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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 352 Session of  
2019

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INTRODUCED BY KORTZ, READSHAW, A. DAVIS, STAATS, ROAE, CAUSER,  
SCHLOSSBERG, FREEMAN, D. MILLER, BARRAR, IRVIN, OTTEN, DALEY,  
HILL-EVANS, CONKLIN, MIZGORSKI, B. MILLER, F. KELLER, DeLUCA,  
CARROLL, TOOHL, STURLA AND KINSEY, FEBRUARY 4, 2019

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REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 4, 2019

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AN ACT

1 Amending Titles 44 (Law and Justice) and 75 (Vehicles) of the  
2 Pennsylvania Consolidated Statutes, providing for issuance of  
3 citations; in rules of the road in general, providing for  
4 radar enforcement systems pilot program; and making a related  
5 repeal.

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

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

10 PART V

11 LAW ENFORCEMENT

12 Chapter

13 85. Issuance of Citations

14 CHAPTER 85

15 ISSUANCE OF CITATIONS

16 Sec.

17 8501. Definitions.

18 8502. Quotas prohibited.

1 8503. Station averaging prohibited.

2 8504. Violation.

3 § 8501. Definitions.

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

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

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

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

20 § 8502. Quotas prohibited.

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

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

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

3 § 8503. Station averaging prohibited.

4 (a) General rule.--A political subdivision, regional police  
5 department or agency of the Commonwealth may not 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 prohibit  
11 the evaluation of the job performance of an enforcement officer  
12 based on the enforcement officer's points of contact.

13 § 8504. Violation.

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

16 Section 2. Title 75 is amended by adding a section to read:

17 § 3371. Radar enforcement systems pilot program.

18 (a) Establishment.--A pilot program is established to  
19 provide for the use of electronic devices in speed limit  
20 enforcement.

21 (b) Authorization.--Notwithstanding section 3368(c)(2) and  
22 (5) (relating to speed timing devices), police officers are  
23 authorized to enforce section 3362 (relating to maximum speed  
24 limits) on municipal roads in a police officer's jurisdiction  
25 using electronic devices such as radio-microwave devices,  
26 commonly referred to as electronic speed meters or radar, or  
27 infrared laser light devices (commonly referred to as LIDAR), in  
28 accordance with this section. Enforcement of speed restrictions  
29 under this section may be enforced by police officers on a  
30 State-owned limited access or divided highway only if the

1 highway is patrolled by the local or regional police department  
2 under the terms of an agreement with the Pennsylvania State  
3 Police.

4 (c) Requirements for police officers.--Police officers using  
5 electronic devices must:

6 (1) complete a training course approved by the  
7 Pennsylvania State Police and the Municipal Police Officers'  
8 Education and Training Commission; and

9 (2) operate the devices from a clearly marked vehicle.

10 (d) Conviction.--No person may be convicted upon evidence  
11 obtained through the use of an electronic device used under this  
12 section unless:

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

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

20 (e) Classification, approval and testing of electronic  
21 devices.--Electronic devices used under this section shall be  
22 subject to the provisions of section 3368(d) and must be tested  
23 for accuracy within a period of one year prior to the alleged  
24 violation in accordance with specifications prescribed by  
25 National Highway Safety Administration standards. All electronic  
26 devices used under this section must appear on the conforming  
27 products list, in conjunction with National Highway Safety  
28 Administration standards.

29 (f) Local ordinance required to enforce.--Prior to employing  
30 electronic devices under this section, the governing body of the

1 municipality must adopt an ordinance authorizing the use of  
2 electronic devices by police officers on roadways under  
3 subsection (b) within the boundaries of the municipality.

4 (g) Initial period.--During the initial 90 days of speed  
5 enforcement using electronic devices, individuals may only be  
6 sanctioned for violations with a written warning.

7 (h) Revenue limit.--A municipal share of revenue generated  
8 from the use of an electronic device may not exceed an amount  
9 equal to 20% of the municipality's annual budget. All revenue  
10 collected in excess of this amount shall be remitted to the  
11 department for deposit in the Motor License Fund and shall be  
12 appropriated by the General Assembly.

13 (i) Construction.--This section shall not abrogate, limit,  
14 restrict or diminish any authority granted by law to and  
15 exercised by the Pennsylvania State Police as of the effective  
16 date of this section.

17 (j) Expiration.--This section shall expire six years from  
18 the effective date of this section.

19 Section 3. Repeals are as follows:

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

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

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