

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 126

Short Title: Photo Radar Pilot Programs.

(Public)

Sponsors: Senators Odom; and Shaw of Guilford.

Referred to: Judiciary II.

February 13, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC RADAR IMAGES AS
PRIMA FACIE EVIDENCE OF A SPEED LIMIT VIOLATION, AS
RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND
CRIME CONTROL OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

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

"§ 20-141.6. Use of photographic radar systems.

(a) A photographic radar system is an electronic system consisting of a
photographic, video, or electronic camera and a vehicle sensor installed to work in
conjunction with an official radar device to automatically produce photographs, video,
or digital images of each vehicle violating a speed limit statute or ordinance.

(b) Any photographic radar system or any device which is a part of that system,
as described in subsection (a) of this section, installed on a street or highway which is a
part of the State highway system, shall meet requirements established by the North
Carolina Department of Transportation. Any photographic radar system installed on a
municipal street shall meet standards established by the municipality and shall be
consistent with any standards set by the Department of Transportation.

(b1) Any photographic radar system installed on a street or highway must be
identified by appropriate advance warning signs conspicuously posted not more than
300 feet from the location of the photographic radar system. All advance warning signs
shall be consistent with a statewide standard adopted by the Department of
Transportation.

(c) The Department of Transportation may adopt regulations for the civil
enforcement of G.S. 20-141 by means of a photographic radar system, as described in
subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the
event that the Department adopts regulations pursuant to this section, a violation of G.S.

1 20-141 at a location at which a photographic radar system is in operation shall not be an
2 infraction. A regulation authorized by this subsection shall provide that:

3 (1) The owner of a vehicle shall be responsible for a violation unless the
4 owner can furnish evidence that the vehicle was, at the time of the
5 violation, in the care, custody, or control of another person. The owner
6 of the vehicle shall not be responsible for the violation if the owner of
7 the vehicle, within 21 days after notification of the violation, furnishes
8 the officials or agents of the Department:

9 a. The name and address of the person or company who leased,
10 rented, or otherwise had the care, custody, and control of the
11 vehicle; or

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

15 (2) A violation detected by a photographic radar system shall be deemed a
16 noncriminal violation for which a civil penalty of fifty dollars (\$50.00)
17 shall be assessed, and for which no points authorized by G.S. 20-16(c)
18 shall be assigned to the owner or driver of the vehicle nor insurance
19 points as authorized by G.S. 58-36-65.

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

32 (4) The Department shall institute a nonjudicial administrative hearing to
33 review objections to citations or penalties issued or assessed under this
34 section.

35 (d) This act applies only to three interstate locations as selected by the
36 Department."

37 **SECTION 2.** The Department of Transportation, in consultation with the
38 State Highway Patrol, shall develop a pilot program to place and utilize photographic
39 radar systems in three locations on the interstates of North Carolina. In determining the
40 placement of these systems, the Department shall consider where the systems would be
41 most effective in reducing violations of the speed limit and reducing accidents caused
42 by excessive speed.

43 The Department shall have the systems installed and operating in the three
44 pilot locations no later than December 1, 2001. The Department shall evaluate and

1 submit a report on the effectiveness of the use of photographic radar systems in
2 reducing speed limit violations and reducing accidents caused by excessive speed to the
3 General Assembly no later than January 31, 2003.

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