

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 552

Short Title: Charlotte Photo Speed-Measuring Systems.

(Public)

Sponsors: Senators Dannelly; and Clodfelter.

Referred to: Judiciary I.

March 27, 2003

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

4 The General Assembly of North Carolina enacts:

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

7 "**§ 160A-300.2. Use of photographic speed-measuring systems.**

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

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

14 (c) A photographic speed-measuring system shall be monitored by a sworn law
15 enforcement officer at all times that the system is actively in use.

16 (d) Any photographic speed-measuring system installed or in use on a street or
17 highway shall be identified by appropriate advance warning signs conspicuously posted
18 not more than 1,000 feet from the location of a photographic speed-measuring system.
19 All advance warning signs shall be consistent with a statewide standard adopted by the
20 Department of Transportation.

21 (e) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-141
22 and G.S. 20-141.1 by means of a photographic speed-measuring system.
23 Notwithstanding the provisions of G.S. 20-141, 20-141.1, and 20-176, in the event that
24 a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-141
25 or G.S. 20-141.1 detected by a photographic speed-measuring system shall not be an
26 infraction or misdemeanor. An ordinance authorized by this subsection shall provide
27 that:

28 (1) The owner of a vehicle shall be responsible for a violation unless the
29 owner can furnish evidence that the vehicle was, at the time of the

1 violation, in the care, custody, or control of another person. The owner
2 of the vehicle shall not be responsible for the violation if the owner of
3 the vehicle furnishes, within 21 days of notification of the violation, to
4 the officials or agents of the municipality that issued the citation either
5 of the following:

6 a. The name and address of the person or company who leased,
7 rented, or otherwise had the care, custody, or control of the
8 vehicle.

9 b. An affidavit stating that the vehicle involved was, at the time of
10 the violation, stolen or in the care, custody, or control of some
11 person who did not have permission of the owner to use the
12 vehicle.

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

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

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

36 (5) After reasonable deduction of costs of administration, the proceeds of
37 all civil penalties shall be paid to support traffic safety measures in the
38 jurisdiction employing the photographic speed-measuring systems."

39 **SECTION 2.** Chapter 8 of the General Statutes is amended by adding a new
40 section to read:

41 **"§ 8-50.3. Results of photographic speed-measuring instruments; admissibility.**

42 (a) The results of the use of a photographic speed-measuring system as described
43 in G.S. 160A-300.2 shall be admissible as evidence in a nonjudicial administrative

1 hearing held pursuant to G.S. 160A-300.2(e)(4) for the purpose of establishing the
2 speed of the vehicle detected.

3 (b) Notwithstanding the provisions of subsection (a) of this section, the results of
4 a photographic speed-measuring system are not admissible unless all of the following
5 are established:

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

10 (2) The photographic speed-measuring system had been calibrated and
11 tested for accuracy in accordance with the standards established by the
12 North Carolina Criminal Justice Education and Training Standards
13 Commission and the Secretary of Crime Control and Public Safety for
14 that particular system.

15 (3) At the time the results were obtained, the photographic
16 speed-measuring system was being monitored by a sworn law
17 enforcement officer.

18 (c) All photographic speed-measuring systems shall be calibrated and tested in
19 accordance with standards established by the North Carolina Criminal Justice Education
20 and Training Standards Commission and the Secretary of Crime Control and Public
21 Safety. A written certificate by a technician certified by the North Carolina Criminal
22 Justice Education and Training Standards Commission showing that a test was made
23 within the required testing period and that the system was accurate shall be competent
24 and prima facie evidence of those facts in a nonjudicial administrative hearing held
25 pursuant to G.S. 160A-300.2(e)(4).

26 (d) In every nonjudicial administrative hearing held pursuant to G.S.
27 160A-300.2(e)(4), where the results of a photographic speed-measuring system are
28 sought to be admitted, notice shall be taken of the rules approving the photographic
29 speed-measuring system and the procedures for calibration or testing for accuracy of the
30 system."

31 **SECTION 3.** G.S. 17C-6(a) is amended by adding a new subdivision to
32 read:

33 "(a) In addition to powers conferred upon the Commission elsewhere in this
34 Chapter, the Commission shall have the following powers, which shall be enforceable
35 through its rules and regulations, certification procedures, or the provisions of G.S.
36 17C-10:

37 ...

38 (13a) In conjunction with the Secretary of Crime Control and Public Safety,
39 approve use of specific models and types of photographic
40 speed-measuring systems as described in G.S. 160A-300.2(a) and
41 establish the standards for calibration and testing for accuracy of each
42 approved system."

43 **SECTION 4.** This act is effective when it becomes law.