
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 419 Session of
2021

INTRODUCED BY SCAVELLO, BROWNE, MENSCH, BARTOLOTTA, COLLETT,
MARTIN, MUTH, STEFANO, AUMENT, TARTAGLIONE, BAKER, KEARNEY,
L. WILLIAMS, GORDNER AND PITTMAN, MARCH 12, 2021

REFERRED TO TRANSPORTATION, MARCH 12, 2021

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), (d), (e) and (f)(2) of Title 75
7 of the Pennsylvania Consolidated Statutes are amended and the
8 section is amended by adding subsections to read:

9 § 3368. Speed timing devices.

10 * * *

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

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

17 (2) [Except as otherwise provided in paragraph (3),
18 electronic devices such as radio-microwave devices, commonly

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

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

13 (4) [No person may be convicted upon evidence obtained
14 through the use of devices authorized by paragraphs (2) and
15 (3) unless the speed recorded is six or more miles per hour
16 in excess of the legal speed limit. Furthermore, no person
17 may be convicted upon evidence obtained through the use of
18 devices authorized by paragraph (3) in an area where the
19 legal speed limit is less than 55 miles per hour if the speed
20 recorded is less than ten miles per hour in excess of the
21 legal speed limit. This paragraph shall not apply to evidence
22 obtained through the use of devices authorized by paragraph
23 (2) or (3) within a school zone or an active work zone.] A
24 person may not be convicted upon evidence obtained through
25 the use of devices authorized by paragraphs (1), (2), (3) and
26 (5) unless the speed recorded is more than 10 miles per hour
27 in excess of the legal speed limit on a highway or six or
28 more miles per hour in excess of the legal speed limit on an
29 interstate highway or freeway with a posted speed limit of 70
30 miles per hour. This paragraph shall not apply to evidence

1 obtained through the use of devices authorized by paragraphs
2 (1), (2), (3) or (5) within a school zone or an active work
3 zone.

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

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

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

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

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

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

1 electrical and electronic devices.--The department may, by
2 regulation, classify specific devices as being mechanical,
3 electrical or electronic. All mechanical, electrical or
4 electronic devices shall be of a type approved by the
5 department, which shall appoint stations for calibrating and
6 testing the devices and may prescribe regulations as to the
7 manner in which calibrations and tests shall be made. The
8 certification and calibration of electronic devices under
9 subsection (c) (3) shall also include the certification and
10 calibration of all equipment, timing strips and other devices
11 which are actually used with the particular electronic device
12 being certified and calibrated. Electronic devices commonly
13 referred to as electronic speed meters or radar shall have been
14 tested for accuracy within a period of one year prior to the
15 alleged violation. Other devices shall have been tested for
16 accuracy within a period of 60 days prior to the alleged
17 violation. A certificate from the station showing that the
18 calibration and test were made within the required period and
19 that the device was accurate shall be competent and prima facie
20 evidence of those facts in every proceeding in which a violation
21 of this title is charged. A device under subsection (c) (6) must
22 be calibrated and tested every 365 days at a minimum before
23 being used.

24 (e) Distance requirements for use of mechanical, electrical
25 and electronic devices.--Mechanical, electrical or electronic
26 devices or light detection and ranging devices may not be used
27 to time the rate of speed of vehicles within 500 feet after a
28 speed limit sign indicating a decrease of speed. This limitation
29 on the use of speed timing devices shall not apply to speed
30 limit signs indicating school zones, bridge and elevated

1 structure speed limits, hazardous grade speed limits and work
2 zone speed limits.

3 (f) LIDAR testing and calibration.--

4 * * *

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

10 * * *

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

12 (1) Prior to the use of a device under subsection (c)
13 (6), the political subdivision or each political subdivision
14 of a regional police department must adopt an ordinance
15 authorizing the local or regional police department to employ
16 the device on highways within the boundaries of each
17 political subdivision.

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

22 (3) A device under subsection (c) (6) may not be used to
23 time the rate of speed of vehicles within 500 feet after a
24 speed limit sign indicating a decrease of speed. This
25 limitation on the use of a device shall not apply to a speed
26 limit sign indicating a school zone, bridge and elevated
27 structure speed limit, hazardous grade speed limit and work
28 zone speed limit.

29 (h) Excess revenue.--

30 (1) The primary use of a device under this section shall

1 be for traffic safety purposes.

2 (2) If a political subdivision's share of revenue
3 generated from speed enforcement citations by a device under
4 this section exceeds 10% of the total political subdivision's
5 budget, the excess sum shall be remitted to the Department of
6 Revenue on a form and in a manner prescribed by the
7 Department of Revenue on or before the 60th day following the
8 end of the political subdivision's fiscal year for deposit
9 into the Highway Safety Cadet Training Restricted Receipts
10 Fund, which is established in the General Fund for the
11 purpose of recruiting, training or equipping Pennsylvania
12 State Police Cadets.

13 Section 2. This act shall take effect in 180 days.