

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 251 Session of  
2017

INTRODUCED BY VULAKOVICH, ALLOWAY, AUMENT, BARTOLOTTA, BLAKE,  
BREWSTER, COSTA, FONTANA, HAYWOOD, LEACH, MARTIN, MENSCH,  
RAFFERTY, SCAVELLO, SCHWANK, STEFANO, WHITE, YUDICHAK, BAKER  
AND DINNIMAN, JANUARY 27, 2017

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 4, 2018

## 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 AMENDING TITLES 44 (LAW AND JUSTICE) AND 75 (VEHICLES) OF THE <--  
5 PENNSYLVANIA CONSOLIDATED STATUTES, CODIFYING PROHIBITION ON  
6 POLITICAL SUBDIVISIONS AND COMMONWEALTH AGENCIES IMPOSING  
7 QUOTAS ON THE ISSUANCE OF CITATIONS FOR CERTAIN OFFENSES AND  
8 PROHIBITING THE PRACTICE OF STATION AVERAGING; IN LICENSING  
9 OF DRIVERS, FURTHER PROVIDING FOR SCHEDULE OF CONVICTIONS AND  
10 POINTS; IN RULES OF THE ROAD IN GENERAL, PROVIDING FOR RADAR  
11 ENFORCEMENT SYSTEMS PILOT PROGRAM; AND MAKING A RELATED  
12 REPEAL.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 ~~Section 1. Section 3368(c) and (d) of Title 75 of the~~ <--  
16 ~~Pennsylvania Consolidated Statutes are amended and the section~~  
17 ~~is amended by adding subsections to read:~~

18 ~~§ 3368. Speed timing devices.~~

19 \* \* \*

20 ~~(c) Mechanical, electrical and electronic devices~~  
21 ~~authorized.~~

1           ~~(1) Except as otherwise provided in this section, the~~  
2 ~~rate of speed of any vehicle may be timed on any highway by a~~  
3 ~~police officer using a mechanical or electrical speed timing~~  
4 ~~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 by members of the Pennsylvania State Police.] by~~  
10 ~~any police officer upon completion of a training course~~  
11 ~~approved by the Pennsylvania State Police and the Municipal~~  
12 ~~Police Officers' Education and Training Commission if~~  
13 ~~official warning signs indicating the use of the devices are~~  
14 ~~erected within 500 feet of the border of the political~~  
15 ~~subdivision on the main arteries entering that political~~  
16 ~~subdivision.~~

17           ~~(3) Electronic devices which calculate speed by~~  
18 ~~measuring elapsed time between measured road surface points~~  
19 ~~by using two sensors and devices which measure and calculate~~  
20 ~~the average speed of a vehicle between any two points may be~~  
21 ~~used by any police officer.~~

22           ~~(4) No person may be convicted upon evidence obtained~~  
23 ~~through the use of devices authorized by paragraphs (2) and~~  
24 ~~(3) unless the speed recorded is six or more miles per hour~~  
25 ~~in excess of the legal speed limit. Furthermore, no person~~  
26 ~~may be convicted upon evidence obtained through the use of~~  
27 ~~devices authorized by paragraph (3) in an area where the~~  
28 ~~legal speed limit is less than 55 miles per hour if the speed~~  
29 ~~recorded is less than ten miles per hour in excess of the~~  
30 ~~legal speed limit. Additionally, no person may be convicted~~

1 ~~upon evidence obtained through the use of devices authorized~~  
2 ~~by paragraph (2) if the speed recorded is less than ten miles~~  
3 ~~per hour in excess of the legal speed limit. This paragraph~~  
4 ~~shall not apply to evidence obtained through the use of~~  
5 ~~devices authorized by paragraph (2) or (3) within a school~~  
6 ~~zone or an active work zone.~~

7 ~~(d) Classification, approval and testing of mechanical,~~  
8 ~~electrical and electronic devices.—~~

9 ~~(1) The department may, by regulation, classify specific~~  
10 ~~devices as being mechanical, electrical or electronic.~~

11 ~~(2) All mechanical, electrical or electronic devices~~  
12 ~~shall be of a type approved by the department, which shall~~  
13 ~~appoint stations for calibrating and testing the devices [and~~  
14 ~~may prescribe regulations as to the manner in which~~  
15 ~~calibrations and tests shall be made].~~

16 ~~(3) All devices, including LIDAR laser devices and~~  
17 ~~electronic speed meters or radars, must be tested for~~  
18 ~~accuracy within a period of one year prior to the alleged~~  
19 ~~violation in accordance with specifications prescribed by the~~  
20 ~~National Highway Traffic Safety Administration.~~

21 ~~(4) All electronic devices, such as LIDAR laser devices,~~  
22 ~~and electronic speed devices, such as speed meters or radars,~~  
23 ~~approved for use in this Commonwealth, must appear on the~~  
24 ~~conforming products list, in conjunction with National~~  
25 ~~Highway Traffic Safety Administration standards.~~

26 ~~(5) The certification and calibration of electronic~~  
27 ~~devices under subsection (c) (3) shall also include the~~  
28 ~~certification and calibration of all equipment, timing strips~~  
29 ~~and other devices which are actually used with the particular~~  
30 ~~electronic device being certified and calibrated.~~

1       ~~(6) Electronic devices commonly referred to as~~  
2       ~~electronic speed meters or radar shall have been tested for~~  
3       ~~accuracy within a period of one year prior to the alleged~~  
4       ~~violation. Other devices shall have been tested for accuracy~~  
5       ~~within a period of 60 days prior to the alleged violation.~~

6       ~~(7) A certificate from the station showing that the~~  
7       ~~calibration and test were made within the required period and~~  
8       ~~that the device was accurate shall be competent and prima~~  
9       ~~facie evidence of those facts in every proceeding in which a~~  
10       ~~violation of this title is charged.~~

11       ~~\* \* \*~~

12       ~~(f) Local ordinance required to enforce.~~

13       ~~(1) Prior to use of radio microwave speed timing devices~~  
14       ~~or infrared laser light devices used for speed timing by~~  
15       ~~local or regional police officers, the political subdivision~~  
16       ~~or political subdivisions of a regional police department~~  
17       ~~shall adopt an ordinance authorizing the local or regional~~  
18       ~~police department to employ such devices on roads within the~~  
19       ~~boundaries of the political subdivision or political~~  
20       ~~subdivisions.~~

21       ~~(2) During the initial 90 days of speed enforcement by a~~  
22       ~~local or regional police department of a political~~  
23       ~~subdivision using radio microwave speed timing devices or~~  
24       ~~infrared laser light devices, persons may only be sanctioned~~  
25       ~~for violations with a written warning.~~

26       ~~(g) Excess revenues.~~

27       ~~(1) The primary use of radar or LIDAR by local or~~  
28       ~~regional police officers of political subdivisions authorized~~  
29       ~~under subsection (c) is for traffic safety purposes.~~

30       ~~(2) If the municipal share of revenue generated from~~

~~speed enforcement citations by radar or LIDAR exceeds 20% of  
the total municipal budget or 20% of the municipal budget of  
each municipality within a regional police department, the  
excess sum shall be remitted to the Department of Revenue on  
a form or in a manner prescribed by the Department of Revenue  
on or before the 60th day following the end of the  
municipality's fiscal year for deposit into the General Fund  
to be appropriated by the General Assembly to be used for  
traffic safety purposes.~~

~~Section 2. This act shall take effect in 120 days.~~

SECTION 1. TITLE 44 OF THE PENNSYLVANIA CONSOLIDATED  
STATUTES IS AMENDED BY ADDING A PART TO READ:

PART V

LAW ENFORCEMENT

CHAPTER

85. ISSUANCE OF CITATIONS

CHAPTER 85

ISSUANCE OF CITATIONS

SEC.

8501. DEFINITIONS.

8502. QUOTAS PROHIBITED.

8503. STATION AVERAGING PROHIBITED.

8504. VIOLATION.

§ 8501. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
CONTEXT CLEARLY INDICATES OTHERWISE:

"CITATION." A TRAFFIC CITATION, TICKET OR ANY OTHER TYPE OF  
CITATION.

"ENFORCEMENT OFFICER." A MUNICIPAL POLICE OFFICER,

1 PENNSYLVANIA STATE POLICE OFFICER, GAME COMMISSION OFFICER, FISH  
2 COMMISSION OFFICER OR ANY OTHER OFFICER EMPLOYED BY A POLITICAL  
3 SUBDIVISION, REGIONAL POLICE DEPARTMENT OR AGENCY OF THE  
4 COMMONWEALTH.

5 "POINTS OF CONTACT." ANY QUANTIFIABLE CONTACT MADE IN THE  
6 FURTHERANCE OF THE ENFORCEMENT OFFICER'S DUTIES, INCLUDING, BUT  
7 NOT LIMITED TO, THE NUMBER OF TRAFFIC STOPS COMPLETED, ARRESTS,  
8 WRITTEN WARNINGS AND CRIME PREVENTION MEASURES. THE TERM SHALL  
9 NOT INCLUDE EITHER THE ISSUANCE OF CITATIONS OR THE NUMBER OF  
10 CITATIONS ISSUED BY AN ENFORCEMENT OFFICER.

11 § 8502. QUOTAS PROHIBITED.

12 (A) GENERAL RULE.--NO POLITICAL SUBDIVISION, REGIONAL POLICE  
13 DEPARTMENT OR AGENCY OF THE COMMONWEALTH SHALL HAVE THE POWER OR  
14 AUTHORITY TO ORDER, MANDATE, REQUIRE OR IN ANY OTHER MANNER,  
15 DIRECTLY OR INDIRECTLY, SUGGEST TO ANY ENFORCEMENT OFFICER THAT  
16 THE ENFORCEMENT OFFICER SHALL ISSUE A CERTAIN NUMBER OF  
17 CITATIONS ON A DAILY, WEEKLY, MONTHLY, QUARTERLY OR YEARLY  
18 BASIS.

19 (B) AWARD NOT AFFECTED.--THE PROHIBITION UNDER SUBSECTION  
20 (A) SHALL NOT AFFECT THE CONDITIONS OF ANY FEDERAL OR STATE  
21 GRANTS OR FUNDS AWARDED TO A POLITICAL SUBDIVISION, REGIONAL  
22 POLICE DEPARTMENT OR AGENCY OF THE COMMONWEALTH AND USED TO FUND  
23 TRAFFIC ENFORCEMENT PROGRAMS.

24 § 8503. STATION AVERAGING PROHIBITED.

25 (A) GENERAL RULE.--A POLITICAL SUBDIVISION, REGIONAL POLICE  
26 DEPARTMENT OR AGENCY OF THE COMMONWEALTH MAY NOT FOR PURPOSES OF  
27 EVALUATING AN ENFORCEMENT OFFICER'S JOB PERFORMANCE COMPARE THE  
28 NUMBER OF CITATIONS ISSUED BY THE ENFORCEMENT OFFICER TO THE  
29 NUMBER OF CITATIONS ISSUED BY ANY OTHER ENFORCEMENT OFFICER WHO  
30 HAS SIMILAR JOB DUTIES.

1 (B) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL PROHIBIT  
2 THE EVALUATION OF THE JOB PERFORMANCE OF AN ENFORCEMENT OFFICER  
3 BASED ON THE ENFORCEMENT OFFICER'S POINTS OF CONTACT.

4 § 8504. VIOLATION.

5 ANY CITATION ISSUED IN VIOLATION OF THIS CHAPTER SHALL BE  
6 UNENFORCEABLE, NULL AND VOID.

7 SECTION 2. SECTION 1535(D) AND (E) OF TITLE 75 ARE AMENDED  
8 TO READ:

9 § 1535. SCHEDULE OF CONVICTIONS AND POINTS.

10 \* \* \*

11 (D) [EXCEPTION] EXCEPTIONS.--

12 (1) THIS SECTION DOES NOT APPLY TO A PERSON WHO WAS  
13 OPERATING A PEDALCYCLE OR AN ANIMAL DRAWN VEHICLE.

14 (2) IF A SPEEDING OFFENSE UNDER SECTION 3362 (RELATING  
15 TO MAXIMUM SPEED LIMITS) IS CHARGED AS A RESULT OF USE OF A  
16 DEVICE AUTHORIZED BY SECTION 3369 (RELATING TO RADAR  
17 ENFORCEMENT SYSTEMS PILOT PROGRAM), NO POINTS SHALL BE  
18 ASSIGNED UNDER SUBSECTION (A).

19 (E) SUSPENSION OF OPERATING PRIVILEGE.--IN ADDITION TO OTHER  
20 PROVISIONS OF THIS TITLE RELATING TO THE SUSPENSION OR  
21 REVOCATION OF OPERATING PRIVILEGES, THE DEPARTMENT SHALL SUSPEND  
22 FOR 15 DAYS THE OPERATING PRIVILEGES OF ANY PERSON WHO FOR A  
23 VIOLATION IN AN ACTIVE WORK ZONE IS CONVICTED UNDER:

24 (1) SECTION 3361 WHERE THE DEPARTMENT HAS RECEIVED AN  
25 ACCIDENT REPORT SUBMITTED PURSUANT TO SECTION 3751 (RELATING  
26 TO REPORTS BY POLICE); OR

27 (2) SECTION 3362 [(RELATING TO MAXIMUM SPEED LIMITS)] BY  
28 EXCEEDING THE POSTED SPEED LIMIT BY 11 MILES PER HOUR OR  
29 MORE.

30 A CONVICTION REPORT RECEIVED BY THE DEPARTMENT WHICH INDICATES

1 THAT THE VIOLATION OF SECTION 3361 OR 3362 OCCURRED IN AN ACTIVE  
2 WORK ZONE SHALL CREATE A PRESUMPTION THAT THE VIOLATION OCCURRED  
3 IN AN ACTIVE WORK ZONE.

4 SECTION 3. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:  
5 § 3369. RADAR ENFORCEMENT SYSTEMS PILOT PROGRAM.

6 (A) GENERAL RULE.--NOTWITHSTANDING SECTION 3368(C)(2)  
7 (RELATING TO SPEED TIMING DEVICES), FULL-TIME POLICE OFFICERS  
8 ARE AUTHORIZED TO ENFORCE SECTION 3362 (RELATING TO MAXIMUM  
9 SPEED LIMITS) ON MUNICIPAL ROADS IN THEIR RESPECTIVE  
10 JURISDICTIONS USING ELECTRONIC DEVICES SUCH AS RADIO-MICROWAVE  
11 DEVICES, COMMONLY REFERRED TO AS ELECTRONIC SPEED METERS OR  
12 RADAR, IN ACCORDANCE WITH THIS SECTION. ENFORCEMENT OF SPEED  
13 RESTRICTIONS UNDER THIS SECTION MAY BE ENFORCED BY FULL-TIME  
14 POLICE OFFICERS ON A STATE-OWNED LIMITED ACCESS OR DIVIDED  
15 HIGHWAY ONLY IF THE HIGHWAY IS PATROLLED BY THE LOCAL POLICE  
16 DEPARTMENT UNDER THE TERMS OF AN AGREEMENT WITH THE PENNSYLVANIA  
17 STATE POLICE.

18 (B) REQUIREMENTS FOR POLICE OFFICERS.--FULL-TIME POLICE  
19 OFFICERS USING ELECTRONIC DEVICES MUST:

20 (1) COMPLETE A TRAINING COURSE APPROVED BY THE  
21 PENNSYLVANIA STATE POLICE AND THE MUNICIPAL POLICE OFFICERS'  
22 EDUCATION AND TRAINING COMMISSION AND A RECERTIFICATION  
23 COURSE EVERY THREE YEARS THEREAFTER;

24 (2) BE EMPLOYED BY A FULL-SERVICE POLICE DEPARTMENT  
25 ACCREDITED BY THE PENNSYLVANIA LAW ENFORCEMENT ACCREDITATION  
26 COMMISSION; AND

27 (3) OPERATE THE DEVICES FROM A CLEARLY MARKED VEHICLE IN  
28 A LOCATION THAT IS READILY VISIBLE TO THE MOTORING PUBLIC.

29 (C) CONVICTION.--NO PERSON MAY BE CONVICTED UPON EVIDENCE  
30 OBTAINED THROUGH THE USE OF ELECTRONIC DEVICES UNLESS:

1           (1) THE SPEED RECORDED IS OVER 10 MILES PER HOUR IN  
2           EXCESS OF THE LEGALLY POSTED SPEED LIMIT.

3           (2) OFFICIAL WARNING SIGNS INDICATING THE USE OF  
4           ELECTRONIC DEVICES BY A FULL-TIME POLICE OFFICER AND WORDED  
5           "LOCAL POLICE RADAR ENFORCED" ARE ERECTED WITHIN 500 FEET OF  
6           THE BORDER OF THE POLITICAL SUBDIVISION ON THE MAIN ARTERIES  
7           ENTERING THAT POLITICAL SUBDIVISION.

8           (D) CERTIFICATION OF SPEED LIMIT.--THE SPEED LIMIT FOR ANY  
9           ROADWAY CHOSEN FOR SPEED ENFORCEMENT UNDER THIS SECTION SHALL BE  
10           CERTIFIED AFTER PASSAGE OF THE ORDINANCE REQUIRED UNDER  
11           SUBSECTION (G) AND IN ADVANCE OF ENFORCEMENT THROUGH AN  
12           ENGINEERING AND TRAFFIC STUDY AS AUTHORIZED UNDER SECTION 6105  
13           (RELATING TO DEPARTMENT TO PRESCRIBE TRAFFIC AND ENGINEERING  
14           INVESTIGATIONS) UNLESS AN ENGINEERING AND TRAFFIC STUDY HAS BEEN  
15           CONDUCTED WITHIN THE LAST TWO YEARS, AND SHALL BE AVAILABLE FOR  
16           PUBLIC INSPECTION.

17           (E) PENALTY.--A PENALTY IMPOSED UNDER SECTION 3362 AS A  
18           RESULT OF USE OF AN ELECTRONIC DEVICE SHALL NOT BE DEEMED A  
19           CRIMINAL CONVICTION AND SHALL NOT BE MADE PART OF THE OPERATING  
20           RECORD UNDER SECTION 1535 (RELATING TO SCHEDULE OF CONVICTIONS  
21           AND POINTS) OF THE INDIVIDUAL UPON WHOM THE PENALTY IS IMPOSED,  
22           NOR MAY THE IMPOSITION OF THE PENALTY BE SUBJECT TO MERIT RATING  
23           FOR INSURANCE PURPOSES.

24           (F) CLASSIFICATION, APPROVAL AND TESTING OF ELECTRONIC  
25           DEVICES.--ELECTRONIC DEVICES USED UNDER THIS SECTION SHALL BE  
26           SUBJECT TO THE PROVISIONS OF SECTION 3368 (D) AND MUST BE TESTED  
27           FOR ACCURACY WITHIN A PERIOD OF ONE YEAR PRIOR TO THE ALLEGED  
28           VIOLATION IN ACCORDANCE WITH SPECIFICATIONS PRESCRIBED BY  
29           NATIONAL HIGHWAY SAFETY ADMINISTRATION STANDARDS. ALL ELECTRONIC  
30           DEVICES USED UNDER THIS SECTION MUST APPEAR ON THE CONFORMING

1 PRODUCTS LIST, IN CONJUNCTION WITH NATIONAL HIGHWAY SAFETY  
2 ADMINISTRATION STANDARDS.

3 (G) LOCAL ORDINANCE REQUIRED TO ENFORCE.--PRIOR TO EMPLOYING  
4 ELECTRONIC DEVICES IN SPEED LIMIT ENFORCEMENT, THE GOVERNING  
5 BODY OF THE MUNICIPALITY MUST ADOPT AN ORDINANCE AUTHORIZING THE  
6 USE OF ELECTRONIC DEVICES BY FULL-TIME POLICE OFFICERS ON  
7 ROADWAYS UNDER SUBSECTION (A) WITHIN THE BOUNDARIES OF THE  
8 MUNICIPALITY WHERE SPEED LIMITS HAVE BEEN POSTED ACCORDING TO  
9 THE RESULTS OF THE REQUIRED ENGINEERING AND TRAFFIC STUDY AND IN  
10 ACCORDANCE WITH SECTION 6109(A) (11) (RELATING TO SPECIFIC POWERS  
11 OF DEPARTMENT AND LOCAL AUTHORITIES) TO ADDRESS CITIZEN  
12 COMPLAINTS OR DEMONSTRABLE TRAFFIC SAFETY CONCERNS, SUCH AS HIGH  
13 CRASH RATES OR FATALITIES.

14 (H) INITIAL PERIOD.--DURING THE INITIAL 90 DAYS OF SPEED  
15 ENFORCEMENT USING ELECTRONIC DEVICES, INDIVIDUALS MAY ONLY BE  
16 SANCTIONED FOR VIOLATIONS WITH A WRITTEN WARNING.

17 (I) REPORT.--EACH MUNICIPALITY THAT ADOPTS AN ORDINANCE  
18 AUTHORIZING THE USE OF ELECTRONIC DEVICES SHALL SUBMIT AN ANNUAL  
19 REPORT TO THE LOCAL GOVERNMENT COMMISSION, WHICH SHALL BE  
20 CONSIDERED A PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008  
21 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW. THE REPORT SHALL  
22 INCLUDE THE FOLLOWING FOR THE PRIOR YEAR:

23 (1) THE NUMBER OF VIOLATIONS, WRITTEN WARNINGS AND FINES  
24 ISSUED UNDER THIS SECTION.

25 (2) A COMPILATION OF ALL FINES PAID AND OUTSTANDING.

26 (3) THE NUMBER OF MOVING VIOLATIONS AND FINES ISSUED  
27 UNDER OTHER PROVISIONS OF THIS TITLE.

28 (J) REPORT BY LOCAL GOVERNMENT COMMISSION.--BEGINNING WITH  
29 THE SECOND FULL CALENDAR YEAR FOLLOWING THE ENACTMENT OF THIS  
30 SECTION, AND IN EACH CALENDAR YEAR THEREAFTER, THE LOCAL

1 GOVERNMENT COMMISSION SHALL SUBMIT A REPORT TO THE CHAIR AND  
2 MINORITY CHAIR OF THE TRANSPORTATION COMMITTEE OF THE SENATE AND  
3 THE CHAIR AND MINORITY CHAIR OF THE TRANSPORTATION COMMITTEE OF  
4 THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL BE CONSIDERED A  
5 PUBLIC RECORD UNDER THE RIGHT-TO-KNOW LAW. THE REPORT SHALL  
6 INCLUDE THE FOLLOWING INFORMATION FOR THE PRIOR YEAR:

7 (1) THE TOTAL NUMBER OF VIOLATIONS, WRITTEN WARNINGS AND  
8 FINES ISSUED BY MUNICIPALITIES UNDER THIS SECTION.

9 (2) A COMPILATION OF ALL FINES PAID AND OUTSTANDING.

10 (3) THE TOTAL NUMBER OF MOVING VIOLATIONS AND FINES  
11 ISSUED UNDER OTHER PROVISIONS OF THIS TITLE.

12 (K) REVENUE LIMIT.--A MUNICIPAL SHARE OF REVENUE GENERATED  
13 FROM THE USE OF AN ELECTRONIC DEVICE MAY NOT EXCEED AN AMOUNT  
14 EQUAL TO OR GREATER THAN 1% OF THE MUNICIPALITY'S ANNUAL BUDGET.  
15 ALL REVENUE COLLECTED IN EXCESS OF THIS AMOUNT SHALL BE REMITTED  
16 TO THE DEPARTMENT FOR DEPOSIT IN THE TRANSPORTATION ENHANCEMENTS  
17 GRANT PROGRAM ACCOUNT ESTABLISHED UNDER SECTION 3116(L) (2)  
18 (RELATING TO AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST  
19 CLASS CITIES).

20 (L) DEFENSE.--THE PRIMARY USE OF AN ELECTRONIC DEVICE BY A  
21 POLICE OFFICER IS FOR PURPOSES OF TRAFFIC SAFETY. IT SHALL BE A  
22 DEFENSE TO A PROSECUTION ARISING FROM THE USE OF AN ELECTRONIC  
23 DEVICE THAT THE PRIMARY USE OF THE DEVICE IS TO GENERATE  
24 REVENUE.

25 (M) CONSTRUCTION.--NOTWITHSTANDING ANY PROVISION OF THIS  
26 SECTION, THIS SECTION SHALL NOT ABROGATE, LIMIT, RESTRICT OR  
27 DIMINISH ANY AUTHORITY GRANTED BY LAW TO AND EXERCISED BY THE  
28 PENNSYLVANIA STATE POLICE AS OF THE EFFECTIVE DATE OF THIS  
29 SECTION.

30 (N) EXPIRATION.--THIS SECTION SHALL EXPIRE DECEMBER 31,

1 2024.

2 (O) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
3 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
4 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

5 "ELECTRONIC DEVICES." THE ELECTRONIC DEVICES DESCRIBED UNDER  
6 SUBSECTION (A).

7 "FULL-SERVICE POLICE DEPARTMENT." A MUNICIPAL OR REGIONAL  
8 POLICE DEPARTMENT WHICH:

9 (1) IS AUTHORIZED BY ONE OR MORE POLITICAL SUBDIVISIONS;

10 (2) PROVIDES 24-HOUR-A-DAY PATROL AND INVESTIGATIVE  
11 SERVICES; AND

12 (3) REPORTS ITS ACTIVITIES MONTHLY TO THE PENNSYLVANIA  
13 STATE POLICE IN ACCORDANCE WITH THE UNIFORM CRIME REPORTING  
14 SYSTEM.

15 "FULL-TIME POLICE OFFICER." AN EMPLOYEE OF A POLITICAL  
16 SUBDIVISION OR REGIONAL POLICE DEPARTMENT WHO COMPLIES WITH ALL  
17 OF THE FOLLOWING:

18 (1) IS CERTIFIED UNDER 53 PA.C.S. CH. 21 SUBCH. D  
19 (RELATING TO MUNICIPAL POLICE EDUCATION AND TRAINING).

20 (2) IS EMPOWERED TO ENFORCE 18 PA.C.S. (RELATING TO  
21 CRIMES AND OFFENSES) AND THIS TITLE.

22 THE TERM DOES NOT INCLUDE A PENNSYLVANIA STATE POLICE OFFICER,  
23 PART-TIME OR AUXILIARY POLICE, CONSTABLES, SHERIFFS OR THEIR  
24 DEPUTIES, FIRE POLICE, TRANSIT POLICE, AIRPORT POLICE, PARK  
25 RANGERS, UNIVERSITY OR COLLEGE POLICE, GAME WARDENS, FISH  
26 COMMISSION OFFICERS OR RAILROAD POLICE OR ANY EMPLOYEE OF A  
27 POLICE AGENCY WHICH DOES NOT MAINTAIN CONTINUOUS PRIMARY POLICE  
28 COVERAGE OF ITS JURISDICTION 24 HOURS PER DAY EVERY DAY OF THE  
29 YEAR.

30 SECTION 4. REPEALS ARE AS FOLLOWS:

1           (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
2 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 44  
3 PA.C.S. PT. V.

4           (2) THE ACT OF OCTOBER 30, 1981 (P.L.321, NO.114),  
5 ENTITLED "AN ACT PROHIBITING POLITICAL SUBDIVISIONS OR  
6 AGENCIES OF THE COMMONWEALTH FROM IMPOSING CERTAIN QUOTAS ON  
7 THE ISSUANCE OF CITATIONS FOR CERTAIN OFFENSES," IS REPEALED.  
8 SECTION 5. THIS ACT SHALL TAKE EFFECT IN 120 DAYS.