

20 "Local police department." A municipal or regional police
21 department that:

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

23 (2) provides patrol and investigative services; and

24 (3) reports its activities monthly to the Pennsylvania
25 State Police in accordance with the Pennsylvania Uniform
26 Crime Reporting System as defined in section 501 of the act
27 of November 29, 2004 (P.L.1383, No.180), known as the Uniform
28 Crime Reporting Act.

29 "RADAR speed-measuring device." Speed-measuring equipment
30 that determines target range and speed based on radio microwaves

1 reflected off a target.

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

3 (1) Electronic ranging device.

4 (2) Speed timing device.

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

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