
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 74 Session of
2019

INTRODUCED BY ROTHMAN, RYAN, BERNSTINE, SCHLOSSBERG, GROVE,
STAATS, IRVIN, OTTEN, DALEY, NEILSON, HILL-EVANS AND DeLUCA,
JANUARY 28, 2019

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 28, 2019

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 may order, mandate,
24 require or in any other manner, directly or indirectly, suggest
25 to any enforcement officer that the enforcement officer issue a
26 certain number of citations on a daily, weekly, monthly,
27 quarterly or yearly basis.

28 (b) Award not affected.--The prohibition under subsection
29 (a) shall not affect the conditions of a Federal or State grant
30 or money awarded to a political subdivision, regional police

1 department or agency of the Commonwealth and used to fund
2 traffic enforcement programs.

3 § 8503. Station averaging prohibited.

4 (a) General rule.--No political subdivision, regional police
5 department or agency of the Commonwealth may for purposes of
6 evaluating an enforcement officer's job performance compare the
7 number of citations issued by the enforcement officer to the
8 number of citations issued by any other enforcement officer who
9 has similar job duties.

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

14 § 8504. Violation.

15 A 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 3371 (relating to radar
27 enforcement systems pilot program), no points may be assigned
28 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 § 3371. Radar enforcement systems pilot program.

16 (a) Authority.--

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

24 (2) Speed restrictions under this section may be
25 enforced by full-time police officers on a State-owned
26 limited access or divided highway only if the highway is
27 patrolled by the local police department under the terms of
28 an agreement with the Pennsylvania State Police.

29 (b) Requirements for police officers.--A full-time police
30 officer using an electronic device must:

1 (1) complete a training course approved by the
2 Pennsylvania State Police and the Municipal Police Officers'
3 Education and Training Commission and a recertification
4 course every three years thereafter;

5 (2) be employed by a full-service police department
6 accredited by the Pennsylvania Law Enforcement Accreditation
7 Commission; and

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

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

12 (1) the speed recorded is over 10 miles per hour in
13 excess of the legally posted speed limit; and

14 (2) official warning signs indicating the use of
15 electronic devices by a full-time police officer and worded
16 "local police radar enforced" are erected within 500 feet of
17 the border of the political subdivision on the main arteries
18 entering the political subdivision.

19 (d) Certification of speed limit.--The speed limit for a
20 roadway chosen for speed enforcement under this section shall be
21 certified after passage of the ordinance required under
22 subsection (g) and in advance of enforcement through an
23 engineering and traffic study as authorized under section 6105
24 (relating to department to prescribe traffic and engineering
25 investigations) unless an engineering and traffic study has been
26 conducted within the two years preceding the passage of the
27 ordinance, and shall be available for public inspection.

28 (e) Penalty.--A penalty imposed under section 3362 as a
29 result of use of an electronic device shall not be deemed a
30 criminal conviction and shall not be made part of the operating

1 record under section 1535 (relating to schedule of convictions
2 and points) of the individual upon whom the penalty is imposed,
3 nor may the imposition of the penalty be subject to merit rating
4 for insurance purposes.

5 (f) Classification, approval and testing of electronic
6 devices.--Electronic devices used under this section shall be
7 subject to the provisions of section 3368(d) and tested for
8 accuracy within a period of one year prior to the alleged
9 violation in accordance with specifications prescribed by
10 National Highway Safety Administration standards. All electronic
11 devices used under this section must appear on the conforming
12 products list, in conjunction with National Highway Safety
13 Administration standards.

14 (g) Local ordinance required to enforce.--Prior to employing
15 electronic devices in speed limit enforcement, the governing
16 body of the municipality must adopt an ordinance authorizing the
17 use of electronic devices by full-time police officers on
18 roadways under subsection (a) within the boundaries of the
19 municipality where speed limits have been posted according to
20 the results of the required engineering and traffic study and in
21 accordance with section 6109(a)(11) (relating to specific powers
22 of department and local authorities) to address citizen
23 complaints or demonstrable traffic safety concerns, such as high
24 crash rates or fatalities.

25 (h) Initial period.--During the initial 90 days of speed
26 enforcement using electronic devices in a municipality,
27 individuals may only be sanctioned for violations in the
28 municipality with a written warning.

29 (i) Report.--Each municipality that adopts an ordinance
30 authorizing the use of electronic devices shall submit an annual

1 report to the Local Government Commission, which shall be
2 considered a public record under the act of February 14, 2008
3 (P.L.6, No.3), known as the Right-to-Know Law. The report shall
4 include the following for the prior year:

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

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

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

10 (j) Report by Local Government Commission.--Beginning with
11 the second full calendar year following the enactment of this
12 section, and in each calendar year thereafter, the Local
13 Government Commission shall submit a report to the chair and
14 minority chair of the Transportation Committee of the Senate and
15 the chair and minority chair of the Transportation Committee of
16 the House of Representatives. The report shall be considered a
17 public record under the Right-to-Know Law. The report shall
18 include the following information for the prior year:

19 (1) The total number of violations, written warnings and
20 fines issued by municipalities under this section.

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

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

24 (k) Revenue limit.--

25 (1) A municipal share of revenue generated from the use
26 of an electronic device may not exceed an amount equal to or
27 greater than 1% of the municipality's annual budget.

28 (2) All revenue collected in excess of the limitation in
29 paragraph (1) shall be remitted to the department for deposit
30 in the Transportation Enhancements Grant Program account

1 established under section 3116(1)(2) (relating to automated
2 red light enforcement systems in first class cities).

3 (l) Defense.--The primary use of an electronic device by a
4 police officer shall be for purposes of traffic safety in a
5 municipality. It shall be a defense to a prosecution arising
6 from the use of an electronic device in a municipality that the
7 primary use of the device is to generate revenue for the
8 municipality.

9 (m) Construction.--Notwithstanding any provision of this
10 section, this section shall not abrogate, limit, restrict or
11 diminish any authority granted by law to and exercised by the
12 Pennsylvania State Police as of the effective date of this
13 section.

14 (n) Expiration.--This section shall expire December 31,
15 2024.

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

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

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

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

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

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

29 "Full-time police officer." An employee of a political
30 subdivision or regional police department who complies with all

1 of the following:

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

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

6 The term does not include a Pennsylvania State Police officer,
7 part-time or auxiliary police, constables, sheriffs or their
8 deputies, fire police, transit police, airport police, park
9 rangers, university or college police, game wardens, fish
10 commission officers or railroad police or any employee of a
11 police agency which does not maintain continuous primary police
12 coverage of its jurisdiction 24 hours per day every day of the
13 year.

14 Section 4. Repeals are as follows:

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

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

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