

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 251 Session of 2017

INTRODUCED BY VULAKOVICH, ALLOWAY, AUMENT, BARTOLOTTA, BLAKE, BREWSTER, COSTA, FONTANA, HAYWOOD, LEACH, MARTIN, MENSCH, RAFFERTY, SCAVELLO, SCHWANK, STEFANO, WHITE, YUDICHAK, BAKER AND DINNIMAN, JANUARY 27, 2017

AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 13, 2017

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, further providing
3 for speed timing devices.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 3368(c) and (d) of Title 75 of the
7 Pennsylvania Consolidated Statutes are amended and the section
8 is amended by adding subsections to read:

9 § 3368. Speed timing devices.

10 * * *

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

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

17 (2) Except as otherwise provided in paragraph (3),

1 electronic devices such as radio-microwave devices (commonly
2 referred to as electronic speed meters or radar) or infrared
3 laser light devices (commonly referred to as LIDAR) may be
4 used [only by members of the Pennsylvania State Police.] by
5 any police officer upon completion of a training course
6 approved by the Pennsylvania State Police and the Municipal
7 Police Officers' Education and Training Commission if
8 official warning signs indicating the use of the devices are
9 erected within 500 feet of the border of the political
10 subdivision on the main arteries entering that political
11 subdivision.

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

17 (4) No person may be convicted upon evidence obtained
18 through the use of devices authorized by paragraphs ~~†(2)†~~ ~~(2)~~ <--
19 ~~(i)~~ and (3) unless the speed recorded is six or more miles
20 per hour in excess of the legal speed limit. Furthermore, no
21 person may be convicted upon evidence obtained through the
22 use of devices authorized by paragraph (3) in an area where
23 the legal speed limit is less than 55 miles per hour if the
24 speed recorded is less than ten miles per hour in excess of
25 the legal speed limit. Additionally, no person may be
26 convicted upon evidence obtained through the use of devices
27 authorized by paragraph ~~(2)(ii)~~ (2) if the speed recorded is <--
28 less than ten miles per hour in excess of the legal speed
29 limit. This paragraph shall not apply to evidence obtained
30 through the use of devices authorized by paragraph (2) or (3)

1 within a school zone or an active work zone.

2 (d) Classification, approval and testing of mechanical,
3 electrical and electronic devices.--

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

6 (2) All mechanical, electrical or electronic devices
7 shall be of a type approved by the department, which shall
8 appoint stations for calibrating and testing the devices [and
9 may prescribe regulations as to the manner in which
10 calibrations and tests shall be made].

11 (3) All devices, including LIDAR laser devices and
12 electronic speed meters or radars, must be tested for <--
13 accuracy within a period of one year prior to the alleged
14 violation in accordance with specifications prescribed by the
15 National Highway Traffic Safety Administration.

16 (4) All electronic devices, such as LIDAR laser devices,
17 and electronic speed devices, such as speed meters or radars,
18 approved for use in this Commonwealth, must appear on the
19 conforming products list, in conjunction with National
20 Highway Traffic Safety Administration standards.

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

26 (6) Electronic devices commonly referred to as
27 electronic speed meters or radar shall have been tested for
28 accuracy within a period of one year prior to the alleged
29 violation. Other devices shall have been tested for accuracy
30 within a period of 60 days prior to the alleged violation.

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

6 * * *

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

8 (1) Prior to use of radio-microwave speed timing devices
9 or infrared laser light devices used for speed timing by
10 local or regional police officers, the political subdivision
11 or political subdivisions of a regional police department
12 shall adopt an ordinance authorizing the local or regional
13 police department to employ such devices on roads within the
14 boundaries of the political subdivision or political
15 subdivisions.

16 (2) During the initial 90 days of speed enforcement by a
17 local or regional police department of a political
18 subdivision using radio-microwave speed timing devices or
19 infrared laser light devices, persons may only be sanctioned
20 for violations with a 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 Department of~~
27 ~~Revenue the municipal revenue generated from speed~~
28 ~~enforcement citations on forms as may be prescribed by the~~
29 ~~Department of Revenue.~~

30 ~~(3) If the municipal share of revenue generated from~~

1 speed enforcement citations by radar or LIDAR exceeds 20% of
2 the total municipal budget or 20% of the municipal budget of
3 each municipality within a regional police department, the
4 excess sum shall be remitted to the Department of Revenue ON <--
5 A FORM OR IN A MANNER PRESCRIBED BY THE DEPARTMENT OF REVENUE
6 ON OR BEFORE THE 60TH DAY FOLLOWING THE END OF THE
7 MUNICIPALITY'S FISCAL YEAR for deposit into the General Fund
8 to be appropriated by the General Assembly to be used for
9 traffic safety purposes.
10 Section 2. This act shall take effect in 120 days.