

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 559 Session of 2015

INTRODUCED BY RAFFERTY, FONTANA, BLAKE, BROWNE, SCAVELLO, EICHELBERGER, TEPLITZ, VULAKOVICH, BREWSTER, STEFANO, SMITH, SCHWANK, SMUCKER, DINNIMAN AND MCGARRIGLE, FEBRUARY 25, 2015

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED, SEPTEMBER 27, 2016

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, further providing for
3 schedule of convictions and points; in rules of the road in
4 general, further providing for speed timing devices; and, in
5 powers of department and local authorities, further providing
6 for State and local powers.

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

9 Section 1. Section 1535(d) of Title 75 of the Pennsylvania
10 Consolidated Statutes is amended to read:

11 § 1535. Schedule of convictions and points.

12 * * *

13 (d) [Exception] Exceptions.--

14 (1) This section does not apply to a person who was
15 operating a pedalcycle or an animal drawn vehicle.

16 (2) If a speeding offense under section 3362 (relating
17 to maximum speed limits) is charged as a result of use of a
18 device authorized by section 3368(c)(2)(ii) (relating to
19 speed timing devices), no points shall be assigned under

1 subsection (a) unless the speed recorded is 10 or more miles
2 per hour in excess of the legal speed limit.

3 * * *

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

7 § 3368. Speed timing devices.

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

15 * * *

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

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

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

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

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

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

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

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

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

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

1 (i) is authorized by one or more political
2 subdivisions;

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (d) Classification, approval and testing of mechanical,
12 electrical and electronic devices.--

13 (1) The department may, by regulation, classify specific
14 devices as being mechanical, electrical or electronic.

15 (2) All mechanical, electrical or electronic devices
16 shall be of a type approved by the department, which shall
17 appoint stations for calibrating and testing the devices [and
18 may prescribe regulations as to the manner in which
19 calibrations and tests shall be made].

20 (3) All devices, including LIDAR laser devices and
21 electronic speed meters or radar, must have been tested for
22 accuracy within a period of one year prior to the alleged
23 violation in accordance with specifications prescribed by the
24 National Highway Traffic Safety Administration (NHTSA).

25 (4) All electronic devices, such as LIDAR laser devices,
26 and electronic speed devices, such as speed meters or radar,
27 approved for use in this Commonwealth, must appear on the
28 International Association of Chiefs of Police consumer
29 products list, in conjunction with National Highway Traffic
30 Safety Administration (NHTSA) standards.

1 (5) The certification and calibration of electronic
2 devices under subsection (c) (3) shall also include the
3 certification and calibration of all equipment, timing strips
4 and other devices which are actually used with the particular
5 electronic device being certified and calibrated.

6 (6) Electronic devices commonly referred to as
7 electronic speed meters or radar shall have been tested for
8 accuracy within a period of one year prior to the alleged
9 violation. [Other devices shall have been tested for accuracy
10 within a period of 60 days prior to the alleged violation.]

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

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

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

26 (2) Whenever radio-microwave speed timing devices or
27 infrared laser light devices are used by a local or regional
28 police officer of a political subdivision authorized under
29 subsection (c), the police officer must locate the vehicle
30 with the radio-microwave speed timing device or infrared

1 laser light device in a location that is not intentionally
2 concealed from the motoring public.

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

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

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

21 (g) Excess revenues.--

22 (1) The primary use of radar or LIDAR by local or
23 regional police officers of political subdivisions authorized
24 under subsection (c) is for traffic safety purposes.

25 (2) Each local or regional police department that uses
26 radar or LIDAR shall report annually to the ~~Pennsylvania~~ <--
27 ~~State Police~~ DEPARTMENT OF REVENUE the municipal revenue <--
28 generated from speed enforcement citations on such forms as
29 may be prescribed by the ~~Pennsylvania State Police~~ DEPARTMENT <--
30 OF REVENUE.

1 (3) In the event the municipal share of revenue
2 generated from speed enforcement citations exceeds 5% of the
3 total municipal budget or 5% of the regional police
4 department budget, all sums in excess thereof shall be
5 remitted to the Pennsylvania State Police to be used <--
6 DEPARTMENT OF REVENUE AND DEPOSITED INTO THE GENERAL FUND TO <--
7 BE APPROPRIATED BY THE GENERAL ASSEMBLY for traffic safety
8 purposes.

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

11 § 6109. Specific powers of department and local authorities.

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

18 * * *

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

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

1 (ii) If this title authorizes speed restrictions to
2 be enforced by a police department of a city of the first
3 class, they may be enforced on limited access or divided
4 highways within the police department's jurisdiction.

5 (iii) An agreement with the Pennsylvania State
6 Police shall not be required under this paragraph.

7 * * *

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