

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 419 Session of 2021

INTRODUCED BY SCAVELLO, BROWNE, MENSCH, BARTOLOTTA, COLLETT, MARTIN, MUTH, STEFANO, AUMENT, TARTAGLIONE, BAKER, KEARNEY, L. WILLIAMS, GORDNER, PITTMAN, YUDICHAK, BREWSTER, HAYWOOD AND SANTARSIERO, MARCH 12, 2021

AS AMENDED ON THIRD CONSIDERATION, JUNE 21, 2021

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), (d), (e) and (f)(2) of Title 75
7 of the Pennsylvania Consolidated Statutes are amended and the
8 section 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, may be used
3 only as part of an automated speed enforcement system or by
4 members of the Pennsylvania State Police.] Electronic devices
5 such as radio-microwave devices, commonly referred to as
6 electronic speed meters or radar, may be used only BY A <--
7 POLICE OFFICER OR as part of an automated speed enforcement
8 system or by any police officer. <--

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

14 ~~(4) [No person may be convicted upon evidence obtained~~ <--
15 ~~through the use of devices authorized by paragraphs (2) and~~
16 ~~(3) unless the speed recorded is six or more miles per hour~~
17 ~~in excess of the legal speed limit. Furthermore, no person~~
18 ~~may be convicted upon evidence obtained through the use of~~
19 ~~devices authorized by paragraph (3) in an area where the~~
20 ~~legal speed limit is less than 55 miles per hour if the speed~~
21 ~~recorded is less than ten miles per hour in excess of the~~
22 ~~legal speed limit. This paragraph shall not apply to evidence~~
23 ~~obtained through the use of devices authorized by paragraph~~
24 ~~(2) or (3) within a school zone or an active work zone.] A~~
25 ~~person may not be convicted upon evidence obtained through~~
26 ~~the use of devices authorized by paragraphs (1), (2), (3) and~~
27 ~~(5) unless the speed recorded is more than 10 miles per hour~~
28 ~~in excess of the legal speed limit on a highway or six or~~
29 ~~more miles per hour in excess of the legal speed limit on an~~
30 ~~interstate highway or freeway with a posted speed limit of 70~~

1 ~~miles per hour. This paragraph shall not apply to evidence~~
2 ~~obtained through the use of devices authorized by paragraphs~~
3 ~~(1), (2), (3) or (5) within a school zone or an active work~~
4 ~~zone.~~

5 ~~(5) Light detection and ranging devices, commonly~~
6 ~~referred to as LIDAR, may be used only as part of an~~
7 ~~automated speed enforcement system or by [members of the~~
8 ~~Pennsylvania State Police] any police officer.~~

9 [(4) NO PERSON MAY BE CONVICTED UPON EVIDENCE OBTAINED <--
10 THROUGH THE USE OF DEVICES AUTHORIZED BY PARAGRAPHS (2) AND
11 (3) UNLESS THE SPEED RECORDED IS SIX OR MORE MILES PER HOUR
12 IN EXCESS OF THE LEGAL SPEED LIMIT. FURTHERMORE, NO PERSON
13 MAY BE CONVICTED UPON EVIDENCE OBTAINED THROUGH THE USE OF
14 DEVICES AUTHORIZED BY PARAGRAPH (3) IN AN AREA WHERE THE
15 LEGAL SPEED LIMIT IS LESS THAN 55 MILES PER HOUR IF THE SPEED
16 RECORDED IS LESS THAN TEN MILES PER HOUR IN EXCESS OF THE
17 LEGAL SPEED LIMIT. THIS PARAGRAPH SHALL NOT APPLY TO EVIDENCE
18 OBTAINED THROUGH THE USE OF DEVICES AUTHORIZED BY PARAGRAPH
19 (2) OR (3) WITHIN A SCHOOL ZONE OR AN ACTIVE WORK ZONE.

20 (5) LIGHT DETECTION AND RANGING DEVICES, COMMONLY
21 REFERRED TO AS LIDAR, MAY BE USED ONLY AS PART OF AN
22 AUTOMATED SPEED ENFORCEMENT SYSTEM OR BY MEMBERS OF THE
23 PENNSYLVANIA STATE POLICE.]

24 (4) LIGHT DETECTION AND RANGING DEVICES, COMMONLY
25 REFERRED TO AS LIDAR, MAY BE USED ONLY AS PART OF AN
26 AUTOMATED SPEED ENFORCEMENT SYSTEM OR BY A POLICE OFFICER.

27 (5) A PERSON MAY NOT BE CONVICTED UPON EVIDENCE OBTAINED
28 THROUGH THE USE OF DEVICES AUTHORIZED BY PARAGRAPHS (1), (2),
29 (3) AND (4) UNLESS THE SPEED RECORDED IS MORE THAN 10 MILES
30 PER HOUR IN EXCESS OF THE LEGAL SPEED LIMIT ON A HIGHWAY OR

1 SIX OR MORE MILES PER HOUR IN EXCESS OF THE LEGAL SPEED LIMIT
2 ON AN INTERSTATE HIGHWAY OR FREEWAY WITH A POSTED SPEED LIMIT
3 OF 70 MILES PER HOUR. THIS PARAGRAPH SHALL NOT APPLY TO
4 EVIDENCE OBTAINED THROUGH THE USE OF DEVICES AUTHORIZED BY
5 PARAGRAPH (1), (2), (3) OR (4) WITHIN A SCHOOL ZONE OR AN
6 ACTIVE WORK ZONE.

7 (6) Except for a member of the Pennsylvania State
8 Police, prior to use of an electronic speed meter, radar or
9 light detection and ranging devices:

10 (i) a police officer must complete a training course
11 approved by the Pennsylvania State Police and the
12 Municipal Police Officers' Education and Training
13 Commission; and

14 (ii) in accordance with department regulations,
15 official traffic-control devices, including advanced
16 warning signs indicating the use of electronic speed
17 meters, radar or light detection and ranging devices,
18 must be erected within 500 feet of the border of the
19 political subdivision on the main arteries entering the
20 political subdivision.

21 (7) A police officer of the Delaware River Port
22 Authority or the Delaware River Joint Toll Bridge Commission
23 may, on a highway under the jurisdiction of the Delaware
24 River Port Authority or the Delaware River Joint Toll Bridge
25 Commission, use an electronic speed meter, radar or a light
26 detection and ranging device upon completion of a training
27 course approved by the Pennsylvania State Police and the
28 Municipal Police Officers' Education and Training Commission.

29 (d) Classification, approval and testing of mechanical,
30 electrical and electronic devices.--The department may, by

1 regulation, classify specific devices as being mechanical,
2 electrical or electronic. All mechanical, electrical or
3 electronic devices shall be of a type approved by the
4 department, which shall appoint stations for calibrating and
5 testing the devices and may prescribe regulations as to the
6 manner in which calibrations and tests shall be made. The
7 certification and calibration of electronic devices under
8 subsection (c) (3) shall also include the certification and
9 calibration of all equipment, timing strips and other devices
10 which are actually used with the particular electronic device
11 being certified and calibrated. Electronic devices commonly
12 referred to as electronic speed meters or radar shall have been
13 tested for accuracy within a period of one year prior to the
14 alleged violation. Other devices shall have been tested for
15 accuracy within a period of 60 days prior to the alleged
16 violation. A certificate from the station showing that the
17 calibration and test were made within the required period and
18 that the device was accurate shall be competent and prima facie
19 evidence of those facts in every proceeding in which a violation
20 of this title is charged. A device under subsection (c) (6) must
21 be calibrated and tested every 365 days at a minimum before
22 being used.

23 (e) Distance requirements for use of mechanical, electrical
24 and electronic devices.--Mechanical, electrical or electronic
25 devices or light detection and ranging devices may not be used
26 to time the rate of speed of vehicles within 500 feet after a
27 speed limit sign indicating a decrease of speed. This limitation
28 on the use of speed timing devices shall not apply to speed
29 limit signs indicating school zones, bridge and elevated
30 structure speed limits, hazardous grade speed limits and work

1 zone speed limits.

2 (f) LIDAR testing and calibration.--

3 * * *

4 (2) LIDAR speed measuring devices and LIDAR systems
5 shall be calibrated and tested every 365 days at a minimum
6 before being utilized by [the Pennsylvania State Police] ~~any~~ <--
7 A police officer or as part of an automated speed enforcement <--
8 system.

9 * * *

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

11 (1) Prior to the use of a device under subsection (c)
12 (6), the political subdivision or each political subdivision
13 of a regional police department must adopt an ordinance
14 authorizing the local or regional police department to employ
15 the device on highways within the boundaries of each
16 political subdivision.

17 (2) During the initial 90 days of speed enforcement by a
18 local or regional police department of a political
19 subdivision, an individual may only be sanctioned for
20 violations with a written warning.

21 (3) A device under subsection (c) (6) may not be used to
22 time the rate of speed of vehicles within 500 feet after a
23 speed limit sign indicating a decrease of speed. This
24 limitation on the use of a device shall not apply to a speed
25 limit sign indicating a school zone, bridge and elevated
26 structure speed limit, hazardous grade speed limit and work
27 zone speed limit.

28 (h) Excess revenue.--

29 (1) The primary use of a device under this section shall
30 be for traffic safety purposes.

1 (2) If a political subdivision's share of revenue
2 generated from speed enforcement citations by a device under
3 this section exceeds 10% of the total political subdivision's
4 budget, the excess sum shall be remitted to the ~~Department of~~<--
5 ~~Revenue~~ TREASURY DEPARTMENT on a form and in a manner <--
6 prescribed by the ~~Department of Revenue~~ TREASURY DEPARTMENT <--
7 on or before the 60th day following the end of the political
8 subdivision's fiscal year for deposit into the Highway Safety
9 Cadet Training Restricted Receipts ~~Fund~~ ACCOUNT, which is <--
10 established in the General Fund for the purpose of
11 recruiting, training or equipping Pennsylvania State Police
12 Cadets.
13 Section 2. This act shall take effect in 180 days.