

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 459 Session of 2023

INTRODUCED BY ROTHMAN, MILLER, BREWSTER, BAKER, SANTARSIERO, COLLETT, DILLON, J. WARD, TARTAGLIONE, COSTA, SCHWANK, STEFANO, ROBINSON, ARGALL, KANE, FLYNN, BARTOLOTTA AND PENNYCUICK, FEBRUARY 27, 2023

REFERRED TO TRANSPORTATION, FEBRUARY 27, 2023

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) of Title 75 of
7 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),

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

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

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

21 (5) Light detection and ranging devices, commonly  
22 referred to as LIDAR, may be used only as part of an  
23 automated speed enforcement system or by members of the  
24 Pennsylvania State Police.]

25 (c.1) Speed enforcement devices authorized.--Subject to the  
26 restrictions under subsection (c.2), the rate of speed of a  
27 vehicle may be timed on a highway by:

28 (1) A member of the Pennsylvania State Police or a local  
29 law enforcement officer using a speed enforcement device.

30 (2) A member of the Pennsylvania State Police using a

1 radar speed-measuring device while in motion.

2 (3) An automated speed enforcement system using an  
3 electronic ranging device.

4 (4) A police officer using a speed timing device.

5 (5) A police officer of the Delaware River Port  
6 Authority on a highway under the jurisdiction of the Delaware  
7 River Port Authority may use an electronic ranging device  
8 from a stationary point upon completion of a training course  
9 under subsection (g).

10 (c.2) Speed enforcement device restrictions.--Speed  
11 enforcement devices authorized under subsection (c.1) shall be  
12 subject to the following restrictions:

13 (1) No person may be convicted upon evidence obtained  
14 through the use of a speed enforcement device or a  
15 speedometer as permitted under subsection (a) unless the  
16 speed recorded is 10 or more miles per hour in excess of the  
17 legal speed limit.

18 (2) Paragraph (1) shall not apply to evidence obtained  
19 through the use of a speed enforcement device within a school  
20 zone or an active work zone.

21 (3) LIDAR speed-measuring devices may be used only as  
22 part of an automated speed enforcement system or by members  
23 of the Pennsylvania State Police.

24 (4) Conviction upon evidence obtained through the use of  
25 a speed enforcement device as permitted under subsection (a)  
26 may not be considered cause for the issuance of points.

27 (5) A speed enforcement device may not be used to time  
28 the rate of speed of vehicles within 500 feet after a speed  
29 limit sign indicating a decrease of speed. This limitation on  
30 the use of a speed enforcement device shall not apply to a

1 speed limit sign indicating a school zone, bridge and  
2 elevated structure speed limit, hazardous grade speed limit  
3 and work zone speed limit.

4 (6) An electronic ranging device may only be used by a  
5 local law enforcement officer from a stationary point located  
6 within, or directly adjacent to, a clearly marked law  
7 enforcement vehicle in a location that is readily visible to  
8 the motoring public.

9 (7) A local law enforcement officer may not use an  
10 electronic ranging device unless the individual has completed  
11 the required training course under subsection (g).

12 (8) A local law enforcement officer may not use an  
13 electronic ranging device within the boundaries of a  
14 municipality that has not installed official traffic-control  
15 devices as required under subsection (h).

16 (9) A local law enforcement officer may not use an  
17 electronic ranging device within the boundaries of a  
18 municipality that has not adopted a local ordinance as  
19 required under subsection (i).

20 (d) Classification, approval and testing of [mechanical,  
21 electrical and electronic devices.--The department may, by  
22 regulation, classify specific devices as being mechanical,  
23 electrical or electronic. All mechanical, electrical or  
24 electronic] speed enforcement devices.--

25 (1) Speed enforcement devices shall be of a type  
26 approved by the department, which shall appoint stations for  
27 calibrating and testing the devices and may prescribe  
28 regulations as to the manner in which calibrations and tests  
29 shall be made. [The certification and calibration of  
30 electronic devices under subsection (c) (3) shall also include

1 the certification and calibration of all equipment, timing  
2 strips and other devices which are actually used with the  
3 particular electronic device being certified and calibrated.  
4 Electronic devices commonly referred to as electronic speed  
5 meters or radar shall have been tested for accuracy within a  
6 period of one year prior to the alleged violation. Other  
7 devices shall have been tested for accuracy within a period  
8 of 60 days prior to the alleged violation.]

9 (2) Speed enforcement devices shall be calibrated and  
10 tested every 365 days at a minimum before being used as  
11 authorized by this section.

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

17 (4) A certificate of accuracy may be completed, signed  
18 and submitted electronically by the certifying technician on  
19 a form provided by the department.

20 (5) (i) The department may promulgate regulations for  
21 the certification and use of speed enforcement devices.  
22 In order to facilitate the prompt implementation of this  
23 subsection, the department may promulgate temporary  
24 regulations, which shall not be subject to:

25 (A) Sections 201, 202, 203, 204 and 205 of the  
26 act of July 31, 1968 (P.L.769, No.240), referred to  
27 as the Commonwealth Documents Law.

28 (B) Section 204(b) of the act of October 15,  
29 1980 (P.L.950, No.164), known as the Commonwealth  
30 Attorneys Act.

1                   (C) The act of June 25, 1982 (P.L.633, No.181),  
2                   known as the Regulatory Review Act.

3                   (ii) Any temporary regulations adopted under this  
4                   paragraph shall expire after three years, or upon  
5                   promulgation of final regulations for this subsection,  
6                   whichever is sooner.

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

15           (f) LIDAR testing and calibration.--

16               (1) The department may, upon publication in the  
17 Pennsylvania Bulletin, provide that LIDAR speed measuring  
18 devices and LIDAR systems shall be calibrated and tested  
19 using the testing procedures in department regulation.

20               (2) LIDAR speed measuring devices and LIDAR systems  
21 shall be calibrated and tested every 365 days at a minimum  
22 before being utilized by the Pennsylvania State Police or as  
23 part of an automated speed enforcement system.

24               (3) The certification that the LIDAR device and system,  
25 as applicable, have been tested and found to be accurate  
26 shall create a presumption that the requirements of this  
27 subsection have been fulfilled.

28               (4) As used in this subsection, the following words and  
29 phrases shall have the meanings given to them in this  
30 paragraph unless the context clearly indicates otherwise:

1 "LIDAR." The technology of measuring target range using  
2 reflected light to determine target range and speed from the  
3 time-of-flight of laser pulses.

4 "LIDAR speed-measuring device." Speed-measuring  
5 equipment that determines target range and speed based on the  
6 time-of-flight of laser light pulses reflected off a target.

7 "LIDAR system." A LIDAR speed-measuring device that  
8 incorporates additional equipment that is used to gather,  
9 process and record images, as applicable, to be used as part  
10 of speed enforcement efforts.]

11 (g) Training required.--A local law enforcement officer must  
12 complete an electronic ranging device training course approved  
13 by the Pennsylvania State Police and the Municipal Police  
14 Officers' Education and Training Commission prior to using an  
15 electronic ranging device.

16 (h) Official traffic-control devices.--In accordance with  
17 department regulations, not less than four official traffic-  
18 control devices, including advanced warning signs indicating the  
19 use of electronic ranging devices, shall be erected within 500  
20 feet of the border of a municipality on not less than four  
21 highways entering the municipality prior to a local law  
22 enforcement officer using an electronic ranging device within  
23 the municipality's boundaries.

24 (i) Local ordinance required.--Prior to the use of an  
25 electronic ranging device by a local law enforcement officer in  
26 a municipality, the municipality or each municipality of a  
27 regional police department must adopt an ordinance authorizing  
28 the use of electronic ranging devices within the boundaries of  
29 the municipality.

30 (j) Initial period.--During the initial 90 days of speed

1 enforcement using electronic ranging devices in a municipality  
2 by a local law enforcement officer, an individual may only be  
3 sanctioned for violations with a written warning.

4 (k) Revenue limit.--

5 (1) The municipal share of revenue generated from the  
6 use of an electronic ranging device in a calendar year may  
7 not exceed a 1% increase of the revenue generated by speed  
8 enforcement in the previous calendar year by the  
9 municipality.

10 (2) All revenue collected in excess of the limitation in  
11 paragraph (1) shall be remitted to the department for deposit  
12 into the Motor License Fund.

13 (l) Primary use.--The primary use of an electronic ranging  
14 device by a local law enforcement officer shall be for purposes  
15 of traffic safety.

16 (m) Quotas prohibited.--

17 (1) No political subdivision, regional police department  
18 or agency of the Commonwealth may order, mandate, require or  
19 in any other manner, directly or indirectly, suggest to any  
20 law enforcement officer that the law enforcement officer  
21 issue a certain number of citations under this subchapter on ◀  
22 a daily, weekly, monthly, quarterly or yearly basis.

23 (2) The prohibition under paragraph (1) shall not affect  
24 the conditions of a Federal or State grant nor money awarded  
25 to a political subdivision, regional police department or  
26 agency of the Commonwealth and used to fund traffic  
27 enforcement programs.

28 (n) Definitions.--As used in this section, the following  
29 words and phrases shall have the meanings given to them in this  
30 subsection unless the context clearly indicates otherwise:



1 "Electronic ranging device." Any of the following:

2 (1) LIDAR speed-measuring device.

3 (2) LIDAR system.

4 (3) RADAR speed-measuring device.

5 "LIDAR speed-measuring device." Speed-measuring equipment  
6 that determines target range and speed based on the time-of-  
7 flight of laser light pulses reflected off a target.

8 "LIDAR system." A LIDAR speed-measuring device other than an  
9 automated speed enforcement system that incorporates additional  
10 equipment used to gather, process and record images, as  
11 applicable, for speed enforcement efforts.

12 "Local law enforcement officer." An employee of a local  
13 police department who is empowered to enforce 18 Pa.C.S.  
14 (relating to crimes and offenses) and this title. The term does  
15 not include a Pennsylvania State Police officer, constable,  
16 sheriff or a deputy, fire police, transit police, airport  
17 police, park ranger, university or college police, game warden,  
18 fish commission officer or railroad police.

19 "Local police department." A municipal or regional police  
20 department that:

21 (1) is authorized by one or more municipalities;

22 (2) provides patrol and investigative services; and

23 (3) reports its activities monthly to the Pennsylvania  
24 State Police in accordance with the Pennsylvania Uniform  
25 Crime Reporting System as defined in section 501 of the act  
26 of November 29, 2004 (P.L.1383, No.180), known as the Uniform  
27 Crime Reporting Act.

28 "RADAR speed-measuring device." Speed-measuring equipment  
29 that determines target range and speed based on radio microwaves  
30 reflected off a target.

1 "Speed enforcement device." Any of the following:

2 (1) Electronic ranging device.

3 (2) Speed timing device.

4 "Speed timing device." A device or system that calculates  
5 speed by measuring elapsed time between measured road surface  
6 points by using two sensors or a device, including a stopwatch,  
7 that measures and calculates the average speed of a vehicle  
8 between two points.

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