
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 406 Session of
2019

INTRODUCED BY SANTARSIERO, BREWSTER, COLLETT, SCHWANK, AUMENT,
TARTAGLIONE, COSTA AND BROWNE, MARCH 13, 2019

REFERRED TO TRANSPORTATION, MARCH 13, 2019

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 specific powers of department and local authorities.

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

9 Section 1. Section 1535(d) and (e) of Title 75 of the
10 Pennsylvania Consolidated Statutes are 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 under section 3368(c)(2)(ii) (relating to
19 speed timing devices), no points shall be assigned under
20 subsection (a) unless the speed recorded is ten or more miles

1 per hour in excess of the legal speed limit.

2 (e) Suspension of operating privilege.--In addition to other
3 provisions of this title relating to the suspension or
4 revocation of operating privileges, the department shall suspend
5 for 15 days the operating privileges of any person who for a
6 violation in an active work zone is convicted under:

7 (1) section 3361 where the department has received an
8 accident report submitted pursuant to section 3751 (relating
9 to reports by police); or

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

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

17 Section 2. Section 3368(a), (c) and (e) of Title 75, amended
18 or added October 19, 2018 (P.L.563, No.86), are amended and the
19 section is amended by adding subsections to read:

20 § 3368. Speed timing devices.

21 (a) Speedometers authorized.--The rate of speed of any
22 vehicle may be timed on any highway by a police officer using a
23 motor vehicle equipped with a speedometer[.], except as provided
24 in section 6109 (relating to specific powers of department and
25 local authorities). In ascertaining the speed of a vehicle by
26 the use of a speedometer, the speed shall be timed for a
27 distance of not less than three-tenths of a mile.

28 * * *

29 (c) Mechanical, electrical and electronic devices
30 authorized.--

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

5 (2) Except as otherwise provided in paragraph (3),
6 electronic devices such as radio-microwave devices, commonly
7 referred to as electronic speed meters or radar, or infrared
8 laser light devices, commonly referred to as LIDAR, may be
9 [used only as part of an automated speed enforcement system
10 or by members of the Pennsylvania State Police.] used:

11 (i) As part of an automated speed enforcement
12 system.

13 (ii) By members of the Pennsylvania State Police.

14 (iii) Upon completion of a training course approved
15 by the Pennsylvania State Police and the Municipal Police
16 Officers' Education and Training Commission, by full-time
17 police officers employed by the full-service police
18 department of a political subdivision or regional police
19 department situate in a county of the first class, second
20 class, second class A or third class if official warning
21 signs indicating the use of these devices are erected
22 within 500 feet of the border of the political
23 subdivision on the main arteries entering that political
24 subdivision.

25 (3) Electronic devices which calculate speed by
26 measuring elapsed time between measured road surface points
27 by using two sensors and devices which measure and calculate
28 the average speed of a vehicle between any two points may be
29 used by any police officer.

30 (4) No person may be convicted upon evidence obtained

1 through the use of devices authorized by paragraphs (2) and
2 (3) unless the speed recorded is six or more miles per hour
3 in excess of the legal speed limit. Furthermore, no person
4 may be convicted upon evidence obtained through the use of
5 devices authorized by paragraph (2)(ii) or (3) in an area
6 where the legal speed limit is less than 55 miles per hour if
7 the speed recorded is less than ten miles per hour in excess
8 of the legal speed limit. This paragraph shall not apply to
9 evidence obtained through the use of devices authorized by
10 paragraph (2) or (3) within a school zone or an active work
11 zone.

12 (5) Light detection and ranging devices, commonly
13 referred to as LIDAR, may be used only as part of an
14 automated speed enforcement system or by members of the
15 Pennsylvania State Police.

16 (6) As used in this subsection, the following words and
17 phrases shall have the meanings given to them in this
18 paragraph:

19 "Full-service police department." A local or regional
20 police department that:

21 (i) is authorized by one or more political
22 subdivisions;

23 (ii) provides 24-hour-per-day patrol and
24 investigative services; and

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

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

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

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

5 (iii) Is a regular full-time police officer under
6 the act of June 15, 1951 (P.L.586, No.144), entitled "An
7 act regulating the suspension, removal, furloughing and
8 reinstatement of police officers in boroughs and
9 townships of the first class having police forces of less
10 than three members, and in townships of the second
11 class," or works a minimum of 200 days per year.

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

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

19 (B) the act of May 22, 1935 (P.L.233, No.99),
20 referred to as the Second Class City Policemen Relief
21 Law;

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

25 (D) the act of July 15, 1957 (P.L.901, No.399),
26 known as the Optional Third Class City Charter Law.

27 (E) the provisions of 11 Pa.C.S. Pt. V (relating
28 to third class cities);

29 The term does not include auxiliary, part-time or fire
30 police.

1 * * *

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

4 (1) Except as provided in paragraph (2), mechanical,
5 electrical or electronic devices may not be used to time the
6 rate of speed of vehicles within 500 feet after a speed limit
7 sign indicating a decrease of speed. This limitation on the
8 use of speed timing devices shall not apply to speed limit
9 signs indicating school zones, bridge and elevated structure
10 speed limits, hazardous grade speed limits and work zone
11 speed limits.

12 (2) Whenever radio-microwave speed timing devices or
13 infrared laser light devices are used by a local or regional
14 police officer of a political subdivision authorized under
15 subsection (c), the police officer must locate the vehicle
16 with the radio-microwave speed timing device or infrared
17 laser light device in a location that is not intentionally
18 concealed from the motoring public.

19 * * *

20 (g) Local ordinance required to enforce.--

21 (1) Prior to use of radio-microwave speed timing devices
22 or infrared laser light devices used for speed timing by
23 local or regional police officers of political subdivisions
24 authorized under subsection (c), the appropriate governing
25 body must adopt an ordinance authorizing the local or
26 regional police department to employ the devices on roads
27 within the boundaries of the governing body where a required
28 engineering and traffic study has been conducted and in
29 accordance with section 6109(a)(11) (relating to specific
30 powers of department and local authorities) to address

1 citizen complaints or demonstrable traffic safety concerns,
2 such as high crash rates or fatalities.

3 (2) During the initial 90 days of speed enforcement by a
4 local or regional police department of a political
5 subdivision authorized under subsection (c) using radio-
6 microwave speed timing devices or infrared laser light
7 devices, persons may only be sanctioned for violations with a
8 written warning.

9 (h) Excess revenues.--The primary use of radar or LIDAR by
10 local or regional police officers of political subdivisions
11 authorized under subsection (c) is for traffic safety purposes.
12 Each local or regional police department that uses radar or
13 LIDAR shall report annually to the Pennsylvania State Police the
14 municipal revenue generated from speed enforcement citations on
15 such forms as may be prescribed by the Pennsylvania State
16 Police. In the event the municipal share of revenue generated
17 from speed enforcement citations exceeds 5% of the total
18 municipal budget or 5% of the regional police department budget,
19 all sums in excess thereof shall be remitted to the Pennsylvania
20 State Police to be used for traffic safety purposes.

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

23 § 6109. Specific powers of department and local authorities.

24 (a) Enumeration of police powers.--The provisions of this
25 title shall not be deemed to prevent the department on State-
26 designated highways and local authorities on streets or highways
27 within their physical boundaries from the reasonable exercise of
28 their police powers. The following are presumed to be reasonable
29 exercises of police power:

30 * * *

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

4 (i) Except as set forth in subparagraph (ii), speed
5 restrictions may be enforced by [local police] full-time
6 police officers employed by the full-service police
7 department of a political subdivision or regional police
8 department on a limited access or divided highway only if
9 [it] this title authorizes such enforcement and the
10 highway is patrolled by the local or regional police
11 force under the terms of an agreement with the
12 Pennsylvania State Police.

13 (ii) If this title authorizes speed restrictions to
14 be enforced by a police department of a city of the first
15 class, they may be enforced on limited access or divided
16 highways within the police department's jurisdiction. An
17 agreement with the Pennsylvania State Police is not
18 necessary under this subparagraph.

19 * * *

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