

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 552

Judiciary I Committee Substitute Adopted 4/17/03

Short Title: Photo Speed-Measuring Systems. (Public)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE USE OF 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-300.4. Use of photographic speed-measuring systems.

(a) A photographic speed-measuring system is a speed-measuring system that 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 speed restriction.

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

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

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

(e) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-141 and G.S. 20-141.1 by means of a photographic speed-measuring system. Notwithstanding the provisions of G.S. 20-141, 20-141.1, and 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-141 or 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 the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle furnishes, within 21 days of notification of the violation, to the officials or agents of the municipality that issued the citation either of the following:

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

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

(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) or G.S. 58-36-65 shall be assigned to the owner or driver of the vehicle.

(3) The owner of the vehicle shall be issued a citation clearly stating 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 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.

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

(f) This section applies only to municipalities with a population of 500,000 or over according to the most recent decennial federal census."

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-300.4 shall be admissible as evidence in a nonjudicial administrative hearing held pursuant to G.S. 160A-300.4(e)(4) for the purpose of establishing the speed of the vehicle detected.

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

(1) The photographic speed-measuring system employed was approved for use by the North

Carolina Criminal Justice Education and Training
Standards Commission and the Secretary of Crime
Control and Public Safety 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
North Carolina Criminal Justice Education and
Training Standards Commission and the Secretary of
Crime Control and Public Safety for that particular
system.

(3) At the time the results were obtained,
the photographic speed-measuring system was being
monitored by a sworn law enforcement officer who
has been certified by the North Carolina Criminal
Justice Education and Training Standards Commission
under G.S. 17-6(a).

(c) All photographic speed-measuring systems shall
be calibrated and tested in accordance with standards
established by the North Carolina Criminal Justice Education and
Training Standards Commission and the Secretary of Crime Control
and Public Safety. A written certificate by a technician
certified by the North Carolina Criminal Justice Education and
Training Standards 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-300.4(e)(4).

(d) In every nonjudicial administrative hearing
held pursuant to G.S. 160A-300.4(e)(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 the system."

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

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

(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-
300.4(a) and establish the standards for
calibration and testing for accuracy of each
approved system."

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