

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 607 Session of 2019

INTRODUCED BY SCAVELLO, MARTIN, BROWNE, MENSCH, BARTOLOTTA, BREWSTER, AUMENT, BLAKE, YUDICHAK, SCHWANK, COSTA, HAYWOOD, BAKER, FARNESE, SANTARSIERO, MUTH, KEARNEY, DINNIMAN, L. WILLIAMS, KILLION AND STEFANO, APRIL 30, 2019

REFERRED TO TRANSPORTATION, APRIL 30, 2019

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

6 Section 1. Section 3368(c), (e) and (f)(2) of Title 75 of
7 the Pennsylvania Consolidated Statutes, amended or added October
8 19, 2018 (P.L.563, No.86), are amended and the section is
9 amended by adding subsections to read:

10 § 3368. Speed timing devices.

11 * * *

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

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

1 (2) [Except as otherwise provided in paragraph (3),
2 electronic devices such as radio-microwave devices, commonly
3 referred to as electronic speed meters or radar, may be used
4 only as part of an automated speed enforcement system or by
5 members of the Pennsylvania State Police.] Electronic devices
6 such as radio-microwave devices, commonly referred to as
7 electronic speed meters or radar, may be used only as part of
8 an automated speed enforcement system or by any police
9 officer.

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

15 (4) [No person may be convicted upon evidence obtained
16 through the use of devices authorized by paragraphs (2) and
17 (3) unless the speed recorded is six or more miles per hour
18 in excess of the legal speed limit. Furthermore, no person
19 may be convicted upon evidence obtained through the use of
20 devices authorized by paragraph (3) in an area where the
21 legal speed limit is less than 55 miles per hour if the speed
22 recorded is less than ten miles per hour in excess of the
23 legal speed limit. This paragraph shall not apply to evidence
24 obtained through the use of devices authorized by paragraph
25 (2) or (3) within a school zone or an active work zone.] A
26 person may not be convicted upon evidence obtained through
27 the use of devices authorized by paragraphs (1), (2), (3) and
28 (5) unless the speed recorded is more than ten miles per hour
29 in excess of the legal speed limit on a highway or six or
30 more miles per hour in excess of the legal speed limit on an

1 interstate highway or freeway with a posted speed limit of 70
2 miles per hour. This paragraph shall not apply to evidence
3 obtained through the use of devices authorized by paragraph
4 (1), (2), (3) or (5) within a school zone or an active work
5 zone.

6 (5) Light detection and ranging devices, commonly
7 referred to as LIDAR, may be used only as part of an
8 automated speed enforcement system or by [members of the
9 Pennsylvania State Police] any police officer.

10 (6) Except for a member of the Pennsylvania State
11 Police, prior to use of an electronic speed meter, radar or
12 light detection and ranging devices:

13 (i) A police officer must complete a training course
14 approved by the Pennsylvania State Police and the
15 Municipal Police Officers' Education and Training
16 Commission; and

17 (ii) In accordance with department regulations,
18 official traffic-control devices, including advanced
19 warning signs indicating the use of electronic speed
20 meters, radar or light detection and ranging devices,
21 must be erected within 500 feet of the border of the
22 political subdivision on the main arteries entering the
23 political subdivision.

24 (7) A police officer of the Delaware River Port
25 Authority or the Delaware River Joint Toll Bridge Commission
26 may, on a highway under the jurisdiction of the Delaware
27 River Port Authority or the Delaware River Joint Toll Bridge
28 Commission, use an electronic speed meter, radar or a light
29 detection and ranging device upon completion of a training
30 course approved by the Pennsylvania State Police and the

1 Municipal Police Officers' Education and Training Commission.

2 * * *

3 (e) Distance requirements for use of mechanical, electrical
4 and electronic devices.--Mechanical, electrical or electronic
5 devices or light detection and ranging devices may not be used
6 to time the rate of speed of vehicles within 500 feet after a
7 speed limit sign indicating a decrease of speed. This limitation
8 on the use of speed timing devices shall not apply to speed
9 limit signs indicating school zones, bridge and elevated
10 structure speed limits, hazardous grade speed limits and work
11 zone speed limits.

12 (f) LIDAR testing and calibration.--

13 * * *

14 (2) LIDAR speed measuring devices and LIDAR systems
15 shall be calibrated and tested every 365 days at a minimum
16 before being utilized by [the Pennsylvania State Police] any
17 police officer or as part of an automated speed enforcement
18 system.

19 * * *

20 (g) Local ordinance required to enforce.--

21 (1) Prior to the use of a device under subsection (c)
22 (6), the political subdivision or each political subdivision
23 of a regional police department must adopt an ordinance
24 authorizing the local or regional police department to employ
25 the device on highways within the boundaries of each
26 political subdivision.

27 (2) During the initial 90 days of speed enforcement by a
28 local or regional police department of a political
29 subdivision, an individual may only be sanctioned for
30 violations with a written warning.

1 (h) Excess revenue.--

2 (1) The primary use of a device under this section shall
3 be for traffic safety purposes.

4 (2) If a political subdivision's share of revenue
5 generated from speed enforcement citations by a device under
6 this section exceeds 20% of the total political subdivision's
7 budget, the excess sum shall be remitted to the Department of
8 Revenue on a form and in a manner prescribed by the
9 Department of Revenue on or before the 60th day following the
10 end of the political subdivision's fiscal year for deposit
11 into a restricted receipts account in the Motor License Fund.
12 Section 2. This act shall take effect in 120 days.