

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 563*

Short Title: Charlotte School Zone Speed Cameras.

(Public)

Sponsors: Senators Dannelly; Albertson, Allran, Ballance, Clodfelter, Cooper, Hartsell, Horton, Hoyle, Kerr, Lucas, Martin of Guilford, Odom, Phillips, and Rucho.

Referred to: Judiciary I.

March 29, 1999

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC
2 SPEED-MEASURING SYSTEMS TO ESTABLISH SCHOOL ZONE SPEED
3 LIMIT VIOLATIONS AND TO AUTHORIZE THE NORTH CAROLINA
4 CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS
5 COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC
6 SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-
7 MEASURING SYSTEMS.
8

9 The General Assembly of North Carolina enacts:

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

12 "**§ 160A-300.2. Use of photographic speed-measuring systems.**

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

17 (b) A photographic speed-measuring system shall be approved, calibrated, and
18 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 within
8 21 days after the citation is issued, the owner notifies the officials or
9 agents of the municipality that issued the citation of an intent to transfer
10 responsibility to the person who had care, custody, and control of the
11 vehicle at the time of the violation and it is admitted by the person
12 identified that he or she had care, custody, and control of the vehicle at
13 the time of the violation. The notification shall include:
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 at the time of the violation; or
17 b. An affidavit stating that the vehicle involved was, at the time of
18 the violation, stolen.

19 Upon receiving a notification of intent to transfer responsibility, the
20 officials or agents of the municipality may reissue the citation to the
21 person identified by the owner having care, custody, and control of the
22 vehicle at the time of the violation.

- 23 (2) A violation detected by a photographic speed-measuring system shall be
24 deemed a noncriminal violation for which a civil penalty of fifty dollars
25 (\$50.00) shall be assessed and for which no points authorized by G.S.
26 20-16(c) shall be assigned to the owner or driver of the vehicle.
27 (3) The owner of the vehicle shall be issued a citation which shall clearly
28 state the manner in which the violation may be challenged. The citation
29 shall be processed by officials or agents of the municipality and shall be
30 forwarded by personal service or first-class mail to the address given on
31 the motor vehicle registration. If the owner fails to pay the civil penalty
32 or to respond to the citation within the time period specified on the
33 citation, the owner shall have waived the right to contest responsibility
34 for the violation and shall be subject to an additional civil penalty not to
35 exceed fifty dollars (\$50.00). The municipality may establish
36 procedures for the collection of these penalties and may recover the
37 penalties by civil action in the nature of debt.
38 (4) The municipality shall provide a nonjudicial administrative hearing
39 process to review objections to citations or penalties issued or assessed
40 under this section. An administrative hearing decision shall be subject
41 to review by the superior court by proceedings in the nature of
42 certiorari. Any petition for review by the superior court shall be filed

1 with the clerk of superior court within 30 days after the administrative
2 hearing decision."

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

5 **"§ 8-50.3. Results of photographic speed-measuring instruments; admissibility.**

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

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

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

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

20 (c) All photographic speed-measuring systems shall be calibrated and tested in
21 accordance with standards established by the Commission and Secretary. A written
22 certificate by a technician certified by the 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(c)(4).

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

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

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

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

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