

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1184
SENATE BILL 1028

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF MINIMUM STANDARDS FOR OPERATORS AND INSTRUCTORS AND PROCEDURES FOR USE OF RADIO MICROWAVE AND OTHER SPEED MEASURING INSTRUMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 17C-6(a) is amended by adding the following new subdivisions:

- "(11) Establish minimum standards and levels of training for certification and periodic recertification of operators of and instructors for training programs in radio microwave and other electronic speed-measuring instruments.
- (12) Certify and recertify, pursuant to the standards that it has established, operators and instructors for training programs for each approved type of radio microwave and other electronic speed-measuring instruments.
- (13) In conjunction with the Secretary of Crime Control and Public Safety, approve use of specific models and types of radio microwave and other speed-measuring instruments and establish the procedures for operation of each approved instrument and standards for calibration and testing for accuracy of each approved instrument."

Sec. 2. G.S. 17C-6 is amended by adding the following new subsection:

"(d) The standards established by the commission pursuant to G.S. 17C-6(a)(11) and G.S. 17C-6(a)(12) and by the commission and the Secretary of Crime Control and Public Safety pursuant to G.S. 17C-6(a)(13) shall not be less stringent than standards established by the U.S. Department of Transportation, National Highway Traffic Safety Administration, National Bureau of Standards, or the Federal Communications Commission."

Sec. 3. Chapter 8 of the General Statutes is amended by adding a new section to read:

"§ 8-50.2. Results of speed-measuring instruments; admissibility. — (a) The results of the use of radio microwave or other speed-measuring instruments shall be admissible as evidence of the speed of an object in any criminal or civil proceeding for the purpose of corroborating the opinion of a person as to the speed of an object based upon the visual observation of the object by such person.

(b) Notwithstanding the provisions of subsection (a) of this section, the results of a radio microwave or other electronic speed-measuring instrument are not admissible in any proceeding unless it is found that:

- (1) The operator of the instrument held, at the time the results of the speed-measuring instrument were obtained, a certificate from the North Carolina Criminal Justice Education and Training Standards Commission (hereinafter referred to as the commission) authorizing him to operate the speed-measuring instrument from which the results were obtained.
- (2) The operator of the instrument operated the speed-measuring instrument in accordance with the procedures established by the commission for the operation of such instrument.

- (3) The instrument employed was approved for use by the commission and the Secretary of Crime Control and Public Safety pursuant to G.S. 17C-6.
- (4) The speed-measuring instrument had been calibrated and tested for accuracy in accordance with the standards established by the commission for that particular instrument.

(c) All radio microwave and other electronic speed-measuring instruments shall be tested for accuracy by a technician possessing at least a Second Class Radiotelephone License from the Federal Communications Commission within a period of six months prior to the alleged violation. A written certificate by such technician showing that the test was made within the required period and that the instrument was accurate shall be competent and prima facie evidence of those facts in any proceeding referred to in subsection (a) of this section.

(d) In every proceeding where the results of a radio microwave or other speed-measuring instrument is sought to be admitted, judicial notice shall be taken of the rules approving the use of the models and types of radio microwave and other speed-measuring instruments and the procedures for operation and calibration or measuring accuracy of such instruments, when such rules are filed with the Attorney General in accordance with General Statutes Chapter 150A."

Sec. 4. This act shall become effective on July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.