
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2148 Session of
2018

INTRODUCED BY ROTHMAN, CHARLTON, RYAN, STEPHENS, GREINER, MURT,
BARRAR, WARD, SCHLOSSBERG, A. HARRIS, HELM, GROVE, STURLA,
B. MILLER, DeLUCA AND A. DAVIS, MARCH 16, 2018

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 16, 2018

AN ACT

1 Amending Titles 44 (Law and Justice) and 75 (Vehicles) of the
2 Pennsylvania Consolidated Statutes, codifying prohibition on
3 political subdivisions and Commonwealth agencies imposing
4 quotas on the issuance of citations for certain offenses and
5 prohibiting the practice of station averaging; in licensing
6 of drivers, further providing for schedule of convictions and
7 points; in rules of the road in general, providing for radar
8 enforcement systems pilot program; and making a related
9 repeal.

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

12 Section 1. Title 44 of the Pennsylvania Consolidated
13 Statutes is amended by adding a part to read:

14 PART V

15 LAW ENFORCEMENT

16 Chapter

17 85. Issuance of Citations

18 CHAPTER 85

19 ISSUANCE OF CITATIONS

20 Sec.

21 8501. Definitions.

1 8502. Quotas prohibited.

2 8503. Station averaging prohibited.

3 8504. Violation.

4 § 8501. Definitions.

5 The following words and phrases when used in this chapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Citation." A traffic citation, ticket or any other type of
9 citation.

10 "Enforcement officer." A municipal police officer,
11 Pennsylvania State Police officer, Game Commission officer, Fish
12 Commission officer or any other officer employed by a political
13 subdivision, regional police department or agency of the
14 Commonwealth.

15 "Points of contact." Any quantifiable contact made in the
16 furtherance of the enforcement officer's duties, including, but
17 not limited to, the number of traffic stops completed, arrests,
18 written warnings and crime prevention measures. The term shall
19 not include either the issuance of citations or the number of
20 citations issued by an enforcement officer.

21 § 8502. Quotas prohibited.

22 (a) General rule.--No political subdivision, regional police
23 department or agency of the Commonwealth shall have the power or
24 authority to order, mandate, require or in any other manner,
25 directly or indirectly, suggest to any enforcement officer that
26 the enforcement officer shall issue a certain number of
27 citations on a daily, weekly, monthly, quarterly or yearly
28 basis.

29 (b) Award not affected.--The prohibition under subsection
30 (a) shall not affect the conditions of any Federal or State

1 grants or funds awarded to a political subdivision, regional
2 police department or agency of the Commonwealth and used to fund
3 traffic enforcement programs.

4 § 8503. Station averaging prohibited.

5 (a) General rule.--A political subdivision, regional police
6 department or agency of the Commonwealth may not for purposes of
7 evaluating an enforcement officer's job performance compare the
8 number of citations issued by the enforcement officer to the
9 number of citations issued by any other enforcement officer who
10 has similar job duties.

11 (b) Construction.--Nothing in this section shall prohibit
12 the evaluation of the job performance of an enforcement officer
13 based on the enforcement officer's points of contact.

14 § 8504. Violation.

15 Any citation issued in violation of this chapter shall be
16 unenforceable, null and void.

17 Section 2. Section 1535(d) and (e) of Title 75 are amended
18 to read:

19 § 1535. Schedule of convictions and points.

20 * * *

21 (d) [Exception] Exceptions.--

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

24 (2) If a speeding offense under section 3362 (relating
25 to maximum speed limits) is charged as a result of use of a
26 device authorized by section 3369 (relating to radar
27 enforcement systems pilot program), no points shall be
28 assigned under subsection (a).

29 (e) Suspension of operating privilege.--In addition to other
30 provisions of this title relating to the suspension or

1 revocation of operating privileges, the department shall suspend
2 for 15 days the operating privileges of any person who for a
3 violation in an active work zone is convicted under:

4 (1) section 3361 where the department has received an
5 accident report submitted pursuant to section 3751 (relating
6 to reports by police); or

7 (2) section 3362 [(relating to maximum speed limits)] by
8 exceeding the posted speed limit by 11 miles per hour or
9 more.

10 A conviction report received by the department which indicates
11 that the violation of section 3361 or 3362 occurred in an active
12 work zone shall create a presumption that the violation occurred
13 in an active work zone.

14 Section 3. Title 75 is amended by adding a section to read:
15 § 3369. Radar enforcement systems pilot program.

16 (a) General rule.--Notwithstanding section 3368(c)(2)
17 (relating to speed timing devices), full-time police officers
18 are authorized to enforce section 3362 (relating to maximum
19 speed limits) on municipal roads in their respective
20 jurisdictions using electronic devices such as radio-microwave
21 devices, commonly referred to as electronic speed meters or
22 radar, in accordance with this section.

23 (b) Requirements for police officers.--Full-time police
24 officers using electronic devices must:

25 (1) complete a training course approved by the
26 Pennsylvania State Police and the Municipal Police Officers'
27 Education and Training Commission and a recertification
28 course every three years thereafter;

29 (2) be employed by a full-service police department
30 accredited by the Pennsylvania Law Enforcement Accreditation

1 Commission; and

2 (3) operate the devices from a clearly marked vehicle in
3 a location that is readily visible to the motoring public.

4 (c) Conviction.--No person may be convicted upon evidence
5 obtained through the use of electronic devices unless:

6 (1) The speed recorded is over 10 miles per hour in
7 excess of the legally posted speed limit.

8 (2) Official warning signs indicating the use of
9 electronic devices are erected within 500 feet of the border
10 of the political subdivision on the main arteries entering
11 that political subdivision.

12 (d) Certification of speed limit.--The speed limit for any
13 roadway chosen for speed enforcement under this section shall be
14 certified after passage of the ordinance required under
15 subsection (g) and in advance of enforcement through an
16 engineering and traffic study as authorized under section 6105
17 (relating to department to prescribe traffic and engineering
18 investigations) and shall be available for public inspection.
19 The engineering and traffic study must be updated at least every
20 three years.

21 (e) Penalty.--A penalty imposed under section 3362 as a
22 result of use of an electronic device shall not be deemed a
23 criminal conviction and shall not be made part of the operating
24 record under section 1535 (relating to schedule of convictions
25 and points) of the individual upon whom the penalty is imposed,
26 nor may the imposition of the penalty be subject to merit rating
27 for insurance purposes.

28 (f) Classification, approval and testing of electronic
29 devices.--Electronic devices used under this section shall be
30 subject to the provisions of section 3368(d).

1 (g) Local ordinance required to enforce.--Prior to employing
2 electronic devices in speed limit enforcement, the governing
3 body of the municipality must adopt an ordinance authorizing the
4 use of electronic devices on municipal roads within the
5 boundaries of the municipality where speed limits have been
6 posted according to the results of the required engineering and
7 traffic study and in accordance with section 6109(a)(11)
8 (relating to specific powers of department and local
9 authorities) to address citizen complaints or demonstrable
10 traffic safety concerns, such as high crash rates or fatalities.

11 (h) Initial period.--During the initial 90 days of speed
12 enforcement using electronic devices, individuals may only be
13 sanctioned for violations with a written warning.

14 (i) Report.--Each municipality that adopts an ordinance
15 authorizing the use of electronic devices shall submit an annual
16 report to the department, which shall be considered a public
17 record under the act of February 14, 2008 (P.L.6, No.3), known
18 as the Right-to-Know Law. The report shall include the following
19 for the prior year:

20 (1) The number of violations, written warnings and fines
21 issued under this section.

22 (2) A compilation of all fines paid and outstanding.

23 (3) The number of moving violations and fines issued
24 under other provisions of this title.

25 (j) Report by department.--The department shall submit an
26 annual report to the chair and minority chair of the
27 Transportation Committee of the Senate and the chair and
28 minority chair of the Transportation Committee of the House of
29 Representatives. The report shall be considered a public record
30 under the Right-to-Know Law. The report shall include the

1 following information for the prior year:

2 (1) The total number of violations, written warnings and
3 finances issued by municipalities under this section.

4 (2) A compilation of all fines paid and outstanding.

5 (3) The total number of moving violations and fines
6 issued under other provisions of this title.

7 (k) Revenue limit.--A municipal share of revenue generated
8 from the use of an electronic device may not exceed an amount
9 equal to or greater than 1% of the municipality's annual budget.

10 (l) Defense.--The primary use of an electronic device by a
11 police officer is for purposes of traffic safety. It shall be a
12 defense to a prosecution arising from the use of an electronic
13 device that the primary use of the device is to generate
14 revenue.

15 (m) Expiration.--This section shall expire December 31,
16 2024.

17 (n) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Electronic devices." The electronic devices described under
21 subsection (a).

22 "Full-service police department." A municipal or regional
23 police department which:

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

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

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

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

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

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

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

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

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

14 (i) 11 Pa.C.S. Pt. V (relating to third class
15 cities);

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

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

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

29 The term does not include part-time or auxiliary police,
30 constables, sheriffs or their deputies, fire police, transit

1 police, airport police, park rangers, university or college
2 police, game wardens, fish commission officers or railroad
3 police.

4 Section 4. Repeals are as follows:

5 (1) The General Assembly declares that the repeal under
6 paragraph (2) is necessary to effectuate the addition of 44
7 Pa.C.S. Pt. V.

8 (2) The act of October 30, 1981 (P.L.321, No.114),
9 entitled "An act prohibiting political subdivisions or
10 agencies of the Commonwealth from imposing certain quotas on
11 the issuance of citations for certain offenses," is repealed.

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