

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 628*

Short Title: Charlotte School Zone Speed Cameras. (Public)

Sponsors: Representatives Alexander; Bridgeman, Earle, Easterling, Gulley, McMahan, Rayfield, Saunders, and C. Wilson.

Referred to: Judiciary IV.

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.

(c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-141.1 by means of a photographic speed-measuring system. Notwithstanding the provisions of G.S. 20-141.1 and G.S. 20-176, in the event that a municipality adopts an

ordinance pursuant to this section, a violation of G.S. 20-141.1 detected by a photographic speed-measuring system shall not be an infraction or misdemeanor. An ordinance authorized by this subsection shall provide that:

- (1) The owner of a vehicle shall be responsible for a violation unless within 21 days after the citation is issued, the owner notifies the officials or agents of the municipality that issued the citation of an intent to transfer responsibility to the person who had care, custody, and control of the vehicle at the time of the violation and it is admitted by the person identified that he or she had care, custody, and control of the vehicle at the time of the violation. The notification shall include:
 - a. The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle at the time of the violation; or
 - b. An affidavit stating that the vehicle involved was, at the time of the violation, stolen.

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

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

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

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

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

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

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

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

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

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

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

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

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

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