

February 23, 2009

S 269. DELEGATE AUTHORITY RE: STAMP TAX OVERPAYMENT (=H 225). Filed 2/23/09. TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION. Identical to H 225, filed 2/19/09.

Intro. by Clodfelter.

MECKLENBURG

July 30, 2009

S 269. WORK/SCHOOL ZONES-SPEED CAMERA PILOT PROGRAM (NEW). Filed 2/23/09. House committee substitute makes the following changes to 1st edition. Deletes the contents of the previous edition and replaces it with *AN ACT TO ESTABLISH A PILOT PROGRAM TO IMPROVE PUBLIC SAFETY BY AUTHORIZING THE USE OF ELECTRONIC SPEED-MEASURING SYSTEMS BY THE DEPARTMENT OF TRANSPORTATION TO DETECT SPEED LIMIT VIOLATIONS IN HIGHWAY WORK AND SCHOOL ZONES, TO ESTABLISH STANDARDS FOR THE APPROVAL, USE, AND CALIBRATION OF ELECTRONIC SPEED-MEASURING SYSTEMS, TO ESTABLISH A CIVIL PENALTY FOR SPEED VIOLATIONS IN WORK AND SCHOOL ZONES THAT ARE DETECTED BY THOSE SYSTEMS, TO CREATE A NEW SPECIAL FUND WITHIN THE STATE CIVIL PENALTY AND FORFEITURE FUND, TO PROVIDE FOR THE PAYMENT OF THE PENALTIES INTO THE DESIGNATED SPECIAL FUND, AND TO DECREASE THE AMOUNT OF HIGHWAY FUNDS TRANSFERRED TO THE DEPARTMENT OF PUBLIC INSTRUCTION FOR DRIVERS EDUCATION.*

Enacts new GS 20-141.7 to provide for enforcement of speed limits in designated work zones and school speed zones on public highways through use of fixed or mobile electronic speed-measuring systems (cameras). Secretary of Transportation is to designate up to eight work zones and eight school zones at one time for enforcement. Requires that notice be given of the presence of cameras. Violation of speed limit captured by camera is subject to a civil penalty of \$125 if within a school zone and \$250 if within a highway work zone, with no insurance or driver's license points. Owner of vehicle to be mailed notice of violation; owner liable for payment unless provides identity of other driver. Requires Division of Motor Vehicles to set hearing procedure for owners to contest responsibility, with appeal to district court for trial *de novo*.

Requires the Department of Transportation (DOT) to set standards for speed-measuring systems and for their calibration and periodic testing. Camera required to show tag number, date and location of violation, and vehicle speed. Provides that photographs are admissible as *prima facie* evidence of violation.

Adds new GS 115C-457.4 to establish Civil Penalties Litigation Fund within Civil Penalty and Forfeiture Fund, with 75% of civil penalties under new GS 20-141.7 to go to that new Litigation Fund and 25% to go to State Public School Fund. Amounts paid into Litigation Fund are to be allocated to individual school systems, on a per pupil basis, to be used exclusively for technology. Provides that the purpose of payment to the Litigation Fund is to satisfy August 2008 judgment in *NC School Boards Association v. Moore* (\$749 million judgment entered on remand to superior court following NC Supreme Court decision on July 1, 2005, at 359 NC 474). Provisions in GS 115C-457.2 on agency's retention of costs of collecting penalty do not apply to fines under new GS 20-141.7 until judgment is satisfied.

Provides that payments to Public School Fund under act are to be used exclusively for Drivers Education Program, and authorizes DOT to pay costs of

speed-measuring systems from funds it otherwise would have transferred to Department of Public Instruction for driver's education Allows DOT funds to be used to establish new positions with approval of Joint Legislative Commission on Governmental Operations.

Requires Secretary of Transportation to evaluate and report to General Assembly on speed-measuring systems program, with recommendations for any changes, annually by May 1st beginning in 2010.

Effective October 1, 2009, and expires October 1, 2024.

August 3, 2009

S 269. WORK/SCHOOL ZONES-SPEED CAMERA PILOT PROGRAM. Filed 2/23/09. House amendment makes the following changes to 2nd edition. Amends proposed GS 20-141.7(g) (notification of violation) and GS 20-141.7(i) (notification of criminal charges) to replace references to the Division of Motor Vehicles (DMV) with the Department of Transportation (DOT). Also clarifies in Section 7 of the act that the Secretary of Transportation is to report to the specified legislative entities on the cost to DOT (was, DMV) for operating the pilot program authorized by the act.