

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 125

Short Title: Radar Detectors Prohibited.

(Public)

Sponsors: Senators Odom; and Shaw of Guilford.

Referred to: Judiciary II.

February 13, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO PROHIBIT THE USE OF RADAR DETECTORS IN MOTOR
3 VEHICLES, AS RECOMMENDED BY THE JOINT LEGISLATIVE
4 CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 20 of the General Statutes is amended by adding a
7 new section to read:

8 **"§ 20-137.3. Use of radar detectors prohibited; exceptions.**

9 (a) It is unlawful for any person to operate a motor vehicle on the streets or
10 highways of this State when the vehicle is equipped with any device or mechanism,
11 passive or active, to detect or purposefully interfere with or diminish the measurement
12 capabilities of any radar, laser, or other device or mechanism employed by law
13 enforcement personnel to measure the speed of motor vehicles on the streets or
14 highways of this State for law enforcement purposes. It is unlawful to use any such
15 device or mechanism on any motor vehicle on the streets or highways. It is unlawful to
16 sell any such device or mechanism in this State. However, provisions of this section
17 shall not apply to any receiver of radio waves utilized for lawful purposes to receive any
18 signal from a frequency lawfully licensed by any state or federal agency.

19 This section shall not be construed to authorize the forfeiture to the State of any such
20 device or mechanism. Any such device or mechanism may be taken by the arresting
21 officer if needed as evidence, and, when no longer needed, shall be returned to the
22 person charged with a violation of this section, or at that person's request, and that
23 person's expense, mailed to an address specified by that person. Any unclaimed devices
24 may be destroyed on court order after six months have elapsed from the final date for
25 filing an appeal.

26 Except as provided in subsection (b) of this section, the presence of any such
27 prohibited device or mechanism in or on a motor vehicle on the streets or highways of
28 this State shall constitute prima facie evidence of the violation of this section. The State

1 need not prove that the device or mechanism in question was in an operative condition
2 or being operated.

3 (b) A person shall not be guilty of a violation of this section when the device or
4 mechanism in question, at the time of the alleged offense, had no power source and was
5 not readily accessible for use by the driver or any passenger in the vehicle.

6 (c) This section shall not apply to motor vehicles owned by the State or any
7 political subdivision thereof and used by law enforcement officers in their official
8 duties, nor to the sale of any such device or mechanism to law enforcement agencies for
9 use in their official duties.

10 (d) No drivers license points or insurance surcharge shall be assessed on account
11 of violation of this section."

12 **SECTION 2.** This act becomes effective December 1, 2001, and applies to
13 offenses committed on or after that date.