AN ACT
Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for speed timing devices.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 3368(e), (e) and (f)(2) of Title 75 of the Pennsylvania Consolidated Statutes, amended or added October 19, 2018 (P.L.563, No.86), are amended and the section is amended by adding subsections to read:

§ 3368. Speed timing devices.

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(e) Mechanical, electrical and electronic devices authorized.—

(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.

(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 as part of an automated speed enforcement system or by
members of the Pennsylvania State Police.] Electronic devices
such as radio-microwave devices, commonly referred to as
electronic speed meters or radar, may be used only as part of
an automated speed enforcement system or by any police
officer.

(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.

(4) [No person may be convicted upon evidence obtained
through the use of devices authorized by paragraphs (2) and
(3) unless the speed recorded is six or more miles per hour
in excess of the legal speed limit. Furthermore, no person
may be convicted upon evidence obtained through the use of
devices authorized by paragraph (3) in an area where the
legal speed limit is less than 55 miles per hour if the speed
recorded is less than ten miles per hour in excess of the
legal speed limit. This paragraph shall not apply to evidence
obtained through the use of devices authorized by paragraph
(2) or (3) within a school zone or an active work zone.] A
person may not be convicted upon evidence obtained through
the use of devices authorized by paragraphs (1), (2), (3) and
(5) unless the speed recorded is more than ten miles per hour
in excess of the legal speed limit on a highway or six or
more miles per hour in excess of the legal speed limit on an
interstate highway or freeway with a posted speed limit of 70
miles per hour. This paragraph shall not apply to evidence
obtained through the use of devices authorized by paragraph
(1), (2), (3) or (5) within a school zone or an active work
zone.

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

(6) Except for a member of the Pennsylvania State
Police, prior to use of an electronic speed meter, radar or
light detection and ranging devices:

(i) A police officer must complete a training course
approved by the Pennsylvania State Police and the
Municipal Police Officers' Education and Training
Commission; and

(ii) In accordance with department regulations,
official traffic-control devices, including advanced
warning signs indicating the use of electronic speed
meters, radar or light detection and ranging devices,
must be erected within 500 feet of the border of the
political subdivision on the main arteries entering the
political subdivision.

(7) A police officer of the Delaware River Port
Authority or the Delaware River Joint Toll Bridge Commission
may, on a highway under the jurisdiction of the Delaware
River Port Authority or the Delaware River Joint Toll Bridge
Commission, use an electronic speed meter, radar or a light
detection and ranging device upon completion of a training
course approved by the Pennsylvania State Police and the Municipal Police Officers’ Education and Training Commission.

** *(c)* Distance requirements for use of mechanical, electrical and electronic devices. Mechanical, electrical or electronic devices or light detection and ranging 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.

**(f)* LIDAR testing and calibration.

** *(2)* LIDAR speed measuring devices and LIDAR systems shall be calibrated and tested every 365 days at a minimum before being utilized by [the Pennsylvania State Police] any police officer or as part of an automated speed enforcement system.

**(g)* Local ordinance required to enforce.

**(1)* Prior to the use of a device under subsection *(c)*, the political subdivision or each political subdivision of a regional police department must adopt an ordinance authorizing the local or regional police department to employ the device on highways within the boundaries of each political subdivision.

**(2)* During the initial 90 days of speed enforcement by a local or regional police department of a political subdivision, an individual may only be sanctioned for
violations with a written warning.

(h) Excess revenue.--

(1) The primary use of a device under this section shall be for traffic safety purposes.

(2) If a political subdivision's share of revenue generated from speed enforcement citations by a device under this section exceeds 20% of the total political subdivision's budget, the excess sum shall be remitted to the Department of Revenue on a form and in a manner prescribed by the Department of Revenue on or before the 60th day following the end of the political subdivision's fiscal year for deposit into a restricted receipts account in the Motor License Fund.

Section 2. This act shall take effect in 120 days.

SECTION 1. SECTION 3368(C), (D), (E) AND (F) OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

§ 3368. SPEED TIMING DEVICES.

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[(C) MECHANICAL, ELECTRICAL AND ELECTRONIC DEVICES AUTHORIZED.--

(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.

(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 AS PART OF AN AUTOMATED SPEED ENFORCEMENT SYSTEM OR BY MEMBERS OF THE PENNSYLVANIA STATE POLICE.

(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.

(4) NO PERSON MAY BE CONVICTED UPON EVIDENCE OBTAINED
THROUGH THE USE OF DEVICES AUTHORIZED BY PARAGRAPHS (2) AND
(3) UNLESS THE SPEED RECORDED IS SIX OR MORE MILES PER HOUR
IN EXCESS OF THE LEGAL SPEED LIMIT. FURTHERMORE, NO PERSON
MAY BE CONVICTED UPON EVIDENCE OBTAINED THROUGH THE USE OF
DEVICES AUTHORIZED BY PARAGRAPH (3) IN AN AREA WHERE THE
LEGAL SPEED LIMIT IS LESS THAN 55 MILES PER HOUR IF THE SPEED
RECORDED IS LESS THAN TEN MILES PER HOUR IN EXCESS OF THE
LEGAL SPEED LIMIT. THIS PARAGRAPH SHALL NOT APPLY TO EVIDENCE
OBTAINED THROUGH THE USE OF DEVICES AUTHORIZED BY PARAGRAPH
(2) OR (3) WITHIN A SCHOOL ZONE OR AN ACTIVE WORK ZONE.

(5) LIGHT DETECTION AND RANGING DEVICES, COMMONLY
REFERRED TO AS LIDAR, MAY BE USED ONLY AS PART OF AN
AUTOMATED SPEED ENFORCEMENT SYSTEM OR BY MEMBERS OF THE
PENNSYLVANIA STATE POLICE.

(C.1) SPEED ENFORCEMENT DEVICES AUTHORIZED.--SUBJECT TO THE
RESTRICTIONS CONTAINED IN SUBSECTION (C.2), THE RATE OF SPEED OF
A VEHICLE MAY BE TIMED ON A HIGHWAY BY:

(1) A MEMBER OF THE PENNSYLVANIA STATE POLICE OR A LOCAL
LAW ENFORCEMENT OFFICER USING A SPEED ENFORCEMENT DEVICE.

(2) AN AUTOMATED SPEED ENFORCEMENT SYSTEM USING AN
ELECTRONIC RANGING DEVICE.

(3) ANY POLICE OFFICER USING A SPEED TIMING DEVICE.

(C.2) SPEED ENFORCEMENT DEVICE RESTRICTIONS.--SPEED
ENFORCEMENT DEVICES AUTHORIZED UNDER SUBSECTION (C.1) SHALL BE
SUBJECT TO THE FOLLOWING RESTRICTIONS:
(1) No person may be convicted upon evidence obtained through the use of a speed enforcement device or a speedometer as permitted under subsection (a) unless the speed recorded is six or more miles per hour in excess of the legal speed limit.

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

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

(4) A speed enforcement device 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 a speed enforcement device shall not apply to a speed limit sign indicating a school zone, bridge and elevated structure speed limit, hazardous grade speed limit and work zone speed limit.

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

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

(7) A local law enforcement officer may not use an electronic ranging device within the boundaries of a municipality that has not installed official traffic-control devices as required under subsection (h).
A LOCAL LAW ENFORCEMENT OFFICER MAY NOT USE AN ELECTRONIC RANGING DEVICE WITHIN THE BOUNDARIES OF A MUNICIPALITY THAT HAS NOT ADOPTED A LOCAL ORDINANCE AS REQUIRED UNDER SUBSECTION (I).

(D) CLASSIFICATION, APPROVAL AND TESTING OF [MECHANICAL, ELECTRICAL AND ELECTRONIC] SPEED ENFORCEMENT DEVICES.--[THE DEPARTMENT MAY, BY REGULATION, CLASSIFY SPECIFIC DEVICES AS BEING MECHANICAL, ELECTRICAL OR ELECTRONIC. ALL MECHANICAL, ELECTRICAL OR ELECTRONIC]

SPEED ENFORCEMENT 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. [THE CERTIFICATION AND CALIBRATION OF ELECTRONIC DEVICES UNDER SUBSECTION (C)(3) SHALL ALSO INCLUDE THE CERTIFICATION AND CALIBRATION OF ALL EQUIPMENT, TIMING STRIPS AND OTHER DEVICES WHICH ARE ACTUALLY USED WITH THE PARTICULAR ELECTRONIC DEVICE BEING CERTIFIED AND CALIBRATED. ELECTRONIC DEVICES COMMONLY REFERRED TO AS ELECTRONIC SPEED METERS OR RADAR SHALL HAVE BEEN TESTED FOR ACCURACY WITHIN A PERIOD OF ONE YEAR PRIOR TO THE ALLEGED VIOLATION. OTHER DEVICES SHALL HAVE BEEN TESTED FOR ACCURACY WITHIN A PERIOD OF 60 DAYS PRIOR TO THE ALLEGED VIOLATION.]

SPEED ENFORCEMENT DEVICES SHALL BE CALIBRATED AND TESTED EVERY 365 DAYS AT A MINIMUM BEFORE BEING USED AS AUTHORIZED BY THIS SECTION.

A CERTIFICATE FROM THE STATION SHOWING THAT THE CALIBRATION AND TEST WERE MADE WITHIN THE REQUIRED PERIOD AND THAT THE DEVICE WAS ACCURATE SHALL BE COMPETENT AND PRIMA FACIE EVIDENCE OF THOSE FACTS IN EVERY PROCEEDING IN WHICH A
VIOLATION OF THIS TITLE IS CHARGED.

(4) A CERTIFICATE OF ACCURACY MAY BE COMPLETED, SIGNED AND SUBMITTED ELECTRONICALLY BY THE CERTIFYING TECHNICIAN ON A FORM PROVIDED BY THE DEPARTMENT.

(5) THE DEPARTMENT MAY PROMULGATE REGULATIONS FOR THE CERTIFICATION AND THE USE OF SPEED ENFORCEMENT DEVICES. IN ORDER TO FACILITATE THE PROMPT IMPLEMENTATION OF THIS SUBSECTION, THE DEPARTMENT MAY PROMULGATE TEMPORARY REGULATIONS, WHICH SHALL NOT BE SUBJECT TO:

(I) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW.

(II) SECTION 204(B) OF THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT.


ANY TEMPORARY REGULATIONS ADOPTED UNDER THIS PARAGRAPH SHALL EXPIRE AFTER THREE YEARS, OR UPON PROMULGATION OF FINAL REGULATIONS FOR THIS SUBSECTION, WHICHEVER IS SOONER.

(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.

(F) LIDAR TESTING AND CALIBRATION.--

(1) THE DEPARTMENT MAY, UPON PUBLICATION IN THE
PENNSYLVANIA BULLETIN, PROVIDE THAT LIDAR SPEED MEASURING DEVICES AND LIDAR SYSTEMS SHALL BE CALIBRATED AND TESTED USING THE TESTING PROCEDURES IN DEPARTMENT REGULATION.

(2) LIDAR SPEED MEASURING DEVICES AND LIDAR SYSTEMS SHALL BE CALIBRATED AND TESTED EVERY 365 DAYS AT A MINIMUM BEFORE BEING UTILIZED BY THE PENNSYLVANIA STATE POLICE OR AS PART OF AN AUTOMATED SPEED ENFORCEMENT SYSTEM.

(3) THE CERTIFICATION THAT THE LIDAR DEVICE AND SYSTEM, AS APPLICABLE, HAVE BEEN TESTED AND FOUND TO BE ACCURATE SHALL CREATE A PRESUMPTION THAT THE REQUIREMENTS OF THIS SUBSECTION HAVE BEEN FULFILLED.

(4) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS PARAGRAPH UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"LIDAR." THE TECHNOLOGY OF MEASURING TARGET RANGE USING REFLECTED LIGHT TO DETERMINE TARGET RANGE AND SPEED FROM THE TIME-OF-FLIGHT OF LASER PULSES.

"LIDAR SPEED-MEASURING DEVICE." SPEED-MEASURING EQUIPMENT THAT DETERMINES TARGET RANGE AND SPEED BASED ON THE TIME-OF-FLIGHT OF LASER LIGHT PULSES REFLECTED OFF A TARGET.

"LIDAR SYSTEM." A LIDAR SPEED-MEASURING DEVICE THAT INCORPORATES ADDITIONAL EQUIPMENT THAT IS USED TO GATHER, PROCESS AND RECORD IMAGES, AS APPLICABLE, TO BE USED AS PART OF SPEED ENFORCEMENT EFFORTS.

(G) TRAINING REQUIRED.--A LOCAL LAW ENFORCEMENT OFFICER MUST COMPLETE AN ELECTRONIC RANGING DEVICE TRAINING COURSE APPROVED BY THE PENNSYLVANIA STATE POLICE AND THE MUNICIPAL POLICE OFFICER'S EDUCATION AND TRAINING COMMISSION PRIOR TO USING AN ELECTRONIC RANGING DEVICE.

(H) OFFICIAL TRAFFIC-CONTROL DEVICES.--IN ACCORDANCE WITH
DEPARTMENT REGULATIONS, OFFICIAL TRAFFIC-CONTROL DEVICES, INCLUING ADVANCED WARNING SIGNS INDICATING THE USE OF ELECTRONIC RANGING DEVICES, SHALL BE ERECTED WITHIN 500 FEET OF THE BORDER OF A MUNICIPALITY ON THE MAIN ARTERIES ENTERING THE SUBDIVISION PRIOR TO A LOCAL LAW ENFORCEMENT OFFICER USING AN ELECTRONIC RANGING DEVICE WITHIN THE MUNICIPALITY’S BOUNDARIES.

(I) LOCAL ORDINANCE REQUIRED.--PRIOR TO THE USE OF AN ELECTRONIC RANGING DEVICE BY A LOCAL LAW ENFORCEMENT OFFICER IN A MUNICIPALITY, THE MUNICIPALITY OR EACH MUNICIPALITY OF A REGIONAL POLICE DEPARTMENT MUST ADOPT AN ORDINANCE AUTHORIZING THE USE OF ELECTRONIC RANGING DEVICES WITHIN THE BOUNDARIES OF THE MUNICIPALITY.

(J) INITIAL PERIOD.--DURING THE INITIAL 90 DAYS OF SPEED ENFORCEMENT USING ELECTRONIC RANGING DEVICES IN A MUNICIPALITY BY A LOCAL LAW ENFORCEMENT OFFICER, AN INDIVIDUAL MAY ONLY BE SANCTIONED FOR VIOLATIONS WITH A WRITTEN WARNING.

(K) REVENUE LIMIT.--

(1) THE MUNICIPAL SHARE OF REVENUE GENERATED FROM THE USE OF AN ELECTRONIC RANGING DEVICE IN ANY YEAR MAY NOT EXCEED 10% OF THE MUNICIPALITY’S BUDGET FOR THAT YEAR.

(2) ALL REVENUE COLLECTED IN EXCESS OF THE LIMITATION IN PARAGRAPH (1) SHALL BE REMITTED TO THE DEPARTMENT FOR DEPOSIT IN THE MOTOR LICENSE FUND.

(L) DEFENSE.--

(1) THE PRIMARY USE OF AN ELECTRONIC RANGING DEVICE BY A LOCAL LAW ENFORCEMENT OFFICER SHALL BE FOR PURPOSES OF TRAFFIC SAFETY.

(2) IT SHALL BE A DEFENSE TO A PROSECUTION ARISING FROM THE USE OF AN ELECTRONIC RANGING DEVICE IN A MUNICIPALITY THAT THE PRIMARY USE OF THE DEVICE IS TO GENERATE REVENUE FOR
THE MUNICIPALITY.

(M) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"ELECTRONIC RANGING DEVICE." ANY OF THE FOLLOWING:

(1) LIDAR SPEED-MEASURING DEVICE.
(2) LIDAR SYSTEM.
(3) RADAR SPEED-MEASURING DEVICE.

"FULL-SERVICE POLICE DEPARTMENT." A MUNICIPAL OR REGIONAL POLICE DEPARTMENT THAT:

(1) IS AUTHORIZED BY ONE OR MORE MUNICIPALITIES;
(2) PROVIDES 24-HOUR-PER-DAY PATROL AND INVESTIGATIVE SERVICES; AND
(3) REPORTS ITS ACTIVITIES MONTHLY TO THE PENNSYLVANIA STATE POLICE IN ACCORDANCE WITH THE UNIFORM CRIME REPORTING SYSTEM.

"LIDAR SPEED-MEASURING DEVICE." SPEED-MEASURING EQUIPMENT THAT DETERMINES TARGET RANGE AND SPEED BASED ON THE TIME-OF-FLIGHT OF LASER LIGHT PULSES REFLECTED OFF A TARGET.

"LIDAR SYSTEM." A LIDAR SPEED-MEASURING DEVICE OTHER THAN AN AUTOMATED SPEED ENFORCEMENT SYSTEM THAT INCORPORATES ADDITIONAL EQUIPMENT USED TO GATHER, PROCESS AND RECORD IMAGES, AS APPLICABLE, FOR SPEED ENFORCEMENT EFFORTS.

"LOCAL LAW ENFORCEMENT OFFICER." AN EMPLOYEE OF A FULL-SERVICE POLICE DEPARTMENT WHO IS EMPOWERED TO ENFORCE 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES) AND THIS TITLE. THE TERM DOES NOT INCLUDE A PENNSYLVANIA STATE POLICE OFFICER, PART-TIME OR AUXILIARY POLICE, CONSTABLES, SHERIFFS OR THEIR DEPUTIES, FIRE POLICE, TRANSIT POLICE, AIRPORT POLICE, PARK RANGERS, UNIVERSITY OR COLLEGE POLICE, GAME WARDENS, FISH COMMISSION OFFICERS OR
RAILROAD POLICE OR ANY EMPLOYEE OF A POLICE AGENCY WHICH DOES NOT MAINTAIN CONTINUOUS PRIMARY POLICE COVERAGE OF ITS JURISDICTION 24 HOURS PER DAY EVERY DAY OF THE YEAR.

"RADAR SPEED-MEASURING DEVICE." SPEED-MEASURING EQUIPMENT USED FROM A STATIONARY POINT THAT DETERMINES TARGET RANGE AND SPEED BASED ON RADIO MICROWAVES REFLECTED OFF A TARGET.

"SPEED ENFORCEMENT DEVICE." ANY OF THE FOLLOWING:

(1) ELECTRONIC RANGING DEVICE.

(2) SPEED TIMING DEVICE.

"SPEED TIMING DEVICE." A DEVICE OR SYSTEM THAT CALCULATES SPEED BY MEASURING ELAPSED TIME BETWEEN MEASURED ROAD SURFACE POINTS BY USING TWO SENSORS OR A DEVICE, INCLUDING A STOPWATCH, THAT MEASURES AND CALCULATES THE AVERAGE SPEED OF A VEHICLE BETWEEN TWO POINTS.

SECTION 2. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.