
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1290 Session of
2017

INTRODUCED BY SANTORA, STAATS, MURT, BARRAR, DEAN, SIMMONS,
DUNBAR, SCHLOSSBERG, DAVIS, KAVULICH, CHARLTON, MULLERY,
BENNINGHOFF, PHILLIPS-HILL, NEILSON, PASHINSKI, MENTZER,
A. HARRIS, D. COSTA, DeLUCA, FREEMAN, GROVE, TOOHL, KORTZ,
HENNESSEY, GREINER, PETRI, CHRISTIANA, CORBIN, TALLMAN, WARD,
C. QUINN, HICKERNELL, KAUFER, CONKLIN AND MICCARELLI,
APRIL 26, 2017

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 26, 2017

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 departments and local authorities.

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

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)(ii) (relating to
2 speed timing devices), no points shall be assigned under
3 subsection (a) unless the speed recorded is 10 or more miles
4 per hour in excess of the legal speed limit.

5 * * *

6 Section 2. Section 3368(a), (c), (d) and (e) of Title 75 are
7 amended and the section is amended by adding subsections to
8 read:

9 § 3368. Speed timing devices.

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

17 * * *

18 (c) Mechanical, electrical and electronic devices
19 authorized.--

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

24 (2) Except as otherwise provided in paragraph (3),
25 electronic devices such as radio-microwave devices (commonly
26 referred to as electronic speed meters or radar) or infrared
27 laser light devices (commonly referred to as LIDAR) may be
28 used [only by]:

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

30 (ii) Upon completion of a training course approved

1 by the Pennsylvania State Police and the Municipal Police
2 Officers' Education and Training Commission, by full-time
3 police officers employed by the full-service police
4 department of a political subdivision or regional police
5 department situate in a county of the first class, second
6 class, second class A or third class if official warning
7 signs indicating the use of these devices are erected
8 within 500 feet of the border of the political
9 subdivision on the main arteries entering that political
10 subdivision.

11 (3) Electronic devices which calculate speed by
12 measuring elapsed time between measured road surface points
13 by using two sensors and devices which measure and calculate
14 the average speed of a vehicle between any two points may be
15 used by any police officer.

16 (4) No person may be convicted upon evidence obtained
17 through the use of devices authorized by paragraphs (2) and
18 (3) unless the speed recorded is six or more miles per hour
19 in excess of the legal speed limit. Furthermore, no person
20 may be convicted upon evidence obtained through the use of
21 devices authorized by paragraph (2)(ii) or (3) in an area
22 where the legal speed limit is less than 55 miles per hour if
23 the speed recorded is less than ten miles per hour in excess
24 of the legal speed limit. This paragraph shall not apply to
25 evidence obtained through the use of devices authorized by
26 paragraph (2) or (3) within a school zone or an active work
27 zone.

28 (5) As used in this subsection, the following words and
29 phrases shall have the meanings given to them in this
30 paragraph:

1 "Full-service police department." A local or regional
2 police department that:

3 (i) is authorized by one or more political
4 subdivisions;

5 (ii) provides 24-hour-a-day patrol and investigative
6 services; and

7 (iii) reports its activities monthly to the
8 Pennsylvania State Police in accordance with the Uniform
9 Crime Reporting System.

10 "Full-time police officer." An employee of a political
11 subdivision or regional police department who complies with
12 all of the following:

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

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

17 (iii) Is a regular full-time police officer under
18 the act of June 15, 1951 (P.L.586, No.144), entitled "An
19 act regulating the suspension, removal, furloughing and
20 reinstatement of police officers in boroughs and
21 townships of the first class having police forces of less
22 than three members, and in townships of the second
23 class," or works a minimum of 200 days a year.

24 (iv) Is provided coverage by a police pension plan
25 under:

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

1 (B) 11 Pa.C.S. Pt. V (relating to third class
2 cities);

3 (C) the act of May 22, 1935 (P.L.233, No.99),
4 referred to as the Second Class City Policemen Relief
5 Law;

6 (D) the act of May 29, 1956 (1955 P.L.1804,
7 No.600), referred to as the Municipal Police Pension
8 Law; or

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

11 The term does not include auxiliary, part-time or fire
12 police.

13 (d) Classification, approval and testing of mechanical,
14 electrical and electronic devices.--

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

17 (2) All mechanical, electrical or electronic devices
18 shall be of a type approved by the department, which shall
19 appoint stations for calibrating and testing the devices [and
20 may prescribe regulations as to the manner in which
21 calibrations and tests shall be made].

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

27 (4) All electronic devices, such as LIDAR laser devices,
28 and electronic speed devices, such as speed meters or radar,
29 approved for use in this Commonwealth must appear on the
30 International Association of Chiefs of Police consumer

1 products list in conjunction with National Highway Traffic
2 Safety Administration standards.

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

8 (6) Electronic devices commonly referred to as
9 electronic speed meters or radar shall have been tested for
10 accuracy within a period of one year prior to the alleged
11 violation. [Other devices shall have been tested for accuracy
12 within a period of 60 days prior to the alleged violation.]

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

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

20 (1) Except as provided in paragraph (2), mechanical,
21 electrical or electronic devices may not be used to time the
22 rate of speed of vehicles within 500 feet after a speed limit
23 sign indicating a decrease of speed. This limitation on the
24 use of speed timing devices shall not apply to speed limit
25 signs indicating school zones, bridge and elevated structure
26 speed limits, hazardous grade speed limits and work zone
27 speed limits.

28 (2) Whenever radio-microwave speed timing devices or
29 infrared laser light devices are used by a local or regional
30 police officer of a political subdivision authorized under

1 subsection (c), the police officer must locate the vehicle
2 with the radio-microwave speed timing device or infrared
3 laser light device in a location that is not intentionally
4 concealed from the motoring public.

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

6 (1) Prior to use of radio-microwave speed timing devices
7 or infrared laser light devices used for speed timing by
8 local or regional police officers of political subdivisions
9 authorized under subsection (c), the appropriate governing
10 body must adopt an ordinance authorizing the local or
11 regional police department to employ the devices on roads
12 within the boundaries of the governing body where a required
13 engineering and traffic study has been conducted and in
14 accordance with section 6109(a)(11) to address citizen
15 complaints or demonstrable traffic safety concerns, such as
16 high crash rates or fatalities.

17 (2) During the initial 90 days of speed enforcement by a
18 local or regional police department of a political
19 subdivision authorized under subsection (c) using radio-
20 microwave speed timing devices or infrared laser light
21 devices, persons may only be sanctioned for violations with a
22 written warning.

23 (g) Excess revenues.--

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

27 (2) Each local or regional police department that uses
28 radar or LIDAR shall report annually to the Department of
29 Revenue the municipal revenue generated from speed
30 enforcement citations on forms as may be prescribed by the

1 Department of Revenue.

2 (3) In the event the municipal share of revenue
3 generated from speed enforcement citations exceeds 5% of the
4 total municipal budget or 5% of the regional police
5 department budget, all sums in excess thereof shall be
6 remitted to the Department of Revenue and deposited into the
7 General Fund to be appropriated by the General Assembly for
8 traffic safety purposes.

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

11 § 6109. Specific powers of department and local authorities.

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

18 * * *

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

22 (i) Except as set forth in subparagraph (ii), speed
23 restrictions may be enforced by [local police] full-time
24 police officers employed by the full-service police
25 department of a political subdivision or regional police
26 department on a limited access or divided highway only if
27 [it] this title authorizes that enforcement and the
28 highway is patrolled by the local or regional police
29 force under the terms of an agreement with the
30 Pennsylvania State Police.

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

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

7 * * *

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