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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1255 Session of  
2015

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INTRODUCED BY MASSER, ROZZI, KOTIK, MURT, GREINER, MULLERY,  
STEPHENS, R. BROWN, SCHLOSSBERG, HELM, SCHWEYER, DAVIS,  
M. DALEY, CAUSER, BARRAR, DeLUCA, CUTLER, MARSHALL, GROVE,  
WATSON, FEE, HICKERNELL, HARKINS, ROSS, McNEILL AND WARD,  
MAY 28, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 28, 2015

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AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75  
2 (Vehicles) of the Pennsylvania Consolidated Statutes, in  
3 budget and finance, further providing for municipal  
4 corporation portion of fines, and establishing the Municipal  
5 Law Enforcement Accreditation Fund; in rules of the road in  
6 general, further providing for speed timing devices; and, in  
7 powers of department and local authorities, further providing  
8 for State and local powers.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 3573(b) of Title 42 of the Pennsylvania  
12 Consolidated Statutes is amended to read:

13 § 3573. Municipal corporation portion of fines, etc.

14 \* \* \*

15 (b) Vehicle offenses.--

16 (1) When prosecution under the provisions of Title 75  
17 (relating to vehicles) for parking is the result of local  
18 police action, all fines, forfeited recognizances and other  
19 forfeitures imposed, lost or forfeited shall be payable to

1 the municipal corporation under which the local police are  
2 organized.

3 (2) Except as provided in [paragraph] paragraphs (3) and  
4 (4), when prosecution under any other provision of Title 75  
5 (except Chapter 77 (relating to snowmobiles and all-terrain  
6 vehicles)) is the result of local police action, one-half of  
7 all fines, forfeited recognizances and other forfeitures  
8 imposed, lost or forfeited shall be payable to the municipal  
9 corporation under which the local police are organized.

10 (3) When prosecution under 75 Pa.C.S. § 3802 (relating  
11 to driving under influence of alcohol or controlled  
12 substance) is the result of local police action, 50% of all  
13 fines, forfeited recognizances and other forfeitures imposed,  
14 lost or forfeited shall be payable to the municipal  
15 corporation under which the local police are organized, and  
16 50% shall be payable to the county which shall be further  
17 divided as follows:

18 (i) Fifty percent of the moneys received shall be  
19 allocated to the appropriate county authority which  
20 implements the county drug and alcohol program to be used  
21 solely for the purposes of aiding programs promoting drug  
22 abuse and alcoholism prevention, education, treatment and  
23 research.

24 (ii) Fifty percent of the moneys received shall be  
25 used for expenditures incurred for county jails, prisons,  
26 workhouses and detention centers.

27 (4) When prosecution under 75 Pa.C.S. § 3362 (relating  
28 to maximum speed limits) is the result of local police action  
29 using devices authorized under 75 Pa.C.S. § 3368(c)(2)(ii)  
30 (relating to speed timing devices):

1           (i) One-half of all fines, forfeited recognizances  
2           and other forfeitures imposed, lost or forfeited, minus  
3           \$1, shall be payable to the municipal corporation under  
4           which the local police are organized.

5           (ii) One dollar shall be remitted to the Municipal  
6           Law Enforcement Accreditation Fund.

7           \* \* \*

8           Section 2. Title 42 is amended by adding a section to read:  
9           § 3576. Municipal Law Enforcement Accreditation Fund.

10          (a) Establishment.--There is established within the State  
11          Treasury a nonlapsing, restricted receipt account to be known as  
12          the Municipal Law Enforcement Accreditation Fund. The account  
13          shall be comprised of fines statutorily designated by section  
14          3573 (relating to municipal corporation portion of fines, etc.)  
15          to the account.

16          (b) Distribution from account.--The money in the account is  
17          appropriated to the Pennsylvania Commission on Crime and  
18          Delinquency to carry out the provisions of subsection (c).

19          (c) Law enforcement accreditation grants.--

20               (1) The Pennsylvania Commission on Crime and Delinquency  
21               shall create and maintain a grant program for distributing  
22               moneys from the fund to any Pennsylvania-based nonprofit  
23               corporation comprised solely of Pennsylvania municipal police  
24               department administrators which accredits law enforcement  
25               agencies throughout this Commonwealth.

26               (2) An eligible nonprofit corporation that receives  
27               funds under paragraph (1) shall use these funds solely for  
28               the purpose of administering and operating the law  
29               enforcement accreditation program.

30          Section 3. Section 3368(a), (c) and (d) of Title 75 are

1 amended and the section is amended by adding a subsection to  
2 read:

3 § 3368. Speed timing devices.

4 (a) Speedometers authorized.--The rate of speed of any  
5 vehicle may be timed on any highway by a police officer using a  
6 motor vehicle equipped with a speedometer, except as provided in  
7 section 6109 (relating to specific powers of department and  
8 local authorities). In ascertaining the speed of a vehicle by  
9 the use of a speedometer, the speed shall be timed for a  
10 distance of not less than three-tenths of a mile.

11 \* \* \*

12 (c) Mechanical, electrical and electronic devices  
13 authorized.--

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

18 (2) Except as otherwise provided in paragraph (3),  
19 electronic devices such as radio-microwave devices (commonly  
20 referred to as electronic speed meters or radar) may be used  
21 [only by]:

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

23 (ii) Upon completion of a training course approved  
24 by the Pennsylvania State Police and the Municipal Police  
25 Officers' Education and Training Commission, by full-time  
26 police officers employed by the full-service police  
27 department of a political subdivision or regional police  
28 department.

29 (3) Electronic devices which calculate speed by  
30 measuring elapsed time between measured road surface points

1 by using two sensors and devices which measure and calculate  
2 the average speed of a vehicle between any two points may be  
3 used by any police officer.

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

16 (4.1) No person may be convicted upon evidence obtained  
17 through the use of devices authorized by paragraph (2)(ii)  
18 unless the speed recorded is 10 or more miles per hour in  
19 excess of the legal speed limit.

20 (5) As used in this subsection, the following words and  
21 phrases shall have the meanings given to them in this  
22 paragraph:

23 "Full-service police department." A local or regional  
24 police department which:

25 (i) is authorized by one or more political  
26 subdivisions;

27 (ii) provides 24-hour-a-day patrol and investigative  
28 services; and

29 (iii) reports its activities monthly to the  
30 Pennsylvania State Police in accordance with the Uniform

1 Crime Reporting System.

2 "Full-time police officer." An employee of a political  
3 subdivision or regional police department who complies with  
4 all of the following:

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

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

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

16 (iv) Is provided coverage by a police pension plan  
17 under one of the following:

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

23 (B) The act of June 23, 1931 (P.L.932, No.317),  
24 known as The Third Class City Code.

25 (C) The act of May 22, 1935 (P.L.233, No.99),  
26 referred to as the Second Class City Policemen Relief  
27 Law.

28 (D) The act of May 29, 1956 (1955 P.L.1804,  
29 No.600), referred to as the Municipal Police Pension  
30 Law.

1                   (E) The act of July 15, 1957 (P.L.901, No.399),  
2                   known as the Optional Third Class City Charter Law.  
3                   The term does not include auxiliary, part-time or fire  
4                   police.

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

27           \* \* \*

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

29                   (1) Prior to use of radio-microwave speed timing devices  
30                   used for speed timing by local or regional police officers of

1 political subdivisions authorized under subsection (c), the  
2 appropriate governing body must adopt an ordinance  
3 authorizing the local or regional police department to employ  
4 such devices on roads within the boundaries of the governing  
5 body where speed limits have been posted according to the  
6 results of a required engineering and traffic study and in  
7 accordance with section 6109(a)(11).

8 (2) During the initial 120 days of speed enforcement by  
9 a local or regional police department of a political  
10 subdivision authorized under subsection (c) using radio-  
11 microwave speed timing devices, persons may only be  
12 sanctioned for violations with a written warning.

13 Section 4. Section 6109(a)(11) of Title 75 is amended and  
14 the subsection is amended by adding a paragraph to read:

15 § 6109. Specific powers of department and local authorities.

16 (a) Enumeration of police powers.--The provisions of this  
17 title shall not be deemed to prevent the department on State-  
18 designated highways and local authorities on streets or highways  
19 within their physical boundaries from the reasonable exercise of  
20 their police powers. The following are presumed to be reasonable  
21 exercises of police power:

22 \* \* \*

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

26 (i) Except as set forth in subparagraph (ii), speed  
27 restrictions may be enforced by [local police] full-time  
28 police officers employed by the full-service police  
29 department of a political subdivision or regional police  
30 department on a limited access or divided highway only if

1           [it] this title authorizes such enforcement and the  
2           highway is patrolled by the local or regional police  
3           force under the terms of an agreement with the  
4           Pennsylvania State Police.

5           (ii) If this title authorizes speed restrictions to  
6           be enforced by a police department of a city of the first  
7           class, the speed restrictions may be enforced on limited  
8           access or divided highways within the police department's  
9           jurisdiction. An agreement with the Pennsylvania State  
10          Police is not necessary under this subparagraph.

11          \* \* \*

12          (24) As used in this subsection, the following words and  
13          phrases shall have the meanings given to them in this  
14          paragraph unless the context clearly indicates otherwise:

15          "Full-service police department." A local or regional  
16          police department which:

17                (i) is authorized by one or more political  
18                subdivisions;

19                (ii) provides 24-hour-a-day patrol and investigative  
20                services; and

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

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

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

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

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

8           (iv) Is provided coverage by a police pension plan  
9 under one of the following:

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

15           (B) The act of June 23, 1931 (P.L.932, No.317),  
16 known as The Third Class City Code.

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

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

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

25 The term does not include auxiliary, part-time or fire  
26 police.

27 Section 5. This act shall take effect in 120 days.