

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 563*

Judiciary I Committee Substitute Adopted 4/12/99

Short Title: Charlotte School Zone Speed Cameras.

(Public)

Sponsors:

Referred to:

March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS TO ESTABLISH SCHOOL ZONE SPEED LIMIT VIOLATIONS AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-300.2. Use of photographic speed-measuring systems.

(a) A photographic speed-measuring system is a speed-measuring instrument or system which works in conjunction with a photographic, video, or electronic camera to automatically measure the speed and produce photographs, video, or digital images of vehicles violating a speed limit or restriction.

(b) A photographic speed-measuring system shall be approved, calibrated, and tested for accuracy in accordance with G.S. 8-50.3.

1 (c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-
2 141.1 by means of a photographic speed-measuring system. Notwithstanding the
3 provisions of G.S. 20-141.1 and G.S. 20-176, in the event that a municipality adopts an
4 ordinance pursuant to this section, a violation of G.S. 20-141.1 detected by a
5 photographic speed-measuring system shall not be an infraction or misdemeanor. An
6 ordinance authorized by this subsection shall provide that:

7 (1) The owner of a vehicle shall be responsible for a violation unless the
8 owner can furnish evidence that the vehicle was, at the time of the
9 violation, in the care, custody, or control of another person. The owner
10 of the vehicle shall not be responsible for the violation if the owner of
11 the vehicle, within 21 days after notification of the violation, furnishes
12 the officials or agents of the municipality which issued the citation:

13 a. The name and address of the person or company who leased,
14 rented, or otherwise had the care, custody, and control of the
15 vehicle; or

16 b. An affidavit stating that the vehicle involved was, at the time,
17 stolen or in the care, custody, or control of some person who did
18 not have permission of the owner to use the vehicle.

19 (2) A violation detected by a photographic speed-measuring system shall be
20 deemed a noncriminal violation for which a civil penalty of fifty dollars
21 (\$50.00) shall be assessed and for which no points authorized by G.S.
22 20-16(c) or G.S. 58-36-65 shall be assigned to the owner or driver of the
23 vehicle.

24 (3) The owner of the vehicle shall be issued a citation which shall clearly
25 state the manner in which the violation may be challenged. The citation
26 shall be processed by officials or agents of the municipality and shall be
27 forwarded by personal service or first-class mail to the address given on
28 the motor vehicle registration. If the owner fails to pay the civil penalty
29 or to respond to the citation within the time period specified on the
30 citation, the owner shall have waived the right to contest responsibility
31 for the violation and shall be subject to an additional civil penalty not to
32 exceed fifty dollars (\$50.00). The municipality may establish
33 procedures for the collection of these penalties and may recover the
34 penalties by civil action in the nature of debt.

35 (4) The municipality shall provide a nonjudicial administrative hearing
36 process to review objections to citations or penalties issued or assessed
37 under this section. An administrative hearing decision shall be subject
38 to review by the superior court by proceedings in the nature of
39 certiorari. Any petition for review by the superior court shall be filed
40 with the clerk of superior court within 30 days after the administrative
41 hearing decision."

42 Section 2. Chapter 8 of the General Statutes is amended by adding a new
43 section to read:

1 **"§ 8-50.3. Results of photographic speed-measuring instruments; admissibility.**

2 (a) The results of the use of a photographic speed-measuring system as described
3 in G.S. 160A-300.2(a) shall be admissible as evidence in a nonjudicial administrative
4 hearing held pursuant to G.S. 160A-300.2(c)(4) for the purpose of establishing the speed
5 of the vehicle detected.

6 (b) Notwithstanding the provision of subsection (a) of this section, the results of a
7 photographic speed-measuring system are not admissible unless it is found that:

8 (1) The photographic speed-measuring system employed was approved for
9 use by the North Carolina Criminal Justice Education and Training
10 Standards Commission (hereinafter referred to as the Commission) and
11 the Secretary of Crime Control and Public Safety (hereinafter referred to
12 as Secretary) pursuant to G.S. 17C-6.

13 (2) The photographic speed-measuring system had been calibrated and
14 tested for accuracy in accordance with the standards established by the
15 Commission and Secretary for that particular system.

16 (c) All photographic speed-measuring systems shall be calibrated and tested in
17 accordance with standards established by the Commission and Secretary. A written
18 certificate by a technician certified by the Commission showing that a test was made
19 within the required testing period and that the system was accurate shall be competent
20 and prima facie evidence of those facts in a nonjudicial administrative hearing held
21 pursuant to G.S. 160A-300.2(c)(4).

22 (d) In every nonjudicial administrative hearing held pursuant to G.S. 160A-
23 300.2(c)(4) where the results of a photographic speed-measuring system are sought to be
24 admitted, notice shall be taken of the rules approving the photographic speed-measuring
25 system and the procedures for calibration or testing for accuracy of such system."

26 Section 3. G.S. 17C-6(a) is amended by adding a new subdivision to read:

27 "(13a) In conjunction with the Secretary of Crime Control and Public Safety,
28 approve use of specific models and types of photographic speed-
29 measuring systems as described in G.S. 160A-300.2(a) and establish the
30 standards for calibration and testing for accuracy of each approved
31 system."

32 Section 4. Section 1 of this act applies to the City of Charlotte only.

33 Section 5. This act is effective when it becomes law.