

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1179 Session of
2007

INTRODUCED BY DINNIMAN, PUNT, WASHINGTON AND HUGHES,
NOVEMBER 30, 2007

REFERRED TO TRANSPORTATION, NOVEMBER 30, 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 or part-time police officers employed by the police

department of a political subdivision or a regional police department if official warning signs indicating the use of these devices are erected within 500 feet of the border of the political subdivision on the main arteries entering that political subdivision.

(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 (2)(ii) or (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) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph:

"Full-time or part-time police officer." An employee of a police department 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).

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

3 The term does not include auxiliary or fire police.

4 "Police department." A public agency of a city, borough,
5 incorporated town or township having general police powers
6 and charged with making arrests in connection with the
7 enforcement of criminal or traffic laws and which reports its
8 activities monthly to the Pennsylvania State Police in
9 accordance with the Uniform Crime Reporting System.

10 "Regional police department." A police department which:

11 (i) is authorized by one or more political
12 subdivisions; and

13 (ii) reports its activities monthly to the
14 Pennsylvania State Police in accordance with the Uniform
15 Crime Reporting System.

16 (d) Classification, approval and testing of mechanical,
17 electrical and electronic devices.--The department may, by
18 regulation, classify specific devices as being mechanical,
19 electrical or electronic. All mechanical, electrical or
20 electronic devices shall be of a type approved by the
21 department, which shall appoint stations for calibrating and
22 testing the devices [and may prescribe regulations as to the
23 manner in which calibrations and tests shall be made]. All
24 devices, including LIDAR laser devices and electronic speed
25 meters or radar, must have been tested for accuracy within a
26 period of one year prior to the alleged violation in accordance
27 with specifications prescribed by the National Highway Traffic
28 Safety Administration (NHTSA). All electronic devices, such as
29 LIDAR laser devices, and electronic speed devices, such as speed
30 meters or radar, approved for use in this Commonwealth, must

1 appear on the International Association of Chiefs of Police
2 consumer products list, in conjunction with National Highway
3 Traffic Safety Administration (NHTSA) standards. The
4 certification and calibration of electronic devices under
5 subsection (c)(3) shall also include the certification and
6 calibration of all equipment, timing strips and other devices
7 which are actually used with the particular electronic device
8 being certified and calibrated. [The devices shall have been
9 tested for accuracy within a period of 60 days prior to the
10 alleged violation.] A certificate from the station showing that
11 the calibration and test were made within the required period,
12 and that the device was accurate, shall be competent and prima
13 facie evidence of those facts in every proceeding in which a
14 violation of this title is charged.

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

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

25 (2) Whenever radio-microwave speed timing devices or
26 infrared laser light devices are used by a local or regional
27 police officer of a political subdivision authorized under
28 subsection (c), the police officer must locate the vehicle
29 with the radio-microwave speed timing device or infrared
30 laser light device in a location that is not intentionally

1 concealed from the motoring public.

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

3 (1) Prior to use of radio-microwave speed timing devices
4 or infrared laser light devices used for speed timing by
5 local or regional police officers of political subdivisions
6 authorized under subsection (c), the appropriate governing
7 body must adopt an ordinance authorizing the local or
8 regional police department to employ such devices on roads
9 within the boundaries of the governing body where a required
10 engineering and traffic study has been conducted and in
11 accordance with section 6109(a)(11) to address citizen
12 complaints or demonstrable traffic safety concerns, such as
13 high crash rates or fatalities.

14 (2) During the initial 90 days of speed enforcement by a
15 local or regional police department of a political
16 subdivision authorized under subsection (c) using radio-
17 microwave speed timing devices or infrared laser light
18 devices, persons may only be sanctioned for violations with a
19 written warning.

20 (g) Excess revenues.--The primary use of radar or LIDAR by
21 local or regional police officers of political subdivisions
22 authorized under subsection (c) is for traffic safety purposes.
23 Each local or regional police department that uses radar or
24 LIDAR shall report annually to the Pennsylvania State Police the
25 municipal revenue generated from speed enforcement citations on
26 such forms as may be prescribed by the Pennsylvania State
27 Police. In the event the municipal share of revenue generated
28 from speed enforcement citations exceeds 10% of the total
29 municipal budget or 10% of the regional police department
30 budget, all sums in excess thereof shall be remitted to the

1 Commonwealth and deposited in the General Fund.

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

4 § 6109. Specific powers of department and local authorities.

5 (a) Enumeration of police powers.--The provisions of this
6 title shall not be deemed to prevent the department on State-
7 designated highways and local authorities on streets or highways
8 within their physical boundaries from the reasonable exercise of
9 their police powers. The following are presumed to be reasonable
10 exercises of police power:

11 * * *

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

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

24 (ii) If this title authorizes speed restrictions to
25 be enforced by a police department of a city of the first
26 class, they may be enforced on limited access or divided
27 highways within the police department's jurisdiction. An
28 agreement with the Pennsylvania State Police is not
29 necessary under this subparagraph.

30 * * *

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