
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 38 Session of
2013

INTRODUCED BY SCAVELLO, STEPHENS, LUCAS, AUMENT, CAUSER, DUNBAR,
CUTLER, VEREB, R. BROWN, SCHLOSSBERG, C. HARRIS, BOBACK,
SWANGER, HICKERNELL, FLECK, TALLMAN AND CARROLL,
JANUARY 8, 2013

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 8, 2013

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, further
3 providing for municipal corporation portion of fines;
4 establishing the Municipal Law Enforcement Accreditation
5 Fund; and further providing for speed timing devices and for
6 State and local powers.

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

9 Section 1. Section 3573(b) of Title 42 of the Pennsylvania
10 Consolidated Statutes is amended to read:

11 § 3573. Municipal corporation portion of fines, etc.

12 * * *

13 (b) Vehicle offenses.--

14 (1) When prosecution under the provisions of Title 75
15 (relating to vehicles) for parking is the result of local
16 police action, all fines, forfeited recognizances and other
17 forfeitures imposed, lost or forfeited shall be payable to
18 the municipal corporation under which the local police are
19 organized.

1 (2) Except as provided in [paragraph] paragraphs (3) and
2 (4), when prosecution under any other provision of Title 75
3 (except Chapter 77 (relating to snowmobiles and all-terrain
4 vehicles)) is the result of local police action, one-half of
5 all fines, forfeited recognizances and other forfeitures
6 imposed, lost or forfeited shall be payable to the municipal
7 corporation under which the local police are organized.

8 (3) When prosecution under 75 Pa.C.S. § 3802 (relating
9 to driving under influence of alcohol or controlled
10 substance) is the result of local police action, 50% of all
11 fines, forfeited recognizances and other forfeitures imposed,
12 lost or forfeited shall be payable to the municipal
13 corporation under which the local police are organized, and
14 50% shall be payable to the county which shall be further
15 divided as follows:

16 (i) Fifty percent of the moneys received shall be
17 allocated to the appropriate county authority which
18 implements the county drug and alcohol program to be used
19 solely for the purposes of aiding programs promoting drug
20 abuse and alcoholism prevention, education, treatment and
21 research.

22 (ii) Fifty percent of the moneys received shall be
23 used for expenditures incurred for county jails, prisons,
24 workhouses and detention centers.

25 (4) When prosecution under 75 Pa.C.S. § 3362 (relating
26 to maximum speed limits) is the result of local police action
27 using devices authorized under 75 Pa.C.S. § 3368(c)(2)(ii)
28 (relating to speed timing devices):

29 (i) One-half of all fines, forfeited recognizances
30 and other forfeitures imposed, lost or forfeited, minus

1 \$1, shall be payable to the municipal corporation under
2 which the local police are organized.

3 (ii) One dollar shall be remitted to the Municipal
4 Law Enforcement Accreditation Fund.

5 * * *

6 Section 2. Title 42 is amended by adding a section to read:
7 \$ 3576. Municipal Law Enforcement Accreditation Fund.

8 (a) Establishment.--There is established within the State
9 Treasury a nonlapsing, restricted receipt account to be known as
10 the Municipal Law Enforcement Accreditation Fund. The account
11 shall be comprised of fines statutorily designated by section
12 3573 (relating to municipal corporation portion of fines, etc.)
13 to the account.

14 (b) Distribution from account.--The money in the account is
15 appropriated to the Pennsylvania Commission on Crime and
16 Delinquency to carry out the provisions of subsection (c).

17 (c) Law enforcement accreditation grants.--

18 (1) The Pennsylvania Commission on Crime and Delinquency
19 shall create and maintain a grant program for distributing
20 moneys from the fund to any Pennsylvania-based nonprofit
21 corporation comprised solely of Pennsylvania municipal police
22 department administrators which accredits law enforcement
23 agencies throughout this Commonwealth.

24 (2) An eligible nonprofit corporation that receives
25 funds under paragraph (1) shall use these funds solely for
26 the purpose of administering and operating the law
27 enforcement accreditation program.

28 Section 3. Section 3368(a), (c) and (d) of Title 75 are
29 amended and the section is amended by adding a subsection to
30 read:

1 § 3368. Speed timing devices.

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

9 * * *

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

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

16 (2) Except as otherwise provided in paragraph (3),
17 electronic devices such as radio-microwave devices (commonly
18 referred to as electronic speed meters or radar) may be used
19 [only by]:

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

21 (ii) Upon completion of a training course approved
22 by the Pennsylvania State Police and the Municipal Police
23 Officers' Education and Training Commission, by full-time
24 police officers employed by the full-service police
25 department of a political subdivision or regional police
26 department.

27 (3) Electronic devices which calculate speed by
28 measuring elapsed time between measured road surface points
29 by using two sensors and devices which measure and calculate
30 the average speed of a vehicle between any two points may be

1 used by any police officer.

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

14 (4.1) No person may be convicted upon evidence obtained
15 through the use of devices authorized by paragraph (2)(ii)
16 unless the speed recorded is ten or more miles per hour in
17 excess of the legal speed limit.

18 (5) As used in this subsection, the following words and
19 phrases shall have the meanings given to them in this
20 paragraph:

21 "Full-service police department." A local or regional
22 police department which:

23 (i) is authorized by one or more political
24 subdivisions;

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

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

30 "Full-time police officer." An employee of a political

1 subdivision or regional police department who complies with
2 all of the following:

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

5 (ii) Is empowered to enforce Title 18 (relating to
6 crimes and offenses) and this title.

7 (iii) Is a regular full-time police officer under
8 the act of June 15, 1951 (P.L.586, No.144), entitled "An
9 act regulating the suspension, removal, furloughing and
10 reinstatement of police officers in boroughs and
11 townships of the first class having police forces of less
12 than three members, and in townships of the second
13 class."

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

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

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

23 (C) the act of May 22, 1935 (P.L.233, No.99),
24 referred to as the Second Class City Policemen Relief
25 Law;

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

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

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

3 (d) Classification, approval and testing of mechanical,
4 electrical and electronic devices.--The department may, by
5 regulation, classify specific devices as being mechanical,
6 electrical or electronic. All mechanical, electrical or
7 electronic devices shall be of a type approved by the
8 department, which shall appoint stations for calibrating and
9 testing the devices and may prescribe regulations as to the
10 manner in which calibrations and tests shall be made. The
11 certification and calibration of electronic devices under
12 subsection (c)(3) shall also include the certification and
13 calibration of all equipment, timing strips and other devices
14 which are actually used with the particular electronic device
15 being certified and calibrated. Electronic devices commonly
16 referred to as electronic speed meters or radar shall have been
17 tested for accuracy within a period of one year prior to the
18 alleged violation. Other devices shall have been tested for
19 accuracy within a period of [60 days] one year prior to the
20 alleged violation. A certificate from the station showing that
21 the calibration and test were made within the required period
22 and that the device was accurate shall be competent and prima
23 facie evidence of those facts in every proceeding in which a
24 violation of this title is charged.

25 * * *

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

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

1 authorizing the local or regional police department to employ
2 such devices on roads within the boundaries of the governing
3 body where speed limits have been posted according to the
4 results of a required engineering and traffic study and in
5 accordance with section 6109(a)(11).

6 (2) During the initial 120 days of speed enforcement by
7 a local or regional police department of a political
8 subdivision authorized under subsection (c) using radio-
9 microwave speed timing devices, persons may only be
10 sanctioned for violations with a written warning.

11 Section 4. Section 6109(a)(11) of Title 75 is amended to
12 read:

13 § 6109. Specific powers of department and local authorities.

14 (a) Enumeration of police powers.--The provisions of this
15 title shall not be deemed to prevent the department on State-
16 designated highways and local authorities on streets or highways
17 within their physical boundaries from the reasonable exercise of
18 their police powers. The following are presumed to be reasonable
19 exercises of police power:

20 * * *

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

24 (i) Except as set forth in subparagraph (ii), speed
25 restrictions may be enforced by [local police] full-time
26 police officers employed by the full-service police
27 department of a political subdivision or regional police
28 department on a limited access or divided highway only if
29 [it] this title authorizes such enforcement and the
30 highway is patrolled by the local or regional police

1 force under the terms of an agreement with the
2 Pennsylvania State Police.

3 (ii) If this title authorizes speed restrictions to
4 be enforced by a police department of a city of the first
5 class, the speed restrictions may be enforced on limited
6 access or divided highways within the police department's
7 jurisdiction. An agreement with the Pennsylvania State
8 Police is not necessary under this subparagraph.

9 * * *

10 Section 5. This act shall take effect in 120 days.