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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 43 Session of  
2017

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INTRODUCED BY READSHAW, D. COSTA, BARRAR, CARROLL, CAUSER, DEAN,  
DUNBAR, GREINER, MENTZER, D. MILLER, MULLERY, SAMUELSON,  
SCHLOSSBERG, WARD, TALLMAN, DeLUCA, KORTZ, MEHAFFIE, FREEMAN  
AND SCHWEYER, JANUARY 23, 2017

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REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 23, 2017

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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; and, in rules of the road  
4 in general, further providing for speed timing devices.

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

7 Section 1. Section 1535(d) of Title 75 of the Pennsylvania  
8 Consolidated Statutes is amended 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 3368(c)(2) (relating to speed  
17 timing devices), no points shall be assigned under subsection  
18 (a) unless the speed recorded is 10 or more miles per hour in

1 excess of the legal speed limit.

2 \* \* \*

3 Section 2. Section 3368(c) and (d) of Title 75 are amended  
4 and the section is amended by adding subsections to read:

5 § 3368. Speed timing devices.

6 \* \* \*

7 (c) Mechanical, electrical and electronic devices  
8 authorized.--

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

13 (2) Except as otherwise provided in paragraph (3),  
14 electronic devices such as radio-microwave devices (commonly  
15 referred to as electronic speed meters or radar) or infrared  
16 laser light devices (commonly referred to as LIDAR) may be  
17 used [only by members of the Pennsylvania State Police.] by  
18 any police officer upon completion of a training course  
19 approved by the Pennsylvania State Police and the Municipal  
20 Police Officers' Education and Training Commission if  
21 official warning signs indicating the use of the devices are  
22 erected within 500 feet of the border of the political  
23 subdivision on the main arteries entering that political  
24 subdivision.

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

30 (4) No person may be convicted upon evidence obtained

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

11 (d) Classification, approval and testing of mechanical,  
12 electrical and electronic devices.--

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

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

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

25 (4) All electronic devices, such as LIDAR laser devices,  
26 and electronic speed devices, such as speed meters or radars,  
27 approved for use in this Commonwealth must appear on the  
28 consumer products list in conjunction with National Highway  
29 Traffic Safety Administration standards.

30 (5) The certification and calibration of electronic

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

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

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

15 \* \* \*

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

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

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

30 (g) Excess revenues.--

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

4           (2) Each local or regional police department that uses  
5 radar or LIDAR shall report annually to the Department of  
6 Revenue the municipal revenue generated from speed  
7 enforcement citations on forms as may be prescribed by the  
8 Department of Revenue.

9           (3) If the municipal share of revenue generated from  
10 speed enforcement citations by radar or LIDAR exceeds 20% of  
11 the total municipal budget or 20% of the municipal budget of  
12 each municipality within a regional police department, the  
13 excess sum shall be remitted to the Department of Revenue for  
14 deposit into the General Fund to be appropriated by the  
15 General Assembly to be used for traffic safety purposes.

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