
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 279 Session of
2017

INTRODUCED BY RAFFERTY, MCGARRIGLE, BLAKE, BARTOLOTTA, SCAVELLO,
MARTIN, BREWSTER, AUMENT, HAYWOOD, COSTA, SCHWANK AND
STEFANO, JANUARY 31, 2017

REFERRED TO TRANSPORTATION, JANUARY 31, 2017

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; and, in powers of department and
4 local authorities, further providing for specific powers of
5 department and local authorities.

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

8 Section 1. Section 3368(a), (c), (d) and (e) of Title 75 of
9 the Pennsylvania Consolidated Statutes are amended and the
10 section is amended by adding subsections to read:

11 § 3368. Speed timing devices.

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

19 * * *

1 (c) Mechanical, electrical and electronic devices

2 authorized.--

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

7 (2) Except as otherwise provided in paragraph (3),
8 electronic devices such as radio-microwave devices (commonly
9 referred to as electronic speed meters or radar) or infrared
10 laser light devices (commonly referred to as LIDAR) may be
11 used [only by]:

12 (i) By members of the Pennsylvania State Police.

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

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

29 (4) No person may be convicted upon evidence obtained
30 through the use of devices authorized by paragraphs [(2)] (2)

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

14 (5) As used in this subsection, the following words and
15 phrases shall have the meanings given to them in this
16 paragraph:

17 "Full-service police department." A local or regional
18 police department that:

19 (i) is authorized by one or more political
20 subdivisions;

21 (ii) provides a minimum of 20 hours a day of patrol
22 and investigative services; and

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

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

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

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

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

10 (iv) Is provided coverage by a police pension plan
11 under:

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

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

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

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

25 or

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

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

30 (d) Classification, approval and testing of mechanical,

1 electrical and electronic devices.--

2 (1) The department may, by regulation, classify specific
3 devices as being mechanical, electrical or electronic.

4 (2) All mechanical, electrical or electronic devices
5 shall be of a type approved by the department, which shall
6 appoint stations for calibrating and testing the devices [and
7 may prescribe regulations as to the manner in which
8 calibrations and tests shall be made].

9 (3) All devices, including LIDAR laser devices and
10 electronic speed meters or radar, must have been tested for
11 accuracy within a period of one year prior to the alleged
12 violation in accordance with specifications prescribed by the
13 National Highway Traffic Safety Administration.

14 (4) All electronic devices, such as LIDAR laser devices,
15 and electronic speed devices, such as speed meters or radar,
16 approved for use in this Commonwealth must appear on the
17 International Association of Chiefs of Police conforming
18 products list in conjunction with National Highway Traffic
19 Safety Administration standards.

20 (5) The certification and calibration of electronic
21 devices under subsection (c) (3) shall also include the
22 certification and calibration of all equipment, timing strips
23 and other devices which are actually used with the particular
24 electronic device being certified and calibrated.

25 (6) Electronic devices commonly referred to as
26 electronic speed meters or radar shall have been tested for
27 accuracy within a period of one year prior to the alleged
28 violation. [Other devices shall have been tested for accuracy
29 within a period of 60 days prior to the alleged violation.]

30 (7) A certificate from the station showing that the

1 calibration and test were made within the required period and
2 that the device was accurate shall be competent and prima
3 facie evidence of those facts in every proceeding in which a
4 violation of this title is charged.

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

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

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

22 (f) Local ordinance required to enforce.--

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

1 accordance with section 6109(a)(11) to address citizen
2 complaints or demonstrable traffic safety concerns, such as
3 high crash rates or fatalities.

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

10 (g) Excess revenues.--

11 (1) The primary use of radar or LIDAR by local or
12 regional police officers of political subdivisions authorized
13 under subsection (c) is for traffic safety purposes.

14 (2) Each local or regional police department that uses
15 radar or LIDAR shall report annually to the Pennsylvania
16 State Police the municipal revenue generated from speed
17 enforcement citations on forms as may be prescribed by the
18 Pennsylvania State Police.

19 (3) In the event the municipal share of revenue
20 generated from speed enforcement citations exceeds 5% of the
21 total municipal budget or 5% of the regional police
22 department budget, all sums in excess thereof shall be
23 remitted to the Pennsylvania State Police to be used for
24 traffic safety purposes.

25 Section 2. Section 6109(a)(11) of Title 75 is amended to
26 read:

27 § 6109. Specific powers of department and local authorities.

28 (a) Enumeration of police powers.--The provisions of this
29 title shall not be deemed to prevent the department on State-
30 designated highways and local authorities on streets or highways

1 within their physical boundaries from the reasonable exercise of
2 their police powers. The following are presumed to be reasonable
3 exercises of police power:

4 * * *

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

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

17 (ii) If this title authorizes speed restrictions to
18 be enforced by a police department of a city of the first
19 class, they may be enforced on limited access or divided
20 highways within the police department's jurisdiction.

21 (iii) An agreement with the Pennsylvania State
22 Police shall not be required under this paragraph.

23 * * *

24 Section 3. This act shall take effect in 120 days.