

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 535 Session of 2015

INTRODUCED BY VULAKOVICH, ALLOWAY, AUMENT, BAKER, BLAKE, BREWSTER, BROWNE, COSTA, EICHELBERGER, FONTANA, HAYWOOD, MENSCH, PILEGGI, SCAVELLO, SCHWANK, SMITH, SMUCKER, STEFANO, TEPLITZ, WHITE, YUDICHAK, KITCHEN, DINNIMAN AND MCGARRIGLE, FEBRUARY 20, 2015

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 17, 2016

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; AND, in rules of the road
4 in general, further providing for speed timing devices.

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

7 Section 1. ~~Section 3368(c) of Title 75 of the Pennsylvania~~ <--
8 ~~Consolidated Statutes is amended to read:~~

9 SECTION 1. SECTION 1535(D) OF TITLE 75 OF THE PENNSYLVANIA <--
10 CONSOLIDATED STATUTES IS 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

1 DEVICE AUTHORIZED BY SECTION 3368(C) (2) (RELATING TO SPEED
2 TIMING DEVICES), NO POINTS SHALL BE ASSIGNED UNDER SUBSECTION
3 (A) UNLESS THE SPEED RECORDED IS 10 OR MORE MILES PER HOUR IN
4 EXCESS OF THE LEGAL SPEED LIMIT.

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6 SECTION 2. SECTION 3368(C) AND (D) OF TITLE 75 ARE AMENDED
7 AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

8 § 3368. Speed timing devices.

9 * * *

10 (c) Mechanical, electrical and electronic devices
11 authorized.--

12 (1) Except as otherwise provided in this section, the
13 rate of speed of any vehicle may be timed on any highway by a
14 police officer using a mechanical or electrical speed timing
15 device.

16 (2) Except as otherwise provided in paragraph (3),
17 electronic devices such as radio-microwave devices (commonly
18 referred to as electronic speed meters or radar) or infrared
19 laser light devices (commonly referred to as LIDAR) may be
20 used [only by members of the Pennsylvania State Police.] by
21 any police officer upon completion of a training course
22 approved by the Pennsylvania State Police and the Municipal
23 Police officers' Education and Training Commission. IF <--
24 OFFICIAL WARNING SIGNS INDICATING THE USE OF THE DEVICES ARE
25 ERECTED WITHIN 500 FEET OF THE BORDER OF THE POLITICAL
26 SUBDIVISION ON THE MAIN ARTERIES ENTERING THAT POLITICAL
27 SUBDIVISION.

28 (3) Electronic devices which calculate speed by
29 measuring elapsed time between measured road surface points
30 by using two sensors and devices which measure and calculate

1 the average speed of a vehicle between any two points may be
2 used by any police officer.

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

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15 (D) CLASSIFICATION, APPROVAL AND TESTING OF MECHANICAL,
16 ELECTRICAL AND ELECTRONIC DEVICES.--

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17 (1) THE DEPARTMENT MAY, BY REGULATION, CLASSIFY SPECIFIC
18 DEVICES AS BEING MECHANICAL, ELECTRICAL OR ELECTRONIC.

19 (2) ALL MECHANICAL, ELECTRICAL OR ELECTRONIC DEVICES
20 SHALL BE OF A TYPE APPROVED BY THE DEPARTMENT, WHICH SHALL
21 APPOINT STATIONS FOR CALIBRATING AND TESTING THE DEVICES [AND
22 MAY PRESCRIBE REGULATIONS AS TO THE MANNER IN WHICH
23 CALIBRATIONS AND TESTS SHALL BE MADE].

24 (3) ALL DEVICES, INCLUDING LIDAR LASER DEVICES AND
25 ELECTRONIC SPEED METERS OR RADARS MUST BE TESTED FOR ACCURACY
26 WITHIN A PERIOD OF ONE YEAR PRIOR TO THE ALLEGED VIOLATION IN
27 ACCORDANCE WITH SPECIFICATIONS PRESCRIBED BY THE NATIONAL
28 HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

29 (4) ALL ELECTRONIC DEVICES, SUCH AS LIDAR LASER DEVICES,
30 AND ELECTRONIC SPEED DEVICES, SUCH AS SPEED METERS OR RADARS,

1 APPROVED FOR USE IN THIS COMMONWEALTH, MUST APPEAR ON THE
2 CONSUMER PRODUCTS LIST, IN CONJUNCTION WITH NATIONAL HIGHWAY
3 TRAFFIC SAFETY ADMINISTRATION STANDARDS.

4 (5) THE CERTIFICATION AND CALIBRATION OF ELECTRONIC
5 DEVICES UNDER SUBSECTION (C) (3) SHALL ALSO INCLUDE THE
6 CERTIFICATION AND CALIBRATION OF ALL EQUIPMENT, TIMING STRIPS
7 AND OTHER DEVICES WHICH ARE ACTUALLY USED WITH THE PARTICULAR
8 ELECTRONIC DEVICE BEING CERTIFIED AND CALIBRATED.

9 (6) ELECTRONIC DEVICES COMMONLY REFERRED TO AS
10 ELECTRONIC SPEED METERS OR RADAR SHALL HAVE BEEN TESTED FOR
11 ACCURACY WITHIN A PERIOD OF ONE YEAR PRIOR TO THE ALLEGED
12 VIOLATION. OTHER DEVICES SHALL HAVE BEEN TESTED FOR ACCURACY
13 WITHIN A PERIOD OF 60 DAYS PRIOR TO THE ALLEGED VIOLATION.

14 (7) A CERTIFICATE FROM THE STATION SHOWING THAT THE
15 CALIBRATION AND TEST WERE MADE WITHIN THE REQUIRED PERIOD AND
16 THAT THE DEVICE WAS ACCURATE SHALL BE COMPETENT AND PRIMA
17 FACIE EVIDENCE OF THOSE FACTS IN EVERY PROCEEDING IN WHICH A
18 VIOLATION OF THIS TITLE IS CHARGED.

19 * * *

20 (F) 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, THE POLITICAL SUBDIVISION
24 OR POLITICAL SUBDIVISIONS OF A REGIONAL POLICE DEPARTMENT
25 SHALL ADOPT AN ORDINANCE AUTHORIZING THE LOCAL OR REGIONAL
26 POLICE DEPARTMENT TO EMPLOY SUCH DEVICES ON ROADS WITHIN THE
27 BOUNDARIES OF THE POLITICAL SUBDIVISION OR POLITICAL
28 SUBDIVISIONS.

29 (2) DURING THE INITIAL 90 DAYS OF SPEED ENFORCEMENT BY A
30 LOCAL OR REGIONAL POLICE DEPARTMENT OF A POLITICAL

1 SUBDIVISION USING RADIO-MICROWAVE SPEED TIMING DEVICES OR
2 INFRARED LASER LIGHT DEVICES, PERSONS MAY ONLY BE SANCTIONED
3 FOR VIOLATIONS WITH A WRITTEN WARNING.

4 (G) EXCESS REVENUES.--

5 (1) THE PRIMARY USE OF RADAR OR LIDAR BY LOCAL OR
6 REGIONAL POLICE OFFICERS OF POLITICAL SUBDIVISIONS AUTHORIZED
7 UNDER SUBSECTION (C) IS FOR TRAFFIC SAFETY PURPOSES.

8 (2) EACH LOCAL OR REGIONAL POLICE DEPARTMENT THAT USES
9 RADAR OR LIDAR SHALL REPORT ANNUALLY TO THE DEPARTMENT OF
10 REVENUE THE MUNICIPAL REVENUE GENERATED FROM SPEED
11 ENFORCEMENT CITATIONS ON FORMS AS MAY BE PRESCRIBED BY THE
12 DEPARTMENT OF REVENUE.

13 (3) IF THE MUNICIPAL SHARE OF REVENUE GENERATED FROM
14 SPEED ENFORCEMENT CITATIONS BY RADAR OR LIDAR EXCEEDS 20% OF
15 THE TOTAL MUNICIPAL BUDGET OR 20% OF THE MUNICIPAL BUDGET OF
16 EACH MUNICIPALITY WITHIN A REGIONAL POLICE DEPARTMENT, THE
17 EXCESS SUM SHALL BE REMITTED TO THE DEPARTMENT OF REVENUE FOR
18 DEPOSIT INTO THE GENERAL FUND TO BE APPROPRIATED BY THE
19 GENERAL ASSEMBLY TO BE USED FOR TRAFFIC SAFETY PURPOSES.

20 Section 2 3. This act shall take effect in 120 days.

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