

§ 153A-246.1. Use of electronic speed-measuring systems to enforce speed limits in school zones.

(a) An electronic speed-measuring system is a mobile or fixed device consisting of an automated traffic camera and sensor capable of measuring speed and producing one or more digital photographs of a motor vehicle violating a posted speed limit.

(b) An electronic speed-measuring system shall be approved, calibrated, and tested for accuracy in accordance with G.S. 8-50.4.

(c) Any electronic 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 an electronic speed-measuring system. Signs shall comply with G.S. 136-30. An electronic speed-measuring system installed on Department of Transportation right-of-way must be approved by the Department. No approval for use of Department right-of-way under this subsection shall abrogate the Department's ownership and control of the right-of-way. The Department may adopt policies and rules necessary to implement this subsection.

(d) A county may adopt ordinances for the civil enforcement of G.S. 20-141.1 by means of an electronic speed-measuring system. Notwithstanding the provisions of G.S. 20-141.1 and G.S. 20-176, in the event that a county adopts an ordinance pursuant to this section, a violation of G.S. 20-141.1 detected by an electronic speed-measuring system shall not be an infraction if a citation is issued in accordance with this subsection. 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. Notification of the violation shall be given in the form of a citation issued to the owner of the vehicle no more than 60 days after the date of the violation. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle furnishes, within 30 days of notification of the violation, to the officials or agents of the county that issued the citation either of the following:
 - a. An affidavit stating the name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of the vehicle at the time of the violation. If the owner provides an affidavit under this sub-subdivision, the identified person or company may be issued a citation for the violation complying with the requirements of subdivision (3) of this subsection.
 - 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 an electronic speed-measuring system shall be deemed a noncriminal violation for which a civil penalty of two hundred fifty dollars (\$250.00) 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 citation shall contain all of the following:
 - a. The recorded image of the vehicle speeding.
 - b. The vehicle registration number and state of issuance.
 - c. The date, time, and location of the violation.
 - d. The recorded speed.
 - e. A copy of a certificate sworn to or affirmed by a sworn law enforcement officer authorized to enforce the speed limit in the

applicable school zone stating that, based upon inspection of photographically recorded images, the owner's vehicle was operated in violation of G.S. 20-141.1.

- f. The process for paying the civil penalty or contesting responsibility for the violation.
- (4) The citation shall be processed by officials or agents of the county and shall be served by any method permitted for service of process pursuant to G.S. 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure, or by first-class mail to the address of the registered owner of the vehicle. If the owner fails to pay the civil penalty or to respond to the citation within 30 days of receiving the citation, the owner waives the right to contest responsibility for the violation and is subject to an additional penalty not to exceed fifty dollars (\$50.00). The county may establish procedures for the collection of these penalties and may recover the penalties by civil action in the nature of debt.
 - (5) The county shall provide a nonjudicial administrative hearing process to review contested citations or penalties issued or assessed under this section. If the decision is adverse to the person contesting the citation, the decision shall contain instructions explaining the manner and the time within which the decision may be appealed. A person may appeal the decision to the district court in the county where the violation occurred within 30 days of notification of a final decision by the municipality. Enforcement of an adverse decision shall be stayed pending the outcome of a timely appeal.
 - (6) If the registered owner of a motor vehicle who receives a citation fails to pay a penalty imposed under this section when due, the Division of Motor Vehicles shall refuse to register the motor vehicle in accordance with G.S. 20-54(14). The county shall coordinate and establish procedures for providing appropriate notice to the Division of Motor Vehicles.
- (e) A county, local board of education, and law enforcement agency may enter into a local agreement pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes that is necessary and proper to effectuate the purpose of this section. Any agreement entered into pursuant to this subsection may include provisions on cost-sharing and reimbursement to which the county, local board of education, or law enforcement agency freely and voluntarily agree for the purposes of effectuating this section. (2025-47, s. 13(b).)