

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 705

Short Title: Greenville Speed Enforcement Cameras. (Local)

Sponsors: Representatives Rogers; Edwards, Jarrell, McLawhorn, Tolson, and Warren.

Referred to: Local Government II.

March 20, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF GREENVILLE TO USE
3 PHOTOGRAPHIC SPEED-MEASURING SYSTEMS TO ENFORCE SPEED
4 RESTRICTIONS.

5 The General Assembly of North Carolina enacts:

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

8 **"§ 160A-300.2. Use of photographic speed-measuring systems to enforce speed**
9 **restrictions.**

10 (a) A photographic speed-measuring system is an electronic system consisting of
11 a photographic, video, or electronic camera and a vehicle sensor installed to work in
12 conjunction with a speed-measuring instrument or system to automatically produce
13 photographs, video, or digital images of each vehicle violating a speed limit statute or
14 ordinance.

15 (b) Any photographic speed-measuring system or any device which is a part of
16 that system, as described in subdivision (a) of this section, installed on a street or
17 highway, which is a part of the State highway system, shall meet requirements
18 established by the North Carolina Department of Transportation. Any photographic
19 speed-measuring system installed on a municipal street shall meet standards established
20 by the municipality and shall be consistent with any standards set by the Department of
21 Transportation.

22 (b1) Any photographic speed-measuring system installed on a street or highway
23 shall be identified by appropriate advance warning signs conspicuously posted not more
24 than 300 feet from the location of the photographic speed-measuring system. All
25 advance-warning signs shall be consistent with a statewide standard adopted by the
26 Department of Transportation in conjunction with local governments authorized to
27 install photographic speed-measuring systems.

1 (c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-141
2 by means of a photographic speed-measuring system as described in subsection (a) of
3 this section. Notwithstanding the provisions of G.S. 20-176, in the event that a
4 municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-141 at a
5 location at which a photographic speed-measuring system is in operation shall not be an
6 infraction.

7 An ordinance authorized by this subsection shall provide that:

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

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

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

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

26 (3) The owner of the vehicle shall be issued a citation which shall clearly
27 state the manner in which the violation may be challenged, and the
28 owner shall comply with the directions on the citation. The citation
29 shall be processed by officials or agents of the municipality and shall
30 be forwarded by personal service or first-class mail to the address
31 given on the motor vehicle registration. If the owner fails to pay the
32 civil penalty or to respond to the citation within the time period
33 specified on the citation, the owner shall have waived the right to
34 contest responsibility for the violation and shall be subject to a civil
35 penalty not to exceed one hundred dollars (\$100.00). The municipality
36 may establish procedures for the collection of these penalties and may
37 enforce the penalties by civil action in the nature of debt.

38 (4) The municipality shall institute a nonjudicial administrative hearing to
39 review objections to citations or penalties issued or assessed under this
40 section."

41 **SECTION 2.** This act applies to the City of Greenville only.

42 **SECTION 3.** This act is effective when it becomes law.