

1 or G.S. 20-141.1 detected by a photographic speed-measuring system shall not be an
2 infraction or misdemeanor. An ordinance authorized by this subsection shall provide
3 that:

- 4 (1) The owner of a vehicle shall be responsible for a violation unless the
5 owner can furnish evidence that the vehicle was, at the time of the
6 violation, in the care, custody, or control of another person. The owner
7 of the vehicle shall not be responsible for the violation if the owner of
8 the vehicle, within 21 days after notification of violation, furnishes the
9 officials or agents of the municipality which issued the citation:
10 a. The name and address of the person or company who leased,
11 rented, or otherwise had the care, custody, and control of the
12 vehicle; or
13 b. An affidavit stating that the vehicle involved was, at the time,
14 stolen or in the care, custody, or control of some person who
15 did not have permission of the owner to use the vehicle.
16 (2) A violation detected by a photographic speed-measuring system shall
17 be deemed a noncriminal violation for which a civil penalty of fifty
18 dollars (\$50.00) shall be assessed and for which no points authorized
19 by G.S. 20-16(c) or G.S. 58-36-65 shall be assigned to the owner or
20 driver of the vehicle.
21 (3) The owner of the vehicle shall be issued a citation which shall clearly
22 state the manner in which the violation may be challenged. The
23 citation shall be processed by officials or agents of the municipality
24 and shall be forwarded by personal service or first-class mail to the
25 address given on the motor vehicle registration. If the owner fails to
26 pay the civil penalty or to respond to the citation within the time period
27 specified on the citation, the owner shall have waived the right to
28 contest responsibility for the violation and shall be subject to an
29 additional civil penalty not to exceed fifty dollars (\$50.00). The
30 municipality may establish procedures for the collection of these
31 penalties and may recover the penalties by civil action in the nature of
32 debt.
33 (4) The municipality shall provide a nonjudicial administrative hearing
34 process to review objections to citations or penalties issued or assessed
35 under this section. An administrative hearing decision shall be subject
36 to review by the superior court by proceedings in the nature of
37 certiorari. Any petition for review by the superior court shall be filed
38 with the clerk of superior court within 30 days after the administrative
39 hearing decision.
40 (5) After reasonable deduction of costs for administration, the proceeds of
41 all civil penalties paid shall be paid to the Charlotte-Mecklenburg local
42 school administrative unit."

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

3 **"§ 8-50.3. Results of photographic speed-measuring instruments; admissibility.**

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

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

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

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

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

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

27 (d) In every nonjudicial administrative hearing held pursuant to G.S. 160A-
28 300.2(e)(4), where the results of a photographic speed-measuring system are sought to
29 be admitted, notice shall be taken of the rules approving the photographic speed-
30 measuring system and the procedures for calibration or testing for accuracy of such
31 system."

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

34 "(13a) In conjunction with the Secretary of Crime Control and Public Safety,
35 approve use of specific models and types of photographic speed-
36 measuring systems as described in G.S. 160A-300.2(a) and establish
37 the standards for calibration and testing for accuracy of each approved
38 system."

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

40 **SECTION 5.** This act is effective when it becomes law.