

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 420 Session of 2023

INTRODUCED BY SANTARSIERO, KEARNEY, FONTANA, COLLETT, KANE,
STEFANO, J. WARD, CAPPELLETTI, COSTA, TARTAGLIONE AND MUTH,
MARCH 14, 2023

REFERRED TO TRANSPORTATION, MARCH 14, 2023

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 the use of
18 a device authorized under section 3368(c)(2)(ii) (relating to
19 speed timing devices), no points shall be assigned under

1 subsection (a) unless the speed recorded is 10 or more miles
2 per hour in excess of the legal speed limit.

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

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

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

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

18 Section 2. Section 3368(a), (c) and (e) of Title 75 are
19 amended and the section is amended by adding subsections to
20 read:

21 § 3368. Speed timing devices.

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

29 * * *

30 (c) Mechanical, electrical and electronic devices

1 authorized.--

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

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

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

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

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

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

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

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

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

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

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

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

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

29 "Full-time police officer."

30 (i) An employee of a political subdivision or

1 regional police department who complies with all of the
2 following:

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

6 (B) Is empowered to enforce 18 Pa.C.S. (relating
7 to crimes and offenses) and this title.

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

16 (D) Is provided coverage by a police pension
17 plan under:

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

23 (II) the act of May 22, 1935 (P.L.233,
24 No.99), referred to as the Second Class City
25 Policemen Relief Law;

26 (III) the act of May 29, 1956 (1955
27 P.L.1804, No.600), referred to as the Municipal
28 Police Pension Law;

29 (IV) the act of July 15, 1957 (P.L.901,
30 No.399), known as the Optional Third Class City

1 Charter Law; or

2 (V) the provisions of 11 Pa.C.S. Pt. V

3 (relating to third class cities).

4 (ii) The term does not include auxiliary, part-time
5 or fire police.

6 * * *

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

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

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

24 * * *

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

26 (1) Prior to use of radio-microwave speed timing devices
27 or infrared laser light devices used for speed timing by
28 local or regional police officers of political subdivisions
29 authorized under subsection (c), the appropriate governing
30 body must adopt an ordinance authorizing the local or

1 regional police department to employ the devices on roads
2 within the boundaries of the governing body where a required
3 engineering and traffic study has been conducted and in
4 accordance with section 6109(a)(11) (relating to specific
5 powers of department and local authorities) to address
6 resident complaints or demonstrable traffic safety concerns,
7 such as high crash rates or fatalities.

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

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

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

28 § 6109. Specific powers of department and local authorities.

29 (a) Enumeration of police powers.--The provisions of this
30 title shall not be deemed to prevent the department on State-

1 designated highways and local authorities on streets or highways
2 within their physical boundaries from the reasonable exercise of
3 their police powers. The following are presumed to be reasonable
4 exercises of police power:

5 * * *

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

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

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

24 * * *

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