

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 296 Session of  
2007

INTRODUCED BY RAFFERTY, CORMAN, ERICKSON, C. WILLIAMS, LOGAN,  
STACK, WONDERLING AND BAKER, APRIL 10, 2007

REFERRED TO TRANSPORTATION, APRIL 10, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for conviction and point  
3 schedules, for speed timing devices and for State and local  
4 powers.

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 by 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

1 per hour in excess of the legal speed limit.

2 \* \* \*

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

6 § 3368. Speed timing devices.

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

14 \* \* \*

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

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

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

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

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

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

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

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

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

28 "Full-service police department." A local or regional  
29 police department which:

30 (i) is authorized by one or more political

subdivisions;

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

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

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

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

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

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

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

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

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

(C) the act of May 22, 1935 (P.L.233, No.99),

referred to as the Second Class City Policemen Relief Law;

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

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

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

(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]. All devices, including LIDAR laser devices and electronic speed meters or radar, must have been tested for accuracy within a period of one year prior to the alleged violation in accordance with specifications prescribed by the National Highway Traffic Safety Administration (NHTSA). All electronic devices, such as LIDAR laser devices, and electronic speed devices, such as speed meters or radar, approved for use in this Commonwealth, must appear on the International Association of Chiefs of Police consumer products list, in conjunction with National Highway Traffic Safety Administration (NHTSA) standards. 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

1 which are actually used with the particular electronic device  
2 being certified and calibrated. [The devices shall have been  
3 tested for accuracy within a period of 60 days prior to the  
4 alleged violation.] A certificate from the station showing that  
5 the calibration and test were made within the required period,  
6 and that the device was accurate, shall be competent and prima  
7 facie evidence of those facts in every proceeding in which a  
8 violation of this title is charged.

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

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

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

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

27 (1) Prior to use of radio-microwave speed timing devices  
28 or infrared laser light devices used for speed timing by  
29 local or regional police officers of political subdivisions  
30 authorized under subsection (c), the appropriate governing

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

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

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

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

28 § 6109. Specific powers of department and local authorities.

29 (a) Enumeration of police powers.--The provisions of this  
30 title shall not be deemed to prevent the department on State-

1 designated highways and local authorities on streets or highways  
2 within their physical boundaries from the reasonable exercise of  
3 their police powers. The following are presumed to be reasonable  
4 exercises of police power:

5 \* \* \*

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

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

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

24 \* \* \*

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