

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 562

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

Sponsors: Representatives Alexander, Rhodes (Primary Sponsors); Cunningham and Earle.

Referred to: Judiciary I.

March 20, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC
3 SPEED-MEASURING SYSTEMS DURING A THREE-YEAR PILOT PROGRAM
4 IN DESIGNATED CORRIDORS; TO AUTHORIZE THE CITY OF CHARLOTTE
5 TO ESTABLISH CIVIL PENALTIES FOR SPEED LIMIT AND SCHOOL ZONE
6 SPEED LIMIT VIOLATIONS; AND TO AUTHORIZE THE NORTH CAROLINA
7 CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS
8 COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC
9 SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC
10 SPEED-MEASURING SYSTEMS.

11 The General Assembly of North Carolina enacts:

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

14 **"§ 160A-300.2. Use of photographic speed-measuring systems.**

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

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

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

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

1 (e) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-141
2 and G.S. 20-141.1 by means of a photographic speed-measuring system.
3 Notwithstanding the provisions of G.S. 20-141, 20-141.1, and 20-176, in the event that
4 a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-141
5 or G.S. 20-141.1 detected by a photographic speed-measuring system shall not be an
6 infraction or misdemeanor. An ordinance authorized by this subsection shall provide
7 that:

- 8 (1) The owner of a vehicle shall be responsible for a violation unless the
9 owner can furnish evidence that the vehicle was, at the time of the
10 violation, in the care, custody, or control of another person. The owner
11 of the vehicle shall not be responsible for the violation if the owner of
12 the vehicle furnishes, within 21 days of notification of the violation, to
13 the officials or agents of the municipality that issued the citation either
14 of the following:
- 15 a. The name and address of the person or company who leased,
16 rented, or otherwise had the care, custody, or control of the
17 vehicle.
- 18 b. An affidavit stating that the vehicle involved was, at the time of
19 the violation, stolen or in the care, custody, or control of some
20 person who did not have permission of the owner to use the
21 vehicle.
- 22 (2) A violation detected by a photographic speed-measuring system shall
23 be deemed a noncriminal violation for which a civil penalty of fifty
24 dollars (\$50.00) shall be assessed and for which no points authorized
25 by G.S. 20-16(c) or G.S. 58-36-65 shall be assigned to the owner or
26 driver of the vehicle.
- 27 (3) The owner of the vehicle shall be issued a citation clearly stating the
28 manner in which the violation may be challenged. The citation shall be
29 processed by officials or agents of the municipality and shall be
30 forwarded by personal service or first-class mail to the address given
31 on the motor vehicle registration. If the owner fails to pay the civil
32 penalty or to respond to the citation within the time period specified on
33 the citation, the owner shall have waived the right to contest
34 responsibility for the violation and shall be subject to an additional
35 penalty not to exceed fifty dollars (\$50.00). The municipality may
36 establish procedures for the collection of these penalties and may
37 recover the 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
43 with the clerk of superior court within 30 days after the administrative
44 hearing decision.

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

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

6 **"§ 8-50.3. Results of photographic speed-measuring instruments; admissibility.**

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

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

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

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

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

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

34 (d) In every nonjudicial administrative hearing held pursuant to G.S.
35 160A-300.2(e)(4), where the results of a photographic speed-measuring system are
36 sought to be admitted, notice shall be taken of the rules approving the photographic
37 speed-measuring system and the procedures for calibration or testing for accuracy of the
38 system."

39 **SECTION 3.** G.S. 17C-6(a) reads as rewritten:

40 "(a) In addition to powers conferred upon the Commission elsewhere in this
41 Chapter, the Commission shall have the following powers, which shall be enforceable
42 through its rules and regulations, certification procedures, or the provisions of G.S.
43 17C-10:

44 ...

1 (13a) In conjunction with the Secretary of Crime Control and Public Safety,
2 approve use of specific models and types of photographic
3 speed-measuring systems as described in G.S. 160A-300.2(a) and
4 establish the standards for calibration and testing for accuracy of each
5 approved system."

6 **SECTION 4.** Section 1 of this act applies to the City of Charlotte only and
7 the photographic speed-measuring systems may only be used in the following corridors:

- 8 (1) South Boulevard between Interstate 485 and Scaleybark.
- 9 (2) Independence between Briarcreek and Sardis Road North.
- 10 (3) East W.T. Harris between The Plaza and Idlewild.
- 11 (4) Tryon Street from 36th to Orr Road.
- 12 (5) Tryon Street from Mallard Creek Church Road and University City
13 Boulevard.
- 14 (6) Eastway between Independence and Sugar Creek.
- 15 (7) West W.T. Harris between North Tryon Street and Technology Drive.
- 16 (8) Albemarle Road between Independence and Lawyers.
- 17 (9) Central between Albemarle and Briar Creek.
- 18 (10) Monroe Road between Sardis Road North and Wendover.
- 19 (11) Providence between McKee and Providence Country Club.
- 20 (12) Highway 51 between Park Road and Alexander Road.
- 21 (13) Sharon Amity between Lyttleton Drive and East W.T. Harris.
- 22 (14) Billy Graham Parkway between Interstate 85 and Woodlawn.

23 **SECTION 5.** This act becomes effective July 1, 2003, and expires June 30,
24 2006.